



## FSANZ Act Review discussion questions

This submission is made 16/11/2020 on behalf of the Food Intolerance Network, which consists of 15,987 current members (verify here <https://www.facebook.com/groups/128458328536/members>), mostly in Australia and New Zealand but with members in USA, UK, EU, Canada and several other countries and includes dietitians and other health professionals. The Network provides independent information about the effects of food on behaviour, health and learning in both children and adults through [www.fedup.com.au](http://www.fedup.com.au) which has had more than 12 million visitors.

Responsibility for comments is taken by Howard Dengate BSc (Food Sci UNSW), PhD (Plant Sci LC), Cert Plant-based Nutrition (eCornell). The support of Network members is acknowledged.

### **1. Is there still a compelling case for regulating food? What market failure(s) should governments seek to address through regulation of food?**

Consumers continue to expect governments to regulate food to ensure that it is safe, and this has been the case since Roman times, when the link between sulphites added to wine and asthma was first recognised and regulations created. In the UK, regulations to prevent putrid meat being sold were created in 1319, and to prevent chalk from being used to cheaply bulk flour and lead salts being used to sweeten wine in 1419. This is the public good that must be maintained. The market failure is that of food sellers seeking to pass as wholesome and fresh that which is cheap and not fresh. Consumers are easily misled and must rely on an independent authority with the power to enforce. With increasingly sophisticated forms of adulteration, with multinational corporations, and with significant changes in consumer preferences, patterns and expectations in relation to food, the need has never been greater to have sound technical regulation.

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### **2. Are there other significant focus areas that should be considered as part of the Review?**

As consumers, we have had for many years an expectation of how food should be regulated that goes far beyond that allowed by the current Act for FSANZ. The concept of a National Food Authority or an Australian Food Council needs to be strongly developed and canvassed. This came into focus in the 2011 Blewett review of food labelling [@A1](#) and recently with release of *The need for strategic*

*food policy in Australia: governing for a healthy, sustainable, economically viable and resilient food system by the Commission for the Human Future @A2:*

*“A new ... approach to food policy would allow Australia to better manage [food’s] interconnected, and often conflicting, interests while safeguarding the country’s most valuable assets – its people, environment and economy. It would protect the security of over one million jobs and grow the value of our \$330bn food value chain, including the \$69bn of agricultural and aquaculture products. It would help find new opportunities to increase jobs and reduce the budget in a difficult economic and fiscal context. At the same time, it would help reduce the economic burden – at least \$87bn a year – in health and environmental harm from food production and consumption. And it would ensure that, in times of emergency or crisis, Australian food supplies are secure and resilient.*

*“Our diet is taking a growing toll on the health of individual Australians. About two thirds of Australian adults are either overweight or living with obesity, as a direct result of the food they eat. This leads to shorter life spans and is a driving force behind 22 high-cost diseases, including diabetes, asthma, cardiovascular disease, musculoskeletal conditions, kidney disease, dementia and various cancers. If current trends continue, by 2028, 8.9m Australians will be living with obesity.*

*“Based on the amount of funding the government provides for medical services, diet related diseases are probably costing the budget at least \$4bn annually. Meanwhile, food-related policies and programs absorb billions of dollars in government spending, grants and loans.*

*“There is no central authority, legislation or bureaucratic structure for Australia’s food system. Food policy sits across legislation on agriculture, fisheries, water, animal welfare, environmental protection, and consumer protection. And the system sits within no single ministerial portfolio. Instead, food-related policy frameworks are scattered across at least 14 government departments and agencies, and are not fully coordinated ... amplified by each state’s own laws, regulations and bureaucratic structures”.*

What consumers expect of government regulation of food is, as a draft guide, as follows:

- a central unit to develop national food policy, including that for food security and two-way trade
- strategic direction and funding of food research in all aspects including safety for consumers, not limited to the reduction in non-communicable food-related illnesses
- centrally coordinated education for consumers and industry on food and health
- leadership and responsibility for food-related public health objectives, including food fraud and crime
- development and approval of food standards
- implementation and enforcement of food standards nationally and for trade
- a trusted system to advise, survey and monitor achievement of policy objectives

To achieve these objectives, consumers seek creation of a National Food Authority / Australian Food Council and the imposition of levies on the food and grocery industry to help address critical research, monitoring and surveillance issues. This is the broad viewpoint from which the comments on specific questions below are addressed.

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## OBJECTIVES

### 3. To what degree are the current legislated objectives an issue for the system? What are the types of problems that different stakeholder groups face as a consequence?

The current Act prioritises consumers in the Objectives

*(a) a high degree of **consumer confidence** in the quality and safety of food produced, processed, sold or exported from Australia and New Zealand;*

*(c) the provision of adequate information relating to food to **enable consumers to make informed choices***

but in practice, contrary to Scoping Paper 1.2.2, surveys show that FSANZ does NOT have a high degree of consumer confidence [@A3](#) and to an increasing extent the ability of consumers to make an informed choice has been eroded by food lawyers that game the current food regulatory system [@A4](#).

Overall, consumers are clearly being actively misled by food industry action under the current Act. Informed choice is disappearing on a daily basis and is nearly buried. Consumers are cynical about whether re-writing the Objectives will change these facts because, as has been pointed out to responsible ministers without any action, there needs to be a change in the function and culture of FSANZ, and in the extent of funding and board representation for consumer interests to be heard. The present review of legislation may provide the opportunity, if there is any sense of vision.

This might be the place to provide a picture of how food regulation actually works for food additives at least, since it epitomises the problem that re-writing of Objectives will not fix. Every one of these claims can be referenced:

1. define safety in a very narrow range of easily measured acute physical symptoms. Do not include any chronic, learning, mental, behavioural or non-acute symptoms even though people may suffer from them.
2. get industry to pay you and tell you whether their additives are safe against this narrow definition. There is apparently no need for alternative views other than those you are paid to assess because who pays the piper calls the tune.
3. don't require testing of food additives on children ("*it wouldn't be ethical*") or the elderly, as both groups have weaker blood/brain barriers and so might be affected.
4. require testing of food additives only over a short period of time in which an acute physical symptom might emerge, and exclude from testing those who think they might react in some way (just in case).

5. require testing of additives only one-by-one, singly, never in the combinations in which they are commonly used in foods, nor in foods with which they might react, for example with benzene production from benzoates 210-219 in soft drinks.
6. do not require testing of the effects of food additives on the microbiome, changes in which provide a plausible mechanism for many of the effects that consumers observe. After all, if you swallow a chemical designed to kill bacteria in food, one might expect it to kill bacteria in your gut too, with consequences.
7. have a poor system to check that additives are actually used as directed in actual foods eaten by people.
8. do not regulate food additives that are added in 'natural' forms ("*too difficult*"), only those that are numbered white powders. For example allow unregulated amounts of propionates 280-283 as 'fermented or cultured wheat/flour/dextrose/etc' while claiming 'no artificial preservatives'; or unregulated amounts of free glutamates (MSG 621) added under 129 other 'natural' names while claiming 'no added MSG'.
9. ensure that there is no adverse reporting system so you never get to hear about problems as they emerge.
10. spend public money periodically to pat yourself on the back about what a great job you are doing!

