Food Act 2006
Commencement of remaining provisions

Further to the commencement of the Food Act 2006 on 1 July 2006, there were a number of provisions with delayed commencement dates including the introduction of Food Safety Supervisors (FSS), Food Safety Programs (FSP) and Auditors. Queensland Health has now finalised the legislative process for the commencement of these provisions.

The administrative commencement for FSS and FSP occurred on 1 July 2007. This means that from this date, you will start receiving information from Queensland Health concerning these provisions. The framework for FSS is currently under development in consultation with industry and local government representatives. FSP templates, designed to help food businesses develop a FSP appropriate to their business are being finalised and will be available shortly.

FSS and FSP provisions will commence on 22 February 2008. All licensed food businesses will be required to have a suitably qualified FSS from this date. Defined businesses required to have a FSP are required to have a FSP in place from 22 February 2008. This applies to on-site and off-site catering activities and private hospitals.

Provisions relating to Chapter 5 of the Act (Auditors) commenced on 1 July 2007. Queensland Health will commence shortly the process of approvals to ensure sufficient approved auditors are available to undertake accreditation of FSP from 22 February 2008.

While FSS and FSP provisions commence on 22 February 2008, the Minister has committed to an enforcement amnesty on these provisions until 1 July 2008. This will allow businesses sufficient time to comply with these requirements. Legislative amendments are being undertaken to ensure offence provisions for these requirements do not commence until 1 July 2008.
Egg safety

Eggs have recently had some links to food borne illness and a consumer level recall as a result of egg producers selling cracked and dirty eggs. Section 39(2) of the Food Act 2006 states a person cannot sell food that does not comply with a requirement of the Food Standards Code.

Standard 2.2.2 of the Food Standards Code requires that:

- Cracked or dirty eggs must not be made available for retail sale or catering purposes.
- All egg pulp and liquid egg products available for retail sale must be pasteurised or undergo similar treatment so they meet set standards.
- Egg products derived from cracked and dirty eggs must be pasteurised or undergo similar treatment.
- All unpasteurised eggs or egg products must be labelled with an advisory statement that the product is unpasteurised.

Queensland Health administers and enforces Section 39(2) of the Food Act 2006, therefore enforcement action that may be taken by Queensland Health officers can include issuing of Prescribed Infringement Notices or prosecution.

Food Standards Australia New Zealand (FSANZ) are progressing the development of a national Primary Production and Processing Standard for Egg and Egg products, which will be included in the Australia New Zealand Food Standards Code. An Initial Assessment Report has been produced, which describes the proposed scope of the work, current knowledge of egg safety issues and information about the industry and its current regulation in the States and Territories. The report is available at: www.foodstandards.gov.au

Lifesaving allergy information launched

In May 2007 allergen information cards were launched, to help protect the 1-2 percent of all Australians, including 3-5 percent of children, who have food allergies.

These simple allergen cards have been developed by the not-for-profit group Anaphylaxis Australia with Food Standards Australia New Zealand (FSANZ). The cards list common ingredients derived from each of the major allergens, such as egg, soy, wheat, peanuts, sesame, tree nuts, fish, shellfish and milk and contain essential advice about avoiding allergens and include a reminder to always carry an Epipen. The cards are small enough to fold into a wallet and take shopping.

The allergen cards can be ordered by emailing Anaphylaxis Australia at coordinator@allergyfacts.org.au or FSANZ at info@foodstandards.gov.au. Electronic versions are available at www.foodstandards.gov.au.

Odd Spot

In February 2007, China released a ‘scratch and sniff’ postage stamp with the taste of Sweet and Sour Pork when the back of the stamp is licked and released a similar smell when the front of the stamp is scratched. The stamp was released to commemorate the Chinese year of the pig.
Hot Topics

Front of pack nutrition labelling system

The Australia and New Zealand Food Regulation Ministerial Council (ANZFRMC) is considering a proposal to implement a front of pack nutrition labelling scheme. The UK currently uses a traffic light labelling system that provides consumers at a glance information about nutritional content of foods. Further investigations are being undertaken to determine whether front-of-pack food labelling systems would be an effective health strategy, and to advise on the efficacy of a range of options for such a labelling system, which may include the traffic light labelling system, the behavioural labelling system and any other options.

