

Ministerial Policy Guideline

Labelling of foods produced or processed using new technologies

SCOPE/AIM

This policy guideline provides guidance on the expectations of the Legislative and Governance Forum on Food Regulation convening as the Australia and New Zealand Food Regulation Ministerial Council (the FoFR) for the case by case consideration of labelling of foods produced or processed using a new technology following a pre-market safety assessment.

Foods that require a pre-market safety assessment by FSANZ, because the foods use a new technology, fall within the scope of this policy guideline. This guidance applies when developing or reviewing a food regulatory measure that regulates all foods produced or processed using a new technology

The policy guideline recognises that labelling on foods produced or processed using a new technology can be an issue of consumer interest. In meeting this need, it is acknowledged that labelling of foods produced or processed using a new technology following a pre-market safety assessment is not a public health and safety issue.

Labelling refers to the provision of information on a package or display of the food, identifying that the food has been produced or processed using a new technology.

HIGH ORDER POLICY PRINCIPLES

The *Food Standards Australia New Zealand Act 1991* (the FSANZ Act) establishes a number of objectives for FSANZ in developing or reviewing of food standards (section 18 of the *FSANZ Act*).

The *FSANZ Act* states that the objectives (in descending priority order) of the Authority in developing or reviewing food regulatory measures and variations of food regulatory measures are:

- (a) the protection of public health and safety; and
- (b) the provision of adequate information relating to food to enable consumers to make informed choices; and
- (c) the prevention of misleading or deceptive conduct.

The *FSANZ Act* states that in developing or reviewing food regulatory measures and variations of food regulatory measures, the Authority must also have regard to the following:

- (a) the need for standards to be based on risk analysis using the best available scientific evidence;
- (b) the promotion of consistency between domestic and international food standards;
- (c) the desirability of an efficient and internationally competitive food industry;
- (d) the promotion of fair trading in food;
- (e) any written policy guidelines formulated by the Australian and New Zealand Food Regulation Ministerial Council (that was established by the Food Regulations Agreement in 2000).

These objectives apply to the regulatory management of foods produced or processed using a new technology that requires a pre-market safety assessment by FSANZ.

A number of other policies and principles are also relevant, including:

- the Council Of Australian Governments document 'Principles and Guidelines for National Standard Setting and Regulatory Action by Australia and New Zealand Food Regulatory Ministerial Council and Standard Setting Bodies (1995, amended 1997) (Australia only);
- The Office of Best Practice Regulation's Principles of Best Practice Regulation and Best Practice Regulation Handbook;
- New Zealand Code of Good Regulatory Practice (November 1997);
- Overarching Strategic Statement for the Food Regulatory System;
- Policy Statement on the Interpretation of Public Health and Safety in Developing, Reviewing and Varying Food Regulatory Measures;
- the Agreement between the Government of Australia and the Government of New Zealand concerning a Joint Food Standards System;
- relevant World Health Organization agreements; and
- relevant World Trade Organization agreements, standards and guidelines.

SPECIFIC POLICY PRINCIPLES

- Be cost effective overall by balancing the benefits of labelling with the cost to industry, consumers and governments of providing it.
- Comply with Australia and New Zealand obligations under international agreements while not being more trade restrictive than necessary.
- Ensure consistent treatment of domestic and imported foods with regard to any additional regulatory measures to provide consumers with information on the foods using the new technology.

ADDITIONAL POLICY GUIDANCE

- In assessing the costs and benefits of providing information on foods using new technologies, regulatory and non-regulatory measures should be considered, including consideration of methods other than labelling to provide information.
- Consistent with good regulatory practice, any regulatory intervention to provide information to consumers on foods produced or processed using new technology should be monitored and periodically reviewed to assess its effectiveness.
- Unless reviewed prior, FSANZ should initiate a review of the regulatory intervention every ten years to determine whether it should lapse or continue.
- Any review should include a consideration of the current evidence relating to:
 - consumer confidence in the new technology;
 - the value to consumers of the regulatory measure; and
 - the overall cost effectiveness of the regulatory measure.