The above list shows the causes of problems that consumer stakeholders face as a consequence of the current system, but re-writing of the Objectives alone is unlikely to help. The day-to-day impact on consumers of failures in the current system on health, behaviour and learning can be seen in the symptoms list in [@A5](#).

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#### **4. What would be the impact (positive, negative or otherwise) of implementing each of the reform ideas below? How could the outcome specified for each idea best be achieved?**

- **Reform idea 1 –Define 'public health' and 'safety' in legislation to affirm the inclusion of long-term health and nutrition as a core objective**

This Reform idea is strongly supported. It is foolish to regulate within a vacuum given the immense costs to society of failing to take a comprehensive viewpoint. It is noteworthy, as in 2.1.1, that the current Act does not define 'public health protection' to include many of those factors that concern consumers on a daily basis (see [@A5](#) for instance) and while it is recognised that FSANZ resource constraints have led to adoption of a very narrow view of 'safety', this review is an opportunity to face real society issues about health from our current Western diet. In our view, this outcome would best be achieved by establishment of a National Food Authority / Australian Food Council with national power of policy direction and enforcement.

- **Reform idea 2 - Recognise trade as a core goal and reframe consumer choice as a factor to which FSANZ 'must have regard'**

As consumers we are totally opposed to this Reform idea. As detailed above (3), consumers have received lip service only to date and FSANZ is already seen as an industry-supporting organisation and as ignoring their Act's written Objectives for consumers. This idea would entrench the confusing

standoffs between consumer law and food regulation that currently infuriate consumers. Trade is not the core goal of food production.

- **Reform idea 3 – Establish criteria in the Act that the Forum must meet to request a review of a draft regulatory measure**

This is a bureaucratic process issue of real concern to FSANZ due to limited resources, but not part of the solution to the broader problems that need addressing. We note that this is one of the few checks on the decisions by FSANZ which are not otherwise subject to parliamentary or public review as these decisions should be. That is the issue that needs attention.

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### **5. Are there other potential solutions to problems relating to legislated objectives?**

The current Byzantine arrangement of forums, Standing and Ministerial councils, committees, sub-committees, centres, agreements, treaties, criteria and so-on have arisen by happenstance to meet emerging issues. Another potential solution is to embrace the broader social responsibilities for health, security, sustainability and trade within a new structure of a National Food Authority / Australian Food Council and with a new Act that supports public interest. To provide a frustrating example of the current system, if a consumer wishes to lodge some sort of complaint about a food at present then often it is required to be lodged not where the food is purchased, but where it is manufactured. Some States do not accept complaints from consumers out –of-state. In some States enforcement is then left to a local council without any expertise to even understand the problem, let alone the powers to amend it. Appeals to a consumer body like the ACCC may then be referred to FSANZ and back again....

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## **FUNCTIONS**

### **6. To what degree are FSANZ's functions (as currently stated in the Act) an issue for the system? What are the types of problems that different stakeholder groups face as a consequence?**

As stated above (2), consumer expectations are that FSANZ has broader powers to manage food safety issues including enforcement than it has in fact under current legislation. This means that consumers feel excluded and powerless against food industry domination of regulation processes while either unable to complain or report adverse experiences (FSANZ does not accept them, unlike TGA) or are bounced between consumer law and food regulation. As consumers, we want an approach to food that recognises the breadth of issues (safety in its broadest sense, food security, food sustainability, health and nutrition, competent enforcement of standards, etc) and provides a central core to manage it rather than the present Byzantine and fragmented system.

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**7. What would be the impact (positive, negative or otherwise) of implementing each of the reform ideas below? How could the outcome specified for each reform idea best be achieved?**

- **Reform idea 4 - Amend the Act to better reflect the functions FSANZ currently delivers, particularly as they relate to supporting long-term health and nutrition**
- **Reform idea 5 – Amend s 13 of the Act to reflect a broader range of functions that FSANZ could deliver now and in the future**

Consumers support the broader range of functions of Reform idea 5, as drafted in (2) above, and strongly support the inclusion of long-term health and nutrition objectives. In saying this, we are aware of the risks that this process will be captured by food (and even pharmaceutical) industry interests and that consumers will again be sidelined.

Consumers have long assumed that FSANZ already has an education role, for instance. A practical example where FSANZ, for resource or other reasons, does not usefully fulfil the education role is with sulphites and asthma. Even the conservative World Health Organisation says 20-30% of asthmatic children react to sulphites (220-228), but a survey done by the Network showed that two-thirds of consumers (67% of 635 responses) had no idea that sulphites and asthma were related, and only 27% of those surveyed understood the connection. Given the public health costs of asthma, education on this topic should not be left to consumer volunteers [@AG](#).

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**8. Are there other potential solutions relating to FSANZ’s statutory functions?**

It is the view of consumers that the present split between approval of food standards at the Commonwealth level and enforcement at the State and even Local Government level has become unworkable with the national and indeed international nature of today’s food industry.

Each State/Territory having a separate food authority (by whatever name) clearly leads to massive duplication of effort. The experience of our members in lodging complaints is that the different jurisdictions all have to work together anyway so as to provide word-identical responses from any jurisdiction.

There is also marked disparity in funding, expertise and willingness to address consumer issues between jurisdictions. Local government in Victoria, for instance, is unable to address any label issues while States/Territories always refer label issues to the State/Territory where the main food factory is located. The consumer experiences this as a bureaucratic run-around and loses more confidence in government. Our feedback from members is that nobody ever knows how to report illegal labels effectively. Nor does there exist a program to routinely monitor and report adverse reactions or clear breaches of labelling regulation.

Again, creating a National Food Authority / Australian Food Council with national power of both policy direction and enforcement would optimally address the issues. The partnership with New Zealand is a real plus for industry and consumers and can be accommodated within the proposed structure. Getting States/Territories to agree to surrender their current enforcement powers would

be the real challenge but access to funding might prove a useful lever. Funding issues are further canvassed in [@A6](#).

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## LEGISLATIVE PROCESSES

### **9. To what degree are the current processes for strategically reviewing standards an issue for the system? What are the types of problems that different stakeholder groups face as a consequence?**

The Food Intolerance Network, on behalf of members, has provided comment on many standards over many years, documented with scientific evidence where available and with a wealth of observational reports where not. These can be seen here

<https://www.fedup.com.au/information/fin-campaigns/what-you-can-do-to-help>

Since 1999, this effort has never been effective. Such submissions have been routinely ignored and sometimes not even acknowledged. None have resulted in any changes in the applications/proposals or in resulting standards.

