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COUNCIL FOR THE NATIONAL INTEREST
WESTERN AUSTRALIAN COMMITTEE



17th July, 2007

Mr D Stockwell
Acting Chief Executive Officer
PO Box 7186
CANBERRA ACT 2610

Dear Mr Stockwell

We are grateful for your letter dated 2 March 2007 written in response to the concerns, which we raised in our letter 30th November, 2006 and also in the CNI research paper "Food Safety in Australia".

Our concerns related generally to food content, food additives, food sourcing, food labelling, the administrative arrangements through FSANZ and the free trade bias of Bio Security Australia.

We asked if you would advise us of your views and what you are prepared to do as Minister and as a member of ANZMFRC to address the deficiencies outlined in the research paper. Your letter generally outlines the statutory and administrative arrangements and foreshadowed the possibility of some reforms but does not specifically address the deficiencies which CNI outlined.

Both before and since the preparation of the research paper members of CNI have reported to us many instances where country of origin labelling of fresh and other raw foods is not evident; where product ingredients on packaged food labels are illegible or wrong or deceptive and misleading.

In addition the free trade bias of Bio Security Australia is amply demonstrated by its recurrent attempts to allow the import of chicken meat, pig meat, apples, bananas, avocados etc from countries where the products are known to be affected by diseases, which if imported to Australia would devastate our industries. Then there is the AQIS risk based inspection regime where only a portion of containers of imported foods stuffs is examined leaving a huge gap in ensuring the safety of imported food stuffs.

This is of particular concern where some of the imports come from countries which still use fertilisers and pesticides, which are banned in Australia because of their toxicity or their disease potential.

There is also the inadequacy of the food additives approval regime where ingredients banned in other countries due to their proven toxicity or carcinogenic nature, are allowed in food sold in Australia and in some cases (the 5% rule) may not be disclosed. Moreover, when they are disclosed like other food additives, they are 'identified' by a code numbering system, which for most consumers is quite obscure and therefore largely meaningless.

The only conclusion, which we can draw from all of this, is that the Federal and State and

Territory Governments have put in place a food safety regime which is purported to be world class but has many deficiencies. Furthermore, the same Federal, State and Territory Governments seem quite unprepared to ensure the food safety regime actually works and appropriate enforcement measures are in place and followed.

We have noted FSANZ's willingness to consider submissions from the public. Accordingly, based on the results of our research and the experience of our members in the retail market place CNI makes the following recommendations and urges you as the responsible Minister and as a member of ANZFRMC to pursue the adoption and implementation of them.

Recommendations

Food Additives and Ingredients

- (i) That an immediate ban be placed on all additives which have been shown by research study to be carcinogenic, toxic, allergenic and/or cause behavioural changes in children.
On the assumption that recommendation (i) is adopted:
- (ii) That the 5% rule be rescinded and it be mandatory for labels to list all additives and ingredients in all foods sold in the retail market place.
- (iii) That misleading or unethical labelling or advertising be banned and the ban enforced.
- (iv) That the 'code numbers' system for food additives be reviewed to try to design an alternative system which more prominently signals to consumers foods which have nil trans fat and are low in saturated fat, sugars and sodium with a low glycemic index. (Time and again we find that consumers are misled by products which are prominently labelled "Low Fat" but are very high in sugars and salts).

If a 'traffic light' or some other system to achieve this is not feasible then the 'code number' system should be more visibly displayed and explained to consumers directly and at the retail market places.
- (v) That FSANZ establishes its own laboratory testing facilities in Australia to carry out World's best practice research and testing of food additives.

Imported Food Quality

Research evidence is that Australia's food imports are increasing. These include processed/preserved fruit and vegetables, processed/preserved seafood, transformed meat and meat products minimally transformed vegetables, fruit and meats and flour and cereal products. Significantly increased exports are coming from Ireland, China, New Zealand, United States, India and Thailand and (particularly for seafood) China 280% and Vietnam 160% respectively in the last three years.