For a full commentary on the outcomes of the last ANZFRMC, go to www.health.gov.au

New Standard confirmed for the Food Standards Code – Mandatory Fortification of Folic Acid

On 22 June 2007, the Australia and New Zealand Food Regulation Ministerial Council (ANZFRMC) affirmed a draft standard for inclusion in the Australian New Zealand Food Standard Code, on the mandatory fortification of food with folic acid.

Folic acid is important in the prevention of Neural Tube Defects (NTDs) in infants, which can result in miscarriage, neonatal death or life-long disability. It is estimated that up to 50% of pregnancies in Australia are unplanned, hence conscious use of folic acid supplements during the most critical period of foetal development (i.e. prior to pregnancy and in the first 12 weeks of pregnancy) is not likely to occur in these cases.

Bread-making flour has been selected as the best mechanism for fortification as it is consumed by all socio-economic groups. The addition of folic acid to wheat flour for bread-making must be in the prescribed range of 200-300 micrograms per 100g of flour. Organic wheat flour for bread making will be exempt from the Standard.

It is anticipated that fortification of bread making flour with folic acid at this level will reduce rates of neural tube defects by up to 14%. There is a transitional period of two years for the new standard. More information is available at www.foodstandards.gov.au/newsroom/mediareleases

Nutrition, Health and Related Claims

In December 2003, the Australia and New Zealand Food Regulation Ministerial Council (ANZFRMC) agreed to a new policy for Nutrition, Health and Related Claims. The policy has provided guidance to Food Standards Australia New Zealand (FSANZ) in the development of a new standard on label claims for inclusion in the Food Standards Code.

Food Standards Australia New Zealand (FSANZ) have recently released the Preliminary Final Assessment Report (PFAR) for Proposal 293 – Nutrition, Health and Related Claims.

It is anticipated the final recommendations on health claims will be ready for consideration by the Ministerial Council in October 2007. To stay updated on the development of the Standard, including participation in the consultative process, visit the FSANZ website.
Jail term from food threat

A man who accused a major Brisbane food manufacturer of using faeces as an ingredient in its products, costing the company thousands of dollars in losses, was sentenced to two years jail over the contamination hoax. The hoax was sparked by the company’s sacking of the 37-year-old, who had allegedly been rude and aggressive to other staff.

The court heard the company had suffered financial losses totalling more than $8,000 as a result of the hoax. The defendant, who has been in pre-sentence custody since September last year, pleaded guilty to one count each of making a contamination hoax and using a carriage service to harass and threaten.

While released on bail, the defendant rang the Liquor, Hospitality and Miscellaneous Union to complain. During the telephone conversation, the defendant again made threats against his former colleague. The court has previously heard the defendant threatened to gut the man like a kangaroo and “do him over” with a cricket bat.

The Crown prosecutor said the defendant had worked for the company for four years until his dismissal in April last year. Shortly afterwards, he rang Queensland Health to report alleged hygiene breaches at the factory, including rat and cockroach infestation and the use of human waste and bodily fluids in the making of the food. Investigations into these allegations found them to be false.

Publication of prosecution data for the Food Act 2006

As part the Minister’s commitment to public health, Queensland Health will be publishing on the internet, certain information on successful prosecutions undertaken by Queensland Health for breaches of the Food Act 2006.

This information can be used by the public so that they can inform themselves about the individuals or companies that have been found guilty of breaching the Act. The information may also be considered by local governments in court proceedings (for comparative fines) and when determining whether or not to grant, cancel or suspend a licence to a food business operator.

Local governments are also encouraged to implement a system similar to the Queensland Health system described above either directly, or by providing the necessary information to Queensland Health for inclusion on their website.

School assignment results in successful prosecution of multinational company

Ribena was fined NZ$217,500 ($192,383 AUD)and ordered by the Auckland District Court to run corrective advertising after pleading guilty to 15 representative charges of offences between 2002 and 2006. Ribena had made claims of 7mg of vitamin C per 100mL when it in fact contained no detectable amount of vitamin C. The company also admitted that it may have misled customers through advertisements claiming that the blackcurrants in Ribena syrup had four times the vitamin C of oranges. The case was brought to attention after a science experiment in 2004 by 14 year old school girls.