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### **10. What would be the impact (positive, negative or otherwise) of implementing each of the reform ideas below? How could the outcome specified for each reform idea best be achieved?**

- **Reform idea 6 – Remove exemption of food standards from sunseting arrangements**

Consumers support removal of food standards from exemption from sunseting arrangements, since at least it would mean there would be a re-examination of new scientific evidence on a forced basis. However it is essential that there is genuine consultation and timely notice on expiry of standards to ensure that, for instance, labelling requirements are not simply deleted by inaction.

- **Reform idea 7 – Resource FSANZ to undertake regular, more holistic reviews of food standards**

Similarly, more holistic reviews of food standards would be novel, although what ‘holistic’ might mean might provide issues for consumers if it is as narrowly understood by FSANZ as is the present definition of ‘food safety’. From our point of view, such reviews need to take into account long term health, learning and behavioural aspects of standards, which are currently neglected. The current resourcing constraints and statutory timeframes attached to applications and proposals that drive FSANZ are acknowledged as a problem for FSANZ.

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### **11. Are there other potential solutions relating to the timing of reviews of food standards?**

In an ideal world, there might be an opportunity for consumer concerns to help prioritise reviews of food standards, as one input at least. The collection of adverse reports, as done routinely by the Therapeutic Goods Administration (TGA) but never by FSANZ would also help inform priorities. See two examples of problems that require review in 12 below.

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**12. To what degree are the current statutory application and proposal processes an issue for the system? What are the types of problems that different stakeholder groups face as a consequence?**

The fact that industry applications and proposals drive priorities and then automatically consume FSANZ resources means that there is a limited strategic response and that it is mostly driven by the food industry. While it is important to be responsive to changing industry concerns, being reactive excludes other viewpoints. Again, there might be an opportunity for consumer concerns to help prioritise reviews of food standards, as one input at least. Here are some current examples that require attention from a society health perspective but would not be a food industry or FSANZ priority:

**Gout:** Australia has the second highest prevalence of gout in the world next to New Zealand. It is obvious to the Food Intolerance Network that the rise in gout corresponds with the approval of flavour enhancers 627, 631 and 635 by FSANZ in the mid-1990s. When these additives were safety tested by JECFA in 1974, a label warning was recommended that people suffering from conditions such as gout which require the avoidance of purines should avoid these substances, but this was ignored by FSANZ. In our experience, gout sufferers - and their doctors - have no idea these additives can be a problem.

**Asthma:** Australia has the highest asthma prevalence in the world for adults and Australia and New Zealand were in the top 4 countries in the world for childhood asthma prevalence. Researchers can't explain these changes although the answer is obvious to us - asthma prevalence is strongly linked to the levels of sulphite preservatives (220-228) and to a lesser extent other additives in ultra-processed foods. The sulphite warnings on labels are only useful for the 27% of consumers who understand this connection [@A6](#).

**Colours:** Australian school scores have plummeted globally in maths, reading and science over the last 18 years. New Zealand and Australian students now rank 27th and 29th of 79 countries for maths. 7 Asian countries are top, followed by many European countries with the UK at 18th. FSANZ did not follow the lead of the European food standards agency and warn parents about artificial colours

See scientific references and detail [@A7 @A8](#).

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**13. What would be the impact (positive, negative or otherwise) of implementing each of the reform ideas below? How could the outcome specified for each reform idea best be achieved?**

- **Reform idea 8 – Reframe legislation to support more agile, risk-based processes**

As consumers we expect that the most efficient processes are already being used; if they are not, then change is supported. Moving cumbersome parts of the Act into Regulations appears practical in conjunction with the risk framework suggested, but if 'agile' is code for increased deregulation or reduces public oversight then such action is not supported. Where there are likely to be economic

and political considerations then Ministerial consideration will still be required, as noted, but leaving to FSANZ the decision of what receives oversight is certainly not supported.

- **Reform idea 9 – Redefine the decision-making arrangements to support timelier and more efficient sign-off of regulatory measures**

The issues for consumers remain: who decides which applications/proposals are rapidly processed and what opportunity is there for input from stakeholders? Given that food intolerance risks are routinely minimised or ignored, what confidence might consumers have in a revised system? Overall, the present system provides important checks on FSANZ deciding what is important and what is not and so has merit in the eyes of consumers. A practical example which might arise is that of a processing aid (which doesn't have to appear on an ingredients label) but which generates, within the food product, chemicals to which food intolerant people might react. It is not clear that FSANZ itself has the understanding to always manage this sort of issue which deserves wider public scrutiny.

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**14. Are there other potential solutions relating to streamlining current legislative process to develop or vary regulatory measures?**

Streamlining is the current buzzword for reducing, removing or further weakening our food regulatory system and is not supported without considerable further engagement with consumers and better political oversight.

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**15. To what degree is the current approach to using only applications and proposals to develop or vary food standards an issue for the system? What are the types of problems that different stakeholder groups face as a consequence?**

See item 12 above. There needs to be a system which allows consideration of emerging and strategic issues rather than simply being driven by external submissions.

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**16. What would be the impact (positive, negative or otherwise) of implementing each of the reform ideas below? How could the outcome specified for each reform idea best be achieved?**

- **Reform idea 10 – Provide for FSANZ to adopt or accept risk assessments from overseas jurisdictions**

Given that FSANZ routinely perform desktop assessments using industry provided material, informed by membership of CODEX and other international committees, consumers cannot see what this Reform idea would change. Ideally, with adequate resources, FSANZ could commission or undertake required research to inform independent risk assessments, but given the small size of the Australian and New Zealand markets this is unlikely to ever happen. The problems described in detail in our response to Reform idea 11 (below) would continue to exist from the point of view of consumers. In short, it is highly likely that FSANZ would adopt the weakest option in most cases to the detriment of

protection of consumers rather than facing the food industry with the need for greater evidence of safety.

- **Reform idea 11 – Enable FSANZ to adopt international standards**

From a consumer viewpoint, this is a very slippery slope and is not supported without considerable safeguards. Which international standards are FSANZ likely to adopt and who decides? The past history of FSANZ in this area does not inspire any confidence in consumers. While the excuse that approvals are given to 'harmonise' with international standards has often been advanced in the past by FSANZ, the reality is that FSANZ picks and chooses to suit the demands of the food industry and has no record of taking into account or meeting consumer demands.

Some examples:

FSANZ permits the highest levels of sulphites (220-228, linked to asthma) in the world. Those countries that historically used sulphites to preserve and transport meat, as in UK and Spanish-speaking countries, consequently share with Australia and NZ anomalously high levels of asthma, while the USDA long ago banned sulphites from all meat and vegetable products and so the USA has an anomalously low asthma prevalence. See [@A8](#). So will FSANZ adopt the UK, EU or USDA standards do you think?

