



To: Food Labelling Review Secretariat
Department of Health and Ageing
MDP 138
GPO Box 9848
CANBERRA ACT 2601

May 14, 2010

The Biological Farmers of Australia Ltd (BFA) is a broad based, member owned industry representative association servicing the needs and interests of farmers, value adders, marketers and consumers with an interest in organic foods and fibres.

The BFA has over 20 years of experience in representing and servicing the organic and biological agricultural and food sectors, and owns the now increasingly well recognised brand “**Australian Certified Organic**” with the **Organic Bud** logo in the Australian and overseas marketplace, while certifying the majority of organic farmers, value adders and marketers, large and small, in Australia via its certification subsidiaries.

Recent winner of the **Choice Food Endorsement Awards** via its subsidiary Australian Certified Organic and the Organic Bud logo, BFA views its place and role in the marketplace and in the regulatory domain pertaining to labelling of foods as a distinctly unique one.

BFA is not beholden to any specific sectoral or commercial interests but is owned by 1500 members across the broad spectrum of the food production chain, from primary producers, value adders, marketers and retailers as well as consumers and independent consultants. With the nature of our group we believe we are uniquely positioned to deliver recommendations of relevance across the food chain, while being resolutely focused on the interests of the consumer.

To recap the BFA’s main points in relation firstly on organic foods:



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Organic Food Labelling

Setting standards since the 1980s, the BFA believes that the nature of organic labelling, and related current laws supporting this, are **more than adequate as they stand** and that no further regulations or related legislation need to be implemented in the protection of our industry and market sector. What BFA does believe is that more adequate resourcing at the Consumer Affairs level in each State would be ideal to enforce and assist industry in its own enforcement at the market level to protect consumers against unscrupulous traders. The BFA notes, and is satisfied, with the level of resourcing at the level of the ACCC (Australian Competition and Consumer Commission) and has welcomed the Commission's involvement and scrutiny of our industry over the past few years.

Indeed, while not part of the scope of this review, the BFA believes that the Export Orders pertaining to organic as a prescribed product for export is now an antiquated law which is now costing industry avoidable financial and red tape burdens while by 2011 will not be adding in significant and meaningful manner to the market access opportunities for Australian exporters (ie this is managed effectively by industry owned but government and/or private standards and certification arrangements). This law should be repealed by 2011 and should be an example of how laws can, while being initially developed with good intention, become cumbersome for industry and in turn lead to no net benefit for consumers.

BFA notes that due to the complexities, and regularly changing nature of international organic standards, that in order to balance the interests of exporters, importers and domestic producers that the current status quo is more than adequate to protect the interests of both organic consumers and that of organic producers in the short to medium term.

Many international standards are in operation both in relation to imported and exported product while the BFA Group works very closely with a very functional and effective market system at the formal retail level, along with considerable promotional activities to educate the consumer about the essential need to look for certified organic product as their only means of being protected by law while having confidence in the product being produced to industry recognized organic standards.

The BFA does not believe that any further additions of standards, nor more importantly any regulatory arrangements, should be brought to bear for this market sector. Contrary to some claims from some minor elements of our industry sector, there is no sign of "market failure" and indeed the organic industry remains a paragon of industry self regulation.

BFA therefore would view any move toward regulatory arrangements as being a negative both for producers and value adders, and by adding cost and complexity to those producers in no manner a benefit to consumers. The information and choice for organic consumers is simplifying at market level, and this market and industry driven process will continue in the coming decade to the benefit of the consumer.



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Other Food Endorsement and Labelling Claims

The BFA remains both concerned and disappointed on behalf of consumers, that there are labelling claims in the marketplace such as “free range” or similar claims where there are no specific standards requirements backing these claims up, and in the most egregious instances no notion of what a consumer (or farmer) would expect to be practiced to make a “free range” claim. We note this particularly more recently on pig products in the marketplace. We see this as an alarming case of misleading marketing claims that needs to be curtailed via a mixture of prohibitive legislation for the making of such claims without standards and independent verification (eg certification) to back such claims up.

Food Labelling in General

Imported Products

The BFA views that the current **arrangements for imported products remains lax and confusing** for consumers and that front of label “Imported Product” or “Imported Ingredients” is required.

Processing aids

We believe there remains a **lack of transparency in relation to processing aids** that may not appear in the end product by volume, but may be present as breakdown products in the packaged item, should be required to be labelled on the packaging. An example of this is hyperchlorite sanitizing washes. While it is recognized that such sanitizing washes may assist in reduction of some microbial contaminants from some food products, there are both alternatives in the food system to these (albeit more expensive) and a portion of consumers would arguably be quite concerned that such washes (effectively a pool cleaning agent) are indeed being used on such items as fresh salads, meats, etc prior to their consumption. Clear labelling of the use of such agents we believe would bring far greater clarity for the consumer in relation to not only what they are consuming in terms of macro-ingredients but also other minor additives, processing aids and their derivative breakdown products, many of which remain unknown, untested in any combinatorial impacts (ie more than one chemical or group of chemicals present and interacting) manner.

GM Foods

In relation to novel foods including GM foods and nanotechnology, BFA is a firm believer in **consumer choice**, however this choice remains a charade while there is no provision and requirement for the **labelling of all GM and GM derived products or ingredients** on labelling. While it is recognized there would be a cost impost to such an action, the irony is that advocates for GM have continually claimed that it is all about choice. Such labelling should be clear and not just required in small print in the ingredients list given the ongoing level of consumer wariness and concern in relation to this technology. Real and transparent choice is absent from the supermarket shelf in large measure by the current watered down arrangements.



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Nanotechnology

Similarly with the newly emerging nanotechnology, provisions should be in place to **label any food products that may in future contain, or be manufactured with, such products.** Such labelling should be clear enough (ie not just in small print on the ingredients section of the label) for consumers to make a simple and quick decision on such foods.

Food Colours and notions of “natural”

We call for a further addition of known, and therefore prescribed carcinogenic food colours in foods, to be noted as that on labelling information. Some of these colours in particular are regularly in children’s confectionary. Such a provision would enable more consumer choice as well as information in relation to taking steps to maintain the health and wellbeing of themselves and that of their children. We note that while extraordinary steps have been taken in relation to tobacco, this appears not to be the case in relation to additives such as this restricted range of food colours.

In relation to food colours we would also note that currently the provision of three categories of additives: natural; nature identical and synthetic, is seeing an abuse of this system by marketing claims such as “no synthetic colours...”. We do not believe this is in the spirit of the labelling regulations as they stand, and is a **classic instance of serious potential breach of consumer trust** (the immediate assumption is to believe such products are then truly natural) while also failing the test of misleading or deceptive conduct. Our concern is that this statement currently is entirely legal as it stands, and therefore this is being **aided and abetted by the current regulations.**

We believe the theme of informing consumers and preventing misleading or deceptive marketing claims remains not yet adequately addressed by the current Food Labelling arrangements and regulations. Additional tightening of definitions, requirements for additional labelling such as GM or imported, and restrictions on claims, will be required in what remains a growing sea of both food attributional claims as well as novel technologies and applications which remain hidden from the consumer or at best veiled in confused jargon, if present at all on the packaging.



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