

Application A1119

Addition of water to facilitate wine fermentation

General Procedure

Summary

NSW supports the intent of this application in its endeavour to provide winemakers with a solution to the identified issue of 'stuck fermentations', however concerns are identified in the legal accuracy of the proposed drafting in giving effect to this intent.

NSW is concerned that a lack of definition of the term '*high sugar grape must*' in proposed variations to Standard 4.5.1 will make interpretation of proposed clauses (7) and (7B) problematic for jurisdictions. This is mostly due to use of the word 'must' as a compliance obligation in these clauses as opposed to the use of the word 'must' to identify what is being regulated.

NSW understands the term 'high sugar grape must' to mean *grape juice before yeast is added*.

NSW requests that FSANZ consider providing a specific definition for *high sugar grape must* in Standard 4.5.1 to allow this term to be clearly identified and distinguished from use of the word *must* as a compliance obligation.

NSW further requests clarity on whether the existing maximum threshold in Standard 4.5.1 for adding water (70ml/L) is now limited to the addition of water for the purpose of adding processing aids and additives to wine, or for purposes incidental to the winemaking process. NSW understands that addition of water to facilitate fermentation is limited to *high sugar grape must* (grape juice before yeast is added) and not to wine (i.e. following yeast addition).

This clarification is requested as the onus of this clause is amended by the proposed drafting. The previous drafting of clause 7 of Standard 4.5.1 provides for 'may contain added water' with a maximum threshold provided, the amendments to this clause provide that the onus is now 'must', hence regulatory clarity is required in order for jurisdictions to appropriately understand their compliance obligations.

ENDS

The views expressed in this submission may or may not accord with those of other NSW Government agencies. The NSW Food Authority has a policy which encourages the full range of NSW agency views to be submitted during the standards development stages before final assessment. Other relevant NSW Government agencies are aware of and agree with this policy.