

Application to Food Standards Australia New Zealand to vary the Food Standards Code Standard 1.5.3 Irradiation of Food to remove the reference to Schedule 22 in relation to the definition of Herbs and Spices.

Executive Summary

DATE: 14 May 2018

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This application is submitted on behalf of Sapro Australia. The application seeks a variation to Standard 1.5.3 section 1.5.3-4 to clarify the meaning of the terms “herbs” and “spices” in order to ensure uniform interpretation and enforcement. The original definition, referencing Standard 1.4.2, Schedule 4 (now replaced by Schedule 22) was introduced as a result of Application A413.

Standard 1.5.3 section 1.5.3-4 currently defines “herbs and spices” as follows: “*herbs and spices means the herbs and spices described in Schedule 22*”. The applicable section of Schedule 22, Herbs and Spices, contains both descriptions of herbs and of spices and lists of commodities. Differential interpretation by enforcement agencies produces inconsistent enforcement outcomes which do not align with the intent of the original amendment, may cause financial harm to food businesses supplying or using irradiated herbs and spices and do not align with Codex Alimentarius standards or those of trading partners.

The applicant proposes that the current definition of herbs and spices in Standard 1.5.3 be replaced either by a fall back to the commonly understood meaning of herbs and spices, or by inclusion of generic definitions of “herbs” and “spices”, in Standard 1.5.3, to align with the Codex Alimentarius.

Currently, the reference to Schedule 22 may be variously interpreted as a reference to the descriptions of herbs and of spices and/or only to the commodities listed in the schedule. The commodity lists are included for the purpose of establishing maximum residue limits (MRLs) for pesticides and, as such, do not include all common herbs and spices, which may be used in food and are not relevant to decisions about the technical justification for food irradiation. There are 4 possible interpretations of the definition “herbs and spices means the herbs and spices described in Schedule 22” for the purposes of 1.5.3-4:

1. All herbs and spices that meet the definitions in the first part of the Schedule 22 entry are “herbs and spices”, or
2. Only herbs and spices named in the commodity lists in Schedule 22 are “herbs and spices”, or
3. All herbs and spices that either meet the definition , OR are named in the commodity lists in Schedule 22 are “herbs and spices”.
4. Only herbs and spices that meet the definition , AND are named in the commodity lists in Schedule 22 are “herbs and spices”, or

Options 2 and 4 are the most restrictive interpretations, do not permit irradiation of herbs and spices such as *Allspice, Cassia Bark, Celery, Chilli-dehydrated, Garlic-Dehydrated, Green Bell Pepper Onion-Dehydrated, Oregano, Paprika-dehydrated, Cayenne Pepper*, and may be interpreted as applying only to the raw, dried agricultural commodities.

Options 1 and 3 are the interpretations most consistent with the Application A 413 Full Assessment conclusions , Codex and international standards and regulations, and the technological justification for irradiation as a sanitary treatment. Option 3 is the most inclusive as it recognises cinnamon, which is a listed spice commodity but, as a bark, does not meet the definition of spices in Schedule 22.

Benefits accrue to consumers, food importers and manufacturers and governments for a consistent interpretation of 1.5.3-4. There are no apparent costs for any parties.

The toxicological and microbiological safety of and technological justification for the irradiation of herbs and spices has previously been assessed by ANZFA, in the context of Application A413. The current application accepts these assessments as relevant applicable and does not seek a review of them.

- *The analysis of the toxicological effects of irradiation on herbs, spices, herbal infusions and selected nuts indicates that the treatment does not produce adverse health effects beyond those arising from conventional treatments.*
- *Irradiation of herbs, spices, herbal infusions and nuts presents no microbiological safety concerns and will not result in the increased induction of particular mutant bacterial species with increased pathogenicity or virulence.*
- *In conclusion, the available research suggests that irradiating herbs and spices is an efficacious technique for the control of microbial decontamination and offers an alternative to more traditional techniques.*

The requested variation will have no effect on the current requirement to declare the use of ionising radiation on food labels.

The proposed variation most closely aligns with Codex Alimentarius Standards and with the standard and regulation of trading partners, which either rely on generic definitions of herbs and spices or on their accepted common meaning.

The application does not contain confidential commercial information.

This applicant is limited to clarification of the technical definition of “herbs and spices”, under Standard 1.5.3 but does not seek of require an assessment of the safety, technological justification or efficiency of the irradiation process. The General Procedure would be the most appropriate assessment procedure for this application.