FSANZ permits the highest levels of propionate preservatives (280-283, linked to many side-effects) in the world and these are commonly in staple bread eaten every day. In France, a bread labelled 'traditional' by law contains flour, water, yeast, salt and nothing else. In UK and USA, such labelled breads can contain multiple preservatives. See [@A9](#). So will FSANZ adopt the UK, EU or USDA standards do you think?

FSANZ, in common with USDA, EU, UK and Canada, permits products to be advertised as 'No added MSG' although they contain high levels of free glutamates, identical to 620-625 monosodium etc glutamate which many people seek to avoid. This is deliberately misleading. Yet India has banned such advertising (see [@A10](#)). Goodbye Nestle. So which standards will FSANZ adopt do you think?

FSANZ chose not to adopt EU regulations requiring a warning about artificial colours on food products, following the large Southampton University study. In the EU and California such products have to be labelled with the warning 'May have an adverse effect on activity and attention in children' or 'artificial dyes can cause behavioural problems or hyperactivity in children'. See [@A11](#). Why did FSANZ adopt the current standards do you think?

FSANZ's '5% loophole': food additives in any ingredient at less than 5% in a food (that does not perform a technological function) are not listed in Australia and NZ and consumers have to contact the manufacturer to (hopefully) determine whether there are additives. This is not the case in the EU where the same multinationals operate. So why does FSANZ allow this loophole do you think?

This list can be extended endlessly, which is why consumers are so cynical about this proposal.

- **Reform idea 12 – Create industry-led pathways to expedite applications and bring new products to market**

You have to be joking. Isn't this what consumers see as the current system anyway, without reference to their concerns? "An initial safety assessment prior to market entry with the ability to conduct a more fulsome assessment after a product is introduced" (4.6.3) is what we have now: additives for instance have been approved within a narrow range of 'safety' and even without any scientific evidence (see [@A12](#)). Then effectively there is widespread community testing of these ingredients, without explicit community permission and without acknowledgement of adverse impacts or any mechanism to collect such information. Certainly there is rarely any later 'fulsome' (!) assessment.

Leaving the decision about which products or ingredients are 'low risk' to industry is definitely not supported.

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### **17. Are there other potential solutions relating to additional pathways to develop or vary food regulatory measures?**

The Therapeutic Goods Administration (TGA) at least formally collects adverse reaction reports and so has a post-approval feedback loop, unlike FSANZ who choose to leave such a task to consumers (!). The Australian Pesticides and Veterinary Medicines Authority (APVMA) makes public their assessment reports although their performance reports are about processing speed, not sound outcomes. The National Industrial Chemicals Notification and Assessment Scheme (NICNAS) is a similar agency to FSANZ and maintains a publicly searchable chemical risk assessment database. Some of these practices could be helpful for consumers and their confidence in the food regulatory system although each of these agencies has problems with reliance on industry-supplied data, risk of regulatory capture, under-resourcing and one-at-a-time assessments. In addition, there needs to be greater parliamentary and public oversight of the food regulation, not less.

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## **PARTNERSHIPS**

### **18. To what degree is the current alignment between policy development and standards setting an issue for the system? What are the types of problems that different stakeholder groups face as a consequence?**

Consumers were surprised to find no explicit mention of the ACCC within this section. As mentioned in various places, the boundary between ACCC and FSANZ is a source of great frustration, with issues bouncing between them without either party resolving them. A single example would be the claim on bread products "No artificial preservatives", where in fact there are FSANZ-regulated propionate preservatives 280-283 being added but as ingredients, each given innocuous names only a food technologist would recognise as functioning preservatives (such as 'cultured wheat flour'). Clearly this is intended to mislead, but neither ACCC nor FSANZ can come to grips with this or similar issues.

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**19. What would be the impact (positive, negative or otherwise) of implementing each of the reform ideas below? How could the outcome specified for each reform idea best be achieved?**

- **Reform idea 13 – Facilitate joint agenda setting between FSANZ and the Forum**

Given resource constraints, we are amazed this is not already happening.

- **Reform idea 14 – Amend statutory timeframes to support more strategic prioritisation of work**

Given resource constraints, we are amazed this is not already happening. Supported.

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**20. Are there other potential solutions relating to agreeing system priorities between FSANZ and the Forum?**

There needs to be public input into setting priorities.

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**21. To what degree does inconsistent interpretation of food standards present an issue for the system? What are the types of problems that different stakeholder groups face as a consequence?**

This is mainly an issue for food manufacturers, particularly those selling interstate or exporting. But deliberate misinterpretation of food standards, without a peep from either the food regulator FSANZ or consumer protection ACCC, is also an issue for consumers. Adding regulated PRESERVATIVES (eg propionates 280-283) and flavour enhancers (eg 620-625) as INGREDIENTS is a deliberate attempt to circumvent the intention if not the letter of the food additive regulations. This is part of the food industry's 'Clean Label' strategy but from a consumer point of view these are not 'Clean Foods'. How can a science-based organisation allow this deception without embarrassment?

Unless consumers are food technologists, they need to learn 11 propionate ingredient names and up to 129 free glutamate names if they want to avoid these additives. See more [@A13](#).

Hence this rule, for instance

**Rule 1:** if the packaging says anywhere 'no added MSG' then it is very likely that there IS added MSG in another form.

**Rule 2:** if the ingredients label includes any of the following, there is CERTAINLY added MSG in one form or another: 627, 631, 635, ribonucleotides, nucleotides, disodium guanylate, disodium inosinate, disodium 5'-ribonucleotides.

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**22. What would be the impact (positive, negative or otherwise) of implementing each of the reform ideas below? How could the outcome specified for each reform idea best be achieved?**

- **Reform idea 15 – Enhance FSANZ’s role in providing guidance about food standards within its current statutory remit**
- **Reform idea 16 – Provide for FSANZ to give binding interpretive advice on food standards**
- **Reform idea 17 – Enhance FSANZ’s regulatory role by providing limited enforcement powers**

Reform ideas 15, 16 and 17 are supported by consumers. In fact, most consumers probably believe that FSANZ already has the required enforcement powers under their Act, or through the enforcement agencies within States/Territories. FSANZ would be more effective from our point of view if it had such monitoring and enforcement powers and was resourced to undertake these regulatory functions.

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**23. Are there other potential issues or solutions relating to interpretation of food standards?**

No comment.

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**24. To what degree is the food-medicine interface and the oversight of health claims an issue for the system? What are the types of problems that different stakeholder groups face as a consequence?**

No comment.