Food testing and Quality Assurance programs in Ireland, New Zealand and to a lesser degree the US are of a high standard but the evidence is that Thailand, China and Vietnam lag well behind. Broadly the evidence is that in these latter countries there are high levels of contamination in inland and coastal waterways, as well as inadequate facilities for solid waste disposal. There is also significant evidence of use of banned pesticides and unsafe pesticide use in Thailand and a high level of environmental contamination by organochlorine pesticides and other persistent organic pollutants (POP) in China. POP pesticides have the potential to cause cancer, hormonal imbalances, organ dysfunction, immune system suppression, reproductive disorders as well as a number of other illnesses.

The use of DDT, officially banned in 1983, continues and the levels of DDT in breast milk of Chinese women is many times higher than the levels detected in Australian women.

Based on its involvement in a task force charged with examining China's key agricultural and rural development policy issues, the Australian Centre for International Agricultural Research recently concluded that reform of China's food quality regulation and monitoring system is crucial and that upgrading China's food quality and safety regulations and enforcement capabilities to international standards is an urgent public policy imperative.

Recommendations

Imported Food Quality

- (i) That the AQIS risk based inspection system be overhauled and frequency of testing be increased to 100% for countries such as China, Thailand, Vietnam etc which have unacceptable growing and processing standards and/or inadequate food quality testing and enforcement regimes.
- (ii) That no Government to Government certification agreements or AQIS to overseas producers Quality Assurance (QA) agreements be continued or entered into with countries, with inadequate quality testing and enforcement regimes.
- (iii) That where Government to Government certification agreements or AQIS to overseas producer QA agreements are entered into then stringent random audits be carried out in those countries by AQIS officials and the results published in Australia wide media.
- (iv) That negotiations between Australia and New Zealand, to bring risk category foods within the scope of the Trans Tasman Mutual Recognition Act 1997 (TTMRA) be expedited urgently.
- (v) That the AQIS pesticide screen for imported fruit and vegetables be expanded to include testing for DDT, other organochlorines and any pesticides and fertilisers that are thought to pose a long-term health risk and are still being used in other countries.
- (vi) That AQIS publish in the Australia wide media and at least quarterly the results of its inspections of imported foods.
- (vii) That AQIS include microbiological contaminants in its routine screening of imported horticultural products.
- (viii) That measures be taken urgently to ensure that the new Standard for Country of Origin Labelling requirement, gazetted on 8th December 2005, applying to all packaged foods and unpackaged fish, fruit and vegetables and pork is enforced and that Country of Origin statements meet the Country of Origin tests under the Trade Practises Act 1974.

Recommendations

Bio Security Australia

- (i) That the focus of Bio Security Australia be firmly on the defence and protection of Australian products against the import of products which are diseased or come from countries where diseases, which are not present in Australia, are known to exist. It is critical that Australia strives and continues to strive to maintain a "Clean Green" image as such an image will become ever more important in the future.

Recommendations

Food Safety

The fragmentary nature of national food standards is screaming out for an over-arching control and enforcement regime which draws together all of the currently diverse elements.

Recommendations

- (i) That the Federal, State and Territory Governments all develop and implement strategies which will ensure that all aspects of the legislation and statutory requirements for food content, food quality and food labelling are enforced.

- (ii) That each State and Territory Government ensure that all of the diverse elements are drawn together effectively . Failing this a less preferable Federal Authority may be necessary to ensure that food safety protocols actually work and are enforced.

It is critical for the safety of consumers and the long term health of the nation that testing of food quality and content of both locally produced and imported foods is embracing and regular, is no less than annual and ongoing subject to strict audit and publication of result and the Australia wide media.

Other Issues

Recently various media reports have revealed the existence of toxic/carcinogenic additives/ingredients in toothpaste (from China) and in hair conditioners and shampoos. There appears therefore to be a need for some regulatory control over products other than food.

References:

The information upon which these recommendations are based is drawn from:

- (i) The findings of the Enquiry into Production and marketing of Food Stuff's by the Economic and Industry Standing Committee of the Parliament of Western Australia Report No 4 Dated 30 March 2006
- (ii) Media reports including:
Government may soften laws on Mad Cow Disease 27/09/05
The West Australian:
Take added transfat out of food; doctors 25/11/06
Yellow River 10% waste 12/05/07
China revamps food safety laws after US pressure 08/06/07
China closes food factories in crackdown 28/06/07
Drug fears spur US halt on seafood 30/06/07

P.S. The West Australian July 11/2007 announces "China says its food not safe to eat". This admission by China confirms the validity of our above recommendations.