

# AUSTRALIAN BEVERAGES COUNCIL

**Submission to Proposal P1055 - *Definitions for gene technology and new breeding techniques***

3 December 2021



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## About the Australian Beverages Council Limited

The Australian Beverages Council Limited (ABCL) has been the leading peak body representing the non-alcoholic beverages industry for more than 70 years, and the only dedicated sector representative of its kind in Australia.

The ABCL represents approximately 95 per cent of the non-alcoholic beverages industry's production volume and our member companies are some of Australia's largest drinks manufacturers. The ABCL also represents many micro, small and medium-sized companies across the country. Collectively, the ABCL's members contribute more than \$7 billion to the Australian economy and employ over 50,000 people across the nation. The industry also pays \$1.2 billion in taxation per annum along its supply chain, and for every direct employee in the beverages manufacturing industry, there are 4.9 jobs required elsewhere in the economy to produce and retail beverages.

The ABCL strives to advance the industry as a whole, as well as successfully represent the range of beverages produced by members. These include carbonated soft drinks, energy drinks, sports and electrolyte drinks, frozen drinks, bottled and packaged waters, fruit juice and fruit drinks, cordials, iced teas, ready-to-drink coffees, kombucha, flavoured milk products and flavoured plant milks.

The unified voice of the ABCL offers members a presence beyond individual representation to promote fairness in the standards, regulations, and policies concerning non-alcoholic beverages. The ABCL plays a role in educating consumers on making informed choices which encourage balance, moderation and common sense.

The ABCL advocates on issues such as portion sizes, environmental sustainability, nutritional labelling, responsible industry marketing and advertising, and canteen guidelines, among others. Our members are responsible and responsive, listening to consumers and adapting their products accordingly by making positive changes and standing by a commitment to promote greater choice, appropriate portions and continue to develop an ever-increasing range of low- and no-sugar products.

The ABCL is an important conduit between the non-alcoholic beverages industry and government, supporting the Federal Government, state and territory governments and local councils.

## Introduction

The ABCL continues to support Food Standards Australia New Zealand's (FSANZ) workplan to provide certainty to consumers regarding food quality and safety and the provision of information through nutritional labelling; empowering consumers to make informed choices and enabling industry to provide broader choice under a transparent and effective regulatory framework.

FSANZ's proposal P1055 *Definitions of gene technology and new breeding techniques* demonstrates the importance of government and industry working in tandem and the application of risk-based approaches for changes to the Food Standards Code (the Code), so that it remains fit-for-purpose and enables an efficient and internationally competitive food industry. The proposal to amend the Code to revise definitions for 'gene technology' and 'food produced using gene technology' indicates that the current definitions in the Code lack clarity and are no longer appropriate.

This consultation calls for stakeholder response to proposal P1055 with respect to outdated terminology that may be potentially misleading for industry and consumers. FSANZ's assessment under this the proposal identifies gaps in regulatory coverage of new technologies and new breeding techniques (NBTs), which may result in uncertainty of assessment and approval requirements for foods produced through NBTs. Revised definitions will provide predictable pathways to market and ensure public health and safety continues to be protected.

FSANZ therefore proposes amendments to the definitions to:

- Make them clearer, and better able to accommodate food produced by existing, emerging and future genetic technologies, and
- Ensure NBT foods are regulated in a manner that matches the risk they pose.

FSANZ is considering three options to determine how to approach the current call for clarification.

- Option 1: Status quo
- Option 2: Status quo combined with non-regulatory approaches
- Option 3: Amend the definitions in the Code.

The ABCL welcomes the opportunity to respond to FSANZ's 1st Call for submissions of proposal P1055 *Definitions for gene technology and new breeding techniques* and makes the following submission, outlining our position on behalf of the non-alcoholic beverages industry.

## The Australian Beverages Council's Position and Key Points for Consideration

The ABCL supports FSANZ's assessment and proposal to revise and update the definitions in the Code for 'food produced using gene technology' and 'gene technology', to remove ambiguity of their application to the processes and products involved in genetic modification and NBTs.

After reviewing FSANZ's assessment and proposal options, the ABCL supports:

### Option 3 - Amend the definitions in the Code

The ABCL makes the following key points for consideration, pertaining to the support of Option 3.

#### Safety assessment outcomes for pre-market assessment and approval

The ABCL supports FSANZ's safety assessment conclusion that some NBT foods are equivalent to those in conventional food with a history of safe use, and therefore NBT foods that have the same product characteristics and risk equivalence as conventional food, are excluded from a revised definition and therefore pre-market assessment and approval.

Furthermore, we support the safety assessment conclusion that certain refined ingredients derived from genetically modified (GM) food may also have equivalent characteristics and risk to conventional food when the food is refined or purified in a way that novel DNA or protein is removed, and are therefore excluded from a revised definition.

Although out of scope from this proposal, we note and support the current requirements in Section 1.5.2-4 of the Code, which states that labelling with 'genetically modified' is not required if the ingredient of the food *"has been highly refined where the effect of the refining process is to remove novel DNA or novel protein"*.

#### Product-based criteria exclusions

The ABCL supports FSANZ's approach to revise the definition for 'food produced using gene technology' to include specific product-based criteria for excluding certain foods from pre-market assessment and approval. This risk-based approach is supported by industry as it will maintain the Code as fit-for-purpose as new technologies and NBTs emerge, whilst ensuring public health and safety continues to be protected.

The ABCL also supports the development of non-regulatory measures to facilitate the implementation of the revised definitions and interpretation by developers, for example, through guidance material and/or Codes of Practice. The ABCL welcomes the opportunity to engage with FSANZ in the development of these supporting materials.

Further, the ABCL supports in principle the establishment of an advisory committee on NBT foods, similar to the existing committee for Novel Foods, and would welcome more details on development and future operation of this committee.

### **Harmonisation with international markets**

We note in FSANZ's assessment the mentioning of global markets considering the exclusion of certain NBT products from pre-market regulatory requirements. We agree with this approach and support FSANZ's proposal to exclude NBT foods if they are equivalent in product characteristics to conventional foods with a history of safe use.

### **Emerging research and technologies**

The ABCL strongly supports proposal objective two (2) – 'Better accommodate new and emerging genetic technologies', which looks to ensure the revised definitions in the Code will be forward-looking and agile to keep up with emerging research and technologies. We support our members in their endeavours to investigate more efficient, sustainable, and effective processes. This also ensures the Australian non-alcoholic beverages industry remains a competitive industry, both domestically and internationally.

## **Conclusion**

In summation, the ABCL supports FSANZ's preferred approach, Option 3, to amend the current definitions for 'food produced using gene technology' and 'gene technology', with specific recommendations to:

- Capture all methods for genetic modification (including existing, emerging and future genetic technologies) other than conventional breeding; and
- Include specific product-based criteria for excluding certain foods from pre-market safety assessment and approval as GM foods.

The ABCL supports the emergence of new research and technologies, whilst recognising the potential benefits NBT foods provide regarding sustainable food production. We support the implementation of a risk-based approach, regarding the treatment of certain NBT foods and refined ingredients derived from GM foods which have the same product characteristics and risk as conventional foods with a safe history of use.

We welcome all future opportunities to engage with FSANZ on this proposal further and stakeholder involvement for the development of non-regulatory approaches to support industry implementation.

## Further Enquiries

Thank you for the opportunity to provide comments on the proposal P1055 – *Definitions for gene technology and new breeding techniques*.

Should you have any queries regarding the positions detailed in this submission, please contact:

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