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**25. What would be the impact (positive, negative or otherwise) of implementing each of the reform ideas below? How could the outcome specified for each reform idea best be achieved?**

- **Reform idea 18 – Focus efforts on improving the food-medicine interface through regulatory practice**
- **Reform idea 19 – Broaden the role of FSANZ to assess general level health claims**
- **Reform idea 20 – Align definitions and powers in legislation between therapeutic goods and foods**

*“Let food be thy medicine, and let medicine be thy food”* as Hippocrates famously did **NOT** say [@A14](#). Consumers agree that this is a vexed issue that defies easy resolution and have no ideas to offer at this stage other than to point out that, as with drugs, some foods have side-effects for some people, which we call food intolerance and these need to be recognised in defining health claims.

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**26. Are there other potential solutions relating to improving the food-medicine interface?**

Creation of National Food Authority / Australian Food Council would provide an umbrella under which both food regulation and health could be encompassed with powers for assessment and enforcement of food-health claims.

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**OPERATIONS**

**27. To what degree are FSANZ's governance arrangements an issue for the system? What are the types of problems that different stakeholder groups face as a consequence?**

FSANZ's current governance does not adequately represent or engage with consumers except at an academic remove. While there has been a 'consumer representative' on the Board, in the past 30 years the person in this role has initiated contact ONLY ONCE with the Food Intolerance Network, despite this Network having 16,000 current verified members and being probably the largest consumer organisation focused on food in Australia. The Network has attempted many times to engage and meet with the consumer representative, without any useful outcome ever. It is our view that consumers have been deliberately marginalised in favour of the food industry viewpoints. This has been to FSANZ's disadvantage since without this perspective they are not aware of the daily frustrations of those trying to understand food labels, report illegal labelling, obtain recognition from medical practitioners for the side-effects of foods, or seek to improve food industry practices.

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**28. What would be the impact (positive, negative or otherwise) of implementing each of the reform ideas below? How could the outcome specified for each reform idea best be achieved?**

• **Reform idea 21 – Streamline Board appointments and nominations**

Consumers agree that the present nomination and appointment processes are cumbersome and sub-optimal and that reform along the lines canvassed is required.

• **Reform idea 22 – Establish minimum term length for Board members**

Agreed.

• **Reform idea 23 – Reduce Board size.**

Commercial management boards do not include the CEO generally, so that initiative is supported. There is a concern that a reduction in the Board size will reduce the number of points of view around the table and given past history it will be the consumer viewpoint that is lost. The point has been made in 27 (above) that while there has been a 'consumer representative' on the Board, in the past 30 years the person in this role has initiated contact ONLY ONCE with the Food Intolerance Network, despite this Network having 16,000 current verified members and being probably the largest consumer organisation focused on food in Australia. The Network has attempted many times to engage and meet with the consumer representative, without any useful outcome ever.

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**29. Are there other potential solutions relating to FSANZ's governance arrangements?**

Creation of National Food Authority / Australian Food Council would subsume these particular concerns into wider representative issues.

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**30. To what degree does FSANZ's approach to setting its own workplan and resourcing its work present an issue for the system? What are the types of problems that different stakeholder groups face as a consequence?**

No comment since consumers appear to have no input or output in this area.

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**31. What would be the impact (positive, negative or otherwise) of implementing each of the reform ideas below? How could the outcome specified for each reform idea best be achieved?**

- **Reform idea 24 – Expand scope of applications for which FSANZ can recover costs**
- **Reform idea 25 – Provide for limited expansion of scope of activities for which FSANZ can recover costs**

Broadly these Reform ideas have consumer support, although the risk of regulatory capture is real. The alternative, which could be progressed as part of the proposed National Food Authority / Australian Food Council initiative, is to resource more adequately government oversight for the entire food system. A levy on food, as exists for agricultural products, would provide funds that could be directed exclusively to research, monitoring and surveillance issues.

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**32. Are there other potential solutions relating to FSANZ's operations?**

The proposed National Food Authority / Australian Food Council initiative would subsume this issue into a wider and more expensive problem!

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**SUMMARY**

**33. What are the top 2-3 most pressing issues to resolve through change to the Act and associated operations and responsibilities of FSANZ?**

In the view of consumers, they are

1. Genuine engagement with the expectations of consumers so as to amend legislation and practice to, as a draft guide, create:

- a central unit to develop national food policy, including that for food security and two-way trade
  - strategic direction and funding of food research in all aspects including safety for consumers, not limited to the reduction in non-communicable food-related illnesses
  - centrally coordinated education for consumers and industry on food and health
  - leadership and responsibility for food-related public health objectives
  - development and approval of food standards
  - implementation and enforcement of food standards nationally and for trade, including food fraud and crime
  - a trusted system to advise, survey and monitor achievement of policy objectives
2. To achieve these objectives, consumers seek creation of a National Food Authority, perhaps reporting to an Australian Food Council, and the imposition of levies on the food and grocery industry to help address critical research, monitoring and surveillance issues. Both Canada and the UK have national food policies in place or development; a similar initiative in Australia might be a basis for developing the suggested National Food Authority / Australian Food Council [@A15](#).

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**34. Are there key issues or challenges related to FSANZ and the Act that are not represented in this scoping paper?**

As in 2 above:

*“There is no central authority, legislation or bureaucratic structure for Australia’s food system. Food policy sits across legislation on agriculture, fisheries, water, animal welfare, environmental protection, and consumer protection. And the system sits within no single ministerial portfolio. Instead, food-related policy frameworks are scattered across at least 14 government departments and agencies, and are not fully coordinated ... amplified by each state’s own laws, regulations and bureaucratic structure.*

*“A new policy approach to food policy would allow Australia to better manage [food’s] interconnected, and often conflicting, interests while safeguarding the country’s most valuable assets – its people, environment and economy. It would protect the security of over one million jobs and grow the value of our \$330bn food value chain, including the \$69bn of agricultural and aquaculture products. It would help find new opportunities to increase jobs and reduce the budget in a difficult economic and fiscal context. At the same time, it would help reduce the economic burden – at least \$87bn a year – in health and environmental harm from food production and consumption. And it would ensure that, in times of emergency or crisis, Australian food supplies are secure and resilient.*

*“Yet, despite the importance, complexity and cost of food policy, the Federal Government does not have a strategic, coordinated or integrated approach to governing the food system. This major gap in governance and policy-making is causing inadequate and often contradictory program implementation across the Commonwealth, industry and society. The*

*food system is strongly geared toward industry growth and export opportunities, with much less consideration for health, environmental sustainability and human welfare.*

From *The need for strategic food policy in Australia: Governing for a healthy, sustainable, economically viable and resilient food system* <https://humanfuture.net/node/112>

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**35. What other reform ideas should be considered to address the issues identified in the paper, assuming no resource constraints?**

Creation of a National Food Authority / Australian Food Council with responsibilities for the interlocking parts of the food system, rather than simply tinkering with bureaucratic structures and re-writing minor legislation (which is presently honoured more in the breach than in action in any case from the consumer viewpoint).