Source: Courier Mail 28 March 2007, Ribena fined for juicing up vitamin C.
Prescribed infringement notices

The issuing of Prescribed Infringement Notices (PIN) is an enforcement option which authorised persons may use without the necessity of progressing a prosecution through the court system.

Certain offences under the *Food Act 2006* have now been included in the *State Penalties Enforcement Regulation 2000* allowing PINs to be issued.

New resources updating the Monitoring and Enforcement guideline relating to PINS (found within the *Food Act 2006* Resource Manual) have recently been distributed to Queensland Health Population Health Units and all local governments. If you have not received or need more copies, please contact the Food Safety Policy and Regulation section of Queensland Health.

Register of licensed mobile premises

The *Food Act 2006* requires Queensland Health to keep a publicly available register of licensed mobile food premises. This register will allow local government and the public to easily ascertain if a mobile premises is licensed in Queensland.

Queensland Health is currently developing an electronic register which will be available for inspection, free of charge, by local governments and members of the public. It is envisaged that the register will be linked to the Queensland Health website.

It is estimated that the register will be operational by September 2007.

Local government will be contacted shortly to provide relevant information required to populate the register.

Options for regulating seafood in Queensland

Safe Food Production Queensland (SFPQ), a statutory authority reporting to the Minister for Primary Industries and Fisheries has released for comment a Regulatory Impact Statement (RIS) - Proposed Options for the Regulation of Seafood Food Safety (Seafood Food Safety Scheme) under the *Food Production (Safety) Act 2000*. This relates to how Standard 4.2.1-Primary Production and Processing Standard for Seafood in the Australia New Zealand Food Standards Code could be implemented in Queensland.

The RIS, including a questionnaire, can be accessed at: [www.safefood.qld.gov.au](http://www.safefood.qld.gov.au) or by contacting SFPQ on free call: 1800 300 815. There are also a number of public meetings scheduled throughout Queensland by SFPQ to consult on this matter. Submissions close 5pm on Monday, 27 August 2007.
Food reforms at a glance

<table>
<thead>
<tr>
<th>The requirement</th>
<th>Where we are at</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Australia New Zealand Food Standards Code</strong></td>
<td><strong>Food Safety Programs</strong></td>
<td>Standard 3.2.1 has been incorporated into the Food Act 2006 for the food safety program requirements for high risk areas.</td>
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<tr>
<td></td>
<td><strong>Folic Acid</strong></td>
<td>Upcoming changes include mandatory fortification of bread making flour with folic acid (see Page 3).</td>
</tr>
<tr>
<td></td>
<td><strong>Primary Production Standards</strong></td>
<td>Development of a Primary Production and Processing (PPP) Standard for Eggs and Egg Products.</td>
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</table>

| **Food Act 2006** | **Food Act 2006 commenced on 1 July 2006.**                                   | All food businesses are required to have a Food Safety Supervisor by 22 February 2008.                                               |
|                   | **- Suspected Intentional Contamination of Food commenced 13 July 2006**     | Defined businesses are required to have a Food Safety Program by 22 February 2008.                                                      |
|                   | **- Food Safety Supervisors & Food Safety Programs commenced administratively** |                                                                                                                                         |
|                   | **1 July 2007**                                                              |                                                                                                                                         |
|                   | **- Approval of Auditors commenced 1 July 2007**                             |                                                                                                                                         |
| **Food Act 2006** | **Commenced on 1 July 2006**                                                  | Requires the display of licence details on mobile premises.                                                                             |
|                   |                                                                               | Lists prescribed contaminants and prescribed food.                                                                                      |

| **Primary Produce** | **Food Production (Safety) Act 2000** Major provisions became law in Queensland as of 25 October 2000 | Legislation that governs primary produce, for which a food safety scheme applies, enforced by Safe Food Production Queensland (SFPQ). |
|                     | **Food Production (Safety) Regulation 2002** - Meat; Dairy; Eggs  | For more information on the Food Safety Schemes, contact SFPQ on 1800 300 815 or visit www.safefood.qld.gov.au.                          |
|                     | - Became law 1 Jan 2003 - Became law 1 Jan 2005 |                                                                                                                                         |
| **Seafood**         | **A Regulatory Impact Statement (RIS) is proposing to implement a food safety scheme for seafood in Queensland under the Food Production (Safety) Act 2000** | Comments close 5pm on Monday, 27 August 2007.                                                                                          |
New articles and publications