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*Food Intolerance Network, PO Box 718, Woolgoolga NSW 2456 AUSTRALIA +61 2 6654 7500  
confodnet@ozemail.com.au www.fedup.com.au The Food Intolerance Network provides independent information about the effects of food on behaviour, health and learning in both children and adults, and support for families using a low-chemical elimination diet free of additives, low in salicylates, amines and flavour enhancers (FAILSAFE) for health, behaviour and learning problems. ABN 72 705 112 854*

## **FSANZ Act Review ANNEX:**

### **@A1 Blewett review of food labelling**

<https://foodregulation.gov.au/internet/fr/publishing.nsf/Content/Review-of-food-labelling>

[http://content.webarchive.nla.gov.au/gov/wayback/20160104235833/http://www.foodlabellingreview.gov.au/internet/foodlabelling/publishing.nsf/content/ADC308D3982EBB24CA2576D20078EB41/\\$File/FoFR%20response%20to%20the%20Food%20Labelling%20Law%20and%20Policy%20Review%209%20December%202011.pdf](http://content.webarchive.nla.gov.au/gov/wayback/20160104235833/http://www.foodlabellingreview.gov.au/internet/foodlabelling/publishing.nsf/content/ADC308D3982EBB24CA2576D20078EB41/$File/FoFR%20response%20to%20the%20Food%20Labelling%20Law%20and%20Policy%20Review%209%20December%202011.pdf)

“The chronic disease burden caused by poor diet is the largest cause of ill health in the community. It has a greater impact than smoking, physical inactivity and alcohol misuse.<sup>2</sup> The annual economic costs of obesity in Australia are estimated to be \$58.2 billion, comprising \$8.3 billion in financial costs and \$49.9 billion in net costs of lost wellbeing.<sup>3</sup> In New Zealand, approximately one in three adults is overweight and one in four obese, while one in five children aged 2–14 is overweight, and one in 12 is obese.”

### **@A2 Commission for the Human Future**

<https://humanfuture.net/>

*The need for strategic food policy in Australia: Governing for a healthy, sustainable, economically viable and resilient food system* <https://humanfuture.net/node/112>

<https://humanfuture.net/sites/default/files/The%20Need%20for%20Strategic%20Food%20Policy%20in%20Australia.pdf>

“Yet, despite the importance, complexity and cost of food policy, the Federal Government does not have a strategic, coordinated or integrated approach to governing the food system. This major gap in governance and policy-making is causing inadequate and often contradictory program implementation across the Commonwealth, industry and society. The food system is strongly geared toward industry growth and export opportunities, with much less consideration for health, environmental sustainability and human welfare.”

### **@A3 Consumer confidence**

There are several surveys on consumer confidence in food regulation, ranging from a selected audience of 648 people in 2008 where 96% agreed that “food additives should be better tested for their effects before they are approved” through a huge and sound survey of 100,000 people in 2008 where 73% agreed that “I am concerned that food authorities are not doing enough to regulate what food manufacturers can and can’t put in the foods”.

Food ranked as highest concern for consumers in Consumers Federation of Australia (CFA) survey of 591 people in 2013 where 75% of respondents identified misleading information about food production as a 'very important' issue.

But the clearest picture of consumer lack of confidence comes from two surveys run by FSANZ itself which show that the situation has remained unacceptable over the past twelve years:

- FSANZ Consumer Attitudes Survey in 2008 of 2,000 people showed that 61% of consumers lacked confidence in organisations providing regulation and monitoring of the food supply.
- FSANZ Food Labelling Use and Understanding in 2016 of 2,400 people showed that 33% of consumers disagreed when asked “Generally speaking I trust the information on food labels”.

Overall, consumers clearly say that they do not have a high degree of confidence in the regulator or in the information being provided under current regulation.

- (1) Survey of 648 people at talks on food intolerance <http://www.fedup.com.au/fedup-newsletters/2008/failsafe57-july-september-2008#research>
- (2) The Real Food Trend by Meat & Livestock Australia 2008 <http://www.fedup.com.au/images/stories/TheRealFoodtrend.pdf>
- (3) CFA survey 2013 <http://consumersfederation.org.au/consumers-rate-food-energy-and-security-online-as-biggest-concerns-in-cfa-survey/>
- (4) FSANZ Consumer Attitudes 2008 <https://www.foodstandards.gov.au/publications/documents/Consumer%20Attitudes%20Survey.pdf>
- (5) FSANZ Food Labelling Use and Understanding 2016 <http://www.foodstandards.gov.au/publications/Pages/consumerlabelsurvey2015.aspx> and <http://www.fedup.com.au/news/blog/one-third-mistrust-food-labels-in-australia>

#### **@A4 Seminars on ‘gaming’ the Food Standards Code**

As an example of how the food industry is running rings around the current Food Standards Code, lawyers are running multiple sold-out intensive workshops (<http://www.foodlegal.com.au/events>) to help the food industry simplify their long ingredients list, leave ingredients off the label, refine whether an additive is “natural” or “not artificial”, redefine ‘nasties’ as an (undeclared) processing aid, use the 5% rule to advantage, find ways to not declare Genetically Modified ingredients and how to achieve a clean label without breaching the Australian Consumer Law. FSANZ staff members present at these seminars. The Food Intolerance Network paid for a member to attend one of these workshops and it is clear that consumers are being intentionally misled and denied realistic choice.

It helps the food industry that there is a bureaucratic standoff between FSANZ and the Australian Competition and Consumer Commission (ACCC). If a consumer lodges a complaint with ACCC they can say that “it’s a label issue, talk to FSANZ”, who say in turn “that’s a consumer issue, talk to ACCC” .... ACCC is scarcely mentioned in the Scoping paper.

- (8) Food industry ‘gaming’ of the Act <http://www.fedup.com.au/news/blog/how-the-food-industry-games-food-regulation>
- (9) ACCC and labelling <http://www.fedup.com.au/news/blog/poor-labelling-of-food-products-submission-made-to-the-review-on-australian-consumer-law> and <http://www.fedup.com.au/images/stories/FSANZ2011a.pdf>

## @A5 Known symptoms of food intolerance

### **Known symptoms of food intolerance**

**Airways:** asthma, stuffy blocked or runny nose/ nasal polyps, frequent nose bleeds, catarrh, chronic throat-clearing, sinusitis, frequent ear infections, frequent tonsillitis, frequent colds and flu, symptoms of Samter's Triad, hayfever, allergic rhinitis

**Skin:** eczema, urticaria (hives), cradlecap, other skin rashes, angioedema (swollen lips, eyes, tongue), geographic tongue, pruritis (itching), rosacea, allergic shiners (dark circles under eyes), pallor (pale skin), flushing, excessive sweating, body odour, sore vagina in children, alopecia (patchy baldness)

**Digestive system:** irritable bowel symptoms (IBS), dysphagia (difficulty swallowing), recurrent mouth ulcers, indigestion, nausea, bad breath, vomiting, diarrhea, stomach ache, bloating, reflux in babies, adults, constipation, colic in babies, adults, sluggish bowel syndrome (feeling of "more to come"), encopresis, soiling (sneaky poos), dairy intolerance, gluten and wheat intolerance, eating disorders (ED), anorexia nervosa, bulimia nervosa, binge eating disorder (BED)

**Bladder:** bedwetting, daytime incontinence, urinary urgency, recurrent inflammation (cystitis)

**Skeletal:** growing pains, gout, arthritis, joint pain, arthralgia

**Eyes:** nystagmus (involuntary movement), blurred vision

**Muscles:** low muscle tone, myalgia (muscle pain), tics (involuntary movement), tremor, leg 'jiggling',

**Heart:** rapid heart beat, heart palpitations, cardiac arrhythmias, pseudo heart attack (feeling of impending doom, chest pressure, pain down arm), tachycardia (fast heart beat), angina-type pain, HHT

**Central nervous system:** headaches or migraines, unexplained tiredness, chronic fatigue, feeling 'hung-over', confusion, dizziness, agitation, tinnitus (noises in ear), hyperacusis, auditory sensory processing disorder (ASPD), paraesthesia (pins and needles), dysaesthesia (numbness), hypoglycemia, salicylate-induced hypoglycemia, epileptic seizures, fits, sensory symptoms of multiple sclerosis, scents and perfume sensitivity, symptoms of lupus

**Anxiety:** panic attacks, depression, obsessive ruminations (repetitively focusing on bad feelings and experiences from the past), self harm, suicidal thoughts, actions, teeth grinding (bruxism)

**Impaired memory:** vague or forgetful, unable to concentrate, won't persevere, unmotivated, disorganised, easily distracted, difficulty reading and writing

**Speech:** loud voice (no volume control), speech hard to understand, speech delay, selective mutism, stuttering, repetitive noises, talks too much (empty chatter)

**Coordination:** poor handwriting, poor coordination, frequent accidents, vertigo

**Sleep:** difficulty falling asleep, restless legs syndrome (RLS), persistent night waking, insomnia, nightmares/night terrors/sleepwalking, sleepless babies, sleep apnoea

**Mood:** brain snaps, mood swings, premenstrual tension, grizzly or unhappy, cries easily or often, irritable, uncooperative

**Oppositional defiance:** ODD, loses temper, argumentative, refuses requests, defies rules, deliberately annoys others, blames others for own mistakes, touchy, easily annoyed, angry, resentful

**Other behaviour:** ADHD, ADD, autism, Aspergers, inattentive, easily bored, unmotivated, 'unable to entertain himself', restless, fidgety or overactive, head banging, hyperactivity, fights with siblings, difficulty making friends, destructive, aggressive, unreasonable, tantrums, demanding, never satisfied, disruptive, discipline is ineffective, pervasive development disorder (PDD)

See relevant factsheets at [www.fedup.com.au](http://www.fedup.com.au)

## @A6 From Submission to the Food Labelling Review 2009

<https://www.fedup.com.au/images/stories/FINlabelsubmission01.pdf>

FIN submits that the **principles** that should guide decisions about government regulatory intervention must include:

- A primary focus on protection of the consumer (rather than of the food industry)
- Use of the precautionary principle in approval of food additives and novel ingredients (rather than conducting mass experiments on consumers after inadequate industry-run testing)

FIN submits that government should have **two roles** arising from these principles:

- Ensure that consumers have clear, honest and transparent information about the ingredients in their food and the source of that food so that they may make an informed choice.
- Ensure that ingredients are tested completely before approval and are monitored afterwards, with proper enforcement of regulations so as to protect consumers.

Taking these two roles in turn:

**Information:** from a consumer point of view, particularly for the many who are affected on a daily basis by foods, it is a fundamental that the Ingredients Panel on all foods should inform exactly and completely what is in the food.

For the last 20 years food intolerance sufferers have been dismissed by Federal and State/Territory Ministers who say that all we need to do is read the Ingredients Panel to avoid those ingredients which cause us harm.

In fact current Ingredients Panels do not allow consumers to make an informed choice because of the 5% labelling loophole, the use of ingredient names that only a trained chemist can recognise, the use of meaningless disclaimers on labels, the increasing practice of hiding additives as ingredients, and sometimes the outright mislabelling of foods. These issues are expanded at <https://www.fedup.com.au/images/stories/FINlabelsubmission01.pdf>.

In addition, government should accept responsibility for an educational role about food ingredients. For instance, even the conservative World Health Organisation acknowledges that 20-30% of asthmatic children react to sulphite preservatives (220-228) but two thirds of consumers have no idea of the connection. This is a government role through labels and other education outlets and should not be left to volunteers.

These information issues are expanded in <https://www.fedup.com.au/images/stories/FINlabelsubmission01.pdf>.

**Testing:** Some food additives can affect health, behaviour and learning in both children and adults, but regulatory approval does not take this evidence into account. Present testing pronounces ingredients and additives as “safe” on the basis of a deliberately limited scope of testing rather than a scientifically justified and comprehensive testing regime.

Quality science in this area is routinely ignored or minimised by regulators even when the science shows that these ingredients can cause daily problems for a sizeable proportion of the population. Consider that additives, for instance, are not tested on children before approval although children are major consumers of additives (FSANZ staffer: “*it would not be ethical!*”!); that additives are not tested in combination although they are always used in this manner (FSANZ staffer: “*just too difficult*”); and that additives are not tested for effects on any forms of behaviour before approval.

The precautionary principle would require that these additives are not approved because the required logical testing has not been carried out.

See scientific references for these claims in <https://www.fedup.com.au/images/stories/FINlabelsubmission01.pdf>.

### **Consider what policies and mechanisms are needed to ensure that government plays its optimum role**

It is the view of FIN that the present split between approval of food standards at the Commonwealth level and enforcement at the State and even Local Government level has become unworkable with the national and indeed international nature of today's food industry.

Each State/Territory having a separate food authority (by whatever name) clearly leads to massive duplication of effort. The experience of our members in lodging complaints is that the different jurisdictions all have to work together anyway so as to provide word-identical responses from any jurisdiction.

There is also marked disparity in funding, expertise and willingness to address consumer issues between jurisdictions. Local government in Victoria, for instance, is unable to address any label issues while States/Territories always refer label issues to the State/Territory where the main food factory is located. The consumer experiences this as a bureaucratic run-around and loses more confidence in government. Our feedback from members is that nobody ever knows how to report illegal labels effectively.

It is time to consider creating a National Food Authority with responsibility for both standards and enforcement, so as to optimally address the two roles for government outlined in 2 above.