<table>
<thead>
<tr>
<th>Food Safety Resource</th>
<th>Description</th>
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<tbody>
<tr>
<td>Allergen Information Cards</td>
<td>The cards list common ingredients derived from each of the major allergens and also have essential advice for people who are food allergic about eating out, including a reminder to always carry an Epipen. <a href="http://www.foodstandards.gov.au/newsroom/publications/allergencards.cfm">www.foodstandards.gov.au/newsroom/publications/allergencards.cfm</a>.</td>
</tr>
<tr>
<td>Choosing the right stuff</td>
<td>An easy to use shoppers guide giving consumers information about what food labels actually mean as well as an official list of food additives by number, name and use. For information on accessing this booklet, visit <a href="http://www.foodstandards.gov.au">www.foodstandards.gov.au</a>.</td>
</tr>
<tr>
<td>Five keys to safer food manual</td>
<td>The manual elaborates on the food safety information provided in the WHO Five Keys to Safer Food poster. The manual also provides tips on how to adapt the training programme for different target groups (e.g. professional food handlers, consumers, children and women). <a href="http://www.who.int/foodsafety/consumer/5keysmanual/en/index.html">www.who.int/foodsafety/consumer/5keysmanual/en/index.html</a>.</td>
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</table>

International news

FSANZ shares knowledge with international chemical liaison group

Food Standards Australia New Zealand (FSANZ) staff are involved in a newly formed International Food Chemical Safety Liaison Group that exchanges information on food surveillance and explores opportunities for international collaboration on emerging food chemical safety issues.

The Group consists of experts in the regulation and surveillance of food chemical safety from Health Canada, the United Kingdom’s Food Standards Agency (UKFSA) and the United States Food and Drug Administration (USFDA) and FSANZ. Other agencies may become involved with the group in the future.

*Source: Food Surveillance News Australia New Zealand, FSANZ, Autumn: Winter 2007*

Food Safety Policy & Regulation Team

It is with great pleasure that we welcome as permanent members to the Food Safety Policy and Regulation Team, Nick Corones, Senior Environmental Health Adviser and Justine Tarrant, Environmental Health Adviser.

We would also like to introduce our temporary staff, Jarod Butler and Leanne McDonald filling the role of Senior Environmental Health Advisers, Greg Blumke, Senior Environmental Health Officer and Nola Caffin, Senior Public Health Nutritionist.

Along with our new staff, we still have Tenille Fort, Manager - Food Safety Policy and Regulation, Gary Bielby, Principal Environmental Health Officer, Mark Hansen, Senior Environmental Health Officer and Brett Esbensen, Acting Principal Policy Adviser.
### Upcoming events...

<table>
<thead>
<tr>
<th>Event</th>
<th>Contact</th>
<th>When</th>
<th>Where</th>
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</thead>
<tbody>
<tr>
<td>Contemporary Food Safety Training Course</td>
<td>AIEH (Qld Branch)</td>
<td>30 July – 1 August 2007</td>
<td>Brisbane City Council Training Rooms, George St, Brisbane</td>
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<tr>
<td>14th Australian HACCP Conference</td>
<td>Advancing Food Safety</td>
<td>30 July – 3 August 2007</td>
<td>Gold Coast</td>
</tr>
<tr>
<td>Food Safety Conference – Future Directions</td>
<td><a href="mailto:conference@conlog.com.au">conference@conlog.com.au</a></td>
<td>19-21 September 2007</td>
<td>Sydney Exhibition Convention Centre, Sydney</td>
</tr>
<tr>
<td>67th Annual Institute of Environmental Health – Queensland Branch Conference</td>
<td>AIEH (Qld Branch)</td>
<td>11-12 October 2007</td>
<td>Burnett Riverside Hotel, 7 Quay St, Bundaberg</td>
</tr>
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</table>

### Mailing list

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To contact the Food Safety Policy & Regulation Section:

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Mail: GPO Box 48, Brisbane Qld 4001; or email ehu@health.qld.gov.au