In terms of mechanism, the Australian Food and Grocery Council promoted itself (<http://www.afgc.org.au/index.cfm?id=892>) as Australia's largest manufacturing sector, with \$100 billion annual turnover and employing 315,000 people. Yet the fresh and processed food, beverage and grocery industries do not currently support any form of levy which could be used to improve food research, food monitoring and enforcement. Such a mechanism has worked well with primary industries and it would be timely to extend it towards this important manufacturing sector.

With a funding mechanism in place, it would be possible to undertake the required level of testing of additives and novel ingredients in a proper scientific manner and so address consumer concerns about their effects on health, behaviour and learning that are presently ignored. For instance, although scientific evidence is a requirement under the Food Standards Australia New Zealand Act 1991 before approval of additives, when FIN used Freedom of Information to request the evidence on two additives of concern in 2003 we were told that "such documents do not exist." This implies clear breach of the Act. Such an admission calls into question the credibility of everything FSANZ says, and the competence of the organization as a reliable regulator of food standards. This situation could be materially improved by acting on the recommendation FIN has made above.

### **@A7 Gout, asthma and colours**

NZ & Australia have highest gout in the world. Shame food regulator FSANZ for approving flavour enhancers 627, 631 & 635 without warning people suffering from gout to avoid these purine substances - evidence at <https://www.fedup.com.au/news/blog/gout-shame-on-you-fsanz>

NZ & Australia have the highest asthma in the world and the highest allowed levels of sulphites 220-228. Shame on food regulator FSANZ for wanting to increase the levels of this preservative and not warning people that it is associated with asthma – evidence at <https://www.fedup.com.au/news/blog/asthma-shame-on-you-fsanz>

Australian school scores have plummeted globally in maths, reading and science over the last 18 years. New Zealand and Australian students now rank 27th and 29th of 79 countries for maths. 7 Asian countries are top, followed by many European countries with the UK at 18<sup>th</sup>. Shame on food regulator FSANZ for not following the lead of the European food standards agency and warning parents about artificial colours – evidence at <https://www.fedup.com.au/news/blog/food-colours-shame-on-you-fsanz>

### **@A8 Asthma and sulphites**

Contribution of food additives to worldwide variations in the prevalence of childhood asthma symptoms. Dengate S, Dengate H (2004). J Food Intolerance No 1.

<https://www.fedup.com.au/images/stories/JFIAsthmaadditives2004.pdf>

Abstract: Food additive consumption can explain the increase in asthma symptoms associated with the Western lifestyle; international variations in childhood asthma prevalence including high rates in English-speaking and Spanish-speaking South American and lower rates in European and developing countries; higher asthma rates in preschoolers; and a decline in childhood asthma in some countries.

### **@A9 Propionate preservatives**

For an overview with references and links, see <https://www.fedup.com.au/factsheets/additive-and-natural-chemical-factsheets/280-283-propionic-acid-and-its-salts-the-bread-preservative>

Décret n°93-1074 du 13 septembre 1993 pris pour l'application de la loi du 1er août 1905 en ce qui concerne certaines catégories de pains Article 2 "pain de tradition française", "pain traditionnel français", "pain traditionnel de France" ou sous une dénomination combinant ces termes les pains <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000000727617/2020-11-04/>

### **@A10 'No added MSG claims'**

For detail and references, including India's action, see <https://www.fedup.com.au/news/blog/what-is-msg>

### **@A11 Artificial colours**

Artificial colours in Europe to require a warning label (from <https://www.fedup.com.au/fedup-newsletters/2008/failsafe57-july-september-2008>)

Last year, research from Southampton University produced clear evidence that certain food additives can influence hyperactive behaviour. As a result of the Southampton Study, in April this year the UK Food Standards Agency (FSA) requested a voluntary ban on the use of six well-known artificial colours. In July, the European Parliament voted in favour of labelling foods containing the six colours with the words 'may have an adverse effect on activity and attention in children'. By the

end of 2009, companies will have to decide whether to continue to use the additives and suffer the effects the warning might have on sales, or make the changes. Many large companies, including five major UK supermarket chains, Cadbury and Nestle, have pledged to remove all artificial colourings from their products in the UK but this is not happening in Australia. [www.actiononadditives.com](http://www.actiononadditives.com)

See also <https://www.fedup.com.au/news/blog/californian-bill-proposes-artificial-colour-warning-labels> and <https://www.fedup.com.au/factsheets/additive-and-natural-chemical-factsheets/artificial-colours-around-the-world>

### **@A12 Faulty approval practice**

In response to a protracted FOI request seeking the scientific evidence upon which approval was based for propionates and novel flavour enhancers, the extraordinary and apparently acceptable response was "that these documents do not exist" and then, later in the letter "currently available toxicological data supports the safe use of propionic acid ....and ribonucleotides". A sort of Schrödinger's cat answer.

<https://www.fedup.com.au/information/fin-campaigns/freedom-of-information-from-fsanx>

FSANZ views can be seen here <https://www.fedup.com.au/images/stories/FSANZ2018a.pdf>

### **@A13 Adding additives as ingredients to mislead consumers**

Propionates (280-283) can be shown as an **ingredient** called cultured OR fermented wheat, flour, rice, whey or dextrose, then the claim can be made that there is "No artificial preservative". That means there are 10 ways to hide propionates so far. Even "whey powder" was believed to be a cultured form to judge by a child's reactions, so that makes 11 ways and counting.

<https://www.fedup.com.au/news/blog/caution-cultured-dextrose>

How can I legally add MSG (without saying MSG on the label)? Let me count the ways...129!! These appear on the Ingredients Panel as **ingredients**, not flavour enhancers or numbers.

<https://www.fedup.com.au/news/blog/129-ways-to-add-msg-and-fool-consumers>

FSANZ views can be seen here <https://www.fedup.com.au/images/stories/FSANZ2018a.pdf>

### **@A14 Hippocrates on food and medicine**

*"Let food be thy medicine, and let medicine be thy food"* dates from about 1926 and does not appear in Hippocrates writings. The original Greek oath, literally translated, says: "I will apply dietetic and lifestyle measures to help the sick to my best ability and judgment; I will protect them from harm and injustice".

Another text by Hippocrates, reads: *"In food excellent medicine can be found, in food bad medicine can be found; good and bad are relative"*. Hippocrates was a strong proponent of going on walks. *"Walking is a natural exercise, more than any other form of physical exercise"*.

<https://www.drgoodfood.org/en/news/let-food-be-thy-medicine-hippocrates>

## **@A15 National Food Policies**

Canada uses a Canadian Food Policy Advisory Council <https://www.canada.ca/en/campaign/food-policy/thefoodpolicy.html>

UK is developing a national food strategy <https://www.gov.uk/government/publications/developing-a-national-food-strategy-independent-review-2019/developing-a-national-food-strategy-independent-review-2019-terms-of-reference>