

29 NOVEMBER 2000

10/01

STATEMENT OF REASONS

APPLICATION A391

SULPHUR DIOXIDE: FOR USE IN FRESH CUT AVOCADOS

BACKGROUND

The Australia New Zealand Food Authority (ANZFA) has before it an application received on 8 April 1999 from Queensland Department of Primary Industries, Centre for Food Technology, on behalf of the Sunshine Coast Fruit Marketing Co-operative Association Ltd., to amend the Australian *Food Standards Code* to vary Standard A3 – Food Additives, to permit the use of sulphur dioxide in cut avocados at 1000 mg/kg.. The application requested an extension of use for the preservative sulphur dioxide in “fresh-cut” avocado at a residual level of 1000 mg/kg. Sulphur dioxide prevents browning and preserves the cut avocado. The applicant states that extending the use of sulphur dioxide to cut avocado would potentially benefit consumers, as cut avocado would allow a visual assessment of the internal quality of the produce to be made prior to purchase.

ISSUES

The application (A391) is rejected pursuant to section 15(2)(b) of the *Australia New Zealand Food Authority Act 1991*, as insufficient technological justification on the use of sulphur dioxide in cut avocados at 1000 mg/kg has been provided. The applicant has not been able to adequately address the issue of alerting sensitive individuals to the presence of sulphur dioxide in cut avocados.

STATEMENT OF REASONS

Section 17 of the *Australia New Zealand Food Authority Act 1991* requires ANZFA to provide notification of the rejection of the application in writing to the applicant, and give ANZFA’s reasons for the decision. The attached reasons will be provided to the applicant.

The dietary exposure evaluation concludes that the use of sulphur dioxide in cut avocados may only result in a small increase in dietary exposure to sulphites. However the use of sulphites can pose a risk for sensitive individuals.

The food technology evaluation concludes that sulphur dioxide is effective at controlling browning in foods at a free sulphite concentration of 10 mg/kg. Sulphur dioxide can also be

effective at higher levels to control microbial contamination in cut avocados. Insufficient technological justification for the use of sulphur dioxide at a level of 1000 mg/kg in cut avocados was provided. The applicant has not been able to adequately address the issue of alerting sensitive individuals to the presence of sulphur dioxide in cut avocados.

Therefore, it is proposed that the application be rejected pursuant to paragraph 15(2)(b) of the *Australia New Zealand Food Authority Act 1991*. This outcome is the most effective means of achieving the aim of ensuring that the intake of food additives from the food supply does not present an unacceptable risk to public health and safety.

RELEVANT PROVISIONS

Australian Food Standards Code:

Standard A3 – Food Additives

Standard A4 – Preservatives

Standard N1 – Fruits Generally

New Zealand Food Regulations 1984:

- Regulation 176 - Fruit
- Regulation 248 - Preservatives

Codex Alimentarius Commission:

- Codex Standard for Avocados: 197-1995

PUBLIC CONSULTATION

The Preliminary Assessment of A391 was advertised on 3 November 1999, for a period of 6 weeks. A total of seven submissions were received. Five submissions did not support the application, and two submissions expressed reservations about the application.

ASSESSMENT

Toxicology

The Acceptable Daily Intake (ADI) for sulphur dioxide, as set by the Joint FAO/WHO Expert Committee on Food Additives (JECFA), is 0-0.7 mg/kg bw/day. At its thirtieth meeting, JECFA considered the idiosyncratic sensitivity of sulphiting agents but did not modify the ADI, preferring instead to do the following:

- Recommend that appropriate labelling was the only feasible means of protecting sensitive individuals;
- Express concern about the use of sulphiting agents in situations where it may be unexpected; and
- Recommend that where an alternative method of preservation exists, its use should be encouraged.

At its fifty-first meeting, JECFA reiterated the recommendation made at its thirtieth meeting, and emphasised that the use of sulphur dioxide used to control enzymatic browning in fresh salad vegetables may lead to high levels of acute intake, which have been most commonly associated with life-threatening adverse reactions. JECFA considered that appropriate labelling was necessary in these cases.

Food Technology Evaluation

The food technology evaluation (at Attachment 2) concluded that sulphur dioxide is effective at controlling browning in foods at a free sulphite concentration of 10 mg/kg, by inhibiting the enzyme phenolase. Sulphur dioxide can also be effective at higher levels to control microbial contamination in cut avocados.

The applicant was requested to provide justification for the residual level of 1000 mg/kg of sulphur dioxide in cut avocados, however the applicant was unable supply information that would justify this level of sulphur dioxide in cut avocados.

Dietary Exposure Evaluation

The dietary exposure evaluation (Attachment 3) concludes that the use of sulphur dioxide in cut avocados may only result in a small increase in dietary exposure to sulphites.

Regulation Impact Analysis

ANZFA develops food regulation suitable for adoption in Australia and New Zealand. It is required to consider the impact, including compliance costs to business, of various regulatory (and non-regulatory) options on all sectors of the community, which includes the consumers, food industry and governments in both countries. The regulation impact assessment will identify and evaluate, though not be limited to, the costs and benefits of the regulation, and its health, economic and social impacts. In the course of assessing the regulatory impact, ANZFA is guided by the Australian *Guide to Regulation* (Commonwealth of Australia 1997) and *New Zealand Code of Good Regulatory Practice*.

WORLD TRADE ORGANISATION (WTO) NOTIFICATION

Australia and New Zealand are members of the WTO and are bound as parties to WTO agreements. In Australia, an agreement developed by the Council of Australian Governments (COAG) requires States and Territories to be bound as parties to those WTO agreements to which the Commonwealth is a signatory. Under the agreement between the Governments of Australia and New Zealand on Uniform Food Standards, ANZFA is required to ensure that food standards are consistent with the obligations of both countries as members of the WTO.

In certain circumstances Australia and New Zealand have an obligation to notify the WTO of changes to food standards to enable other member countries of the WTO to make comment. Notification is required in the case of any new or changed standards which may have a significant trade effect and which depart from the relevant international standard (or where no international standard exists).

This matter does not need to be advised to the WTO as a TBT or a SPS Notification because no change is recommended to the *Food Standards Code*.

FOOD STANDARDS SETTING IN AUSTRALIA AND NEW ZEALAND

The Governments of Australia and New Zealand entered an Agreement in December 1995 establishing a system for the development of joint food standards. The Australia New Zealand Food Authority is now developing a joint *Australia New Zealand Food Standards Code* which will provide compositional and labelling standards for food in both Australia and New Zealand.

Until the joint *Australia New Zealand Food Standards Code* is finalised the following arrangements for the two countries apply:

- **Food imported into New Zealand other than from Australia** must comply with either the *Australian Food Standards Code*, as gazetted in New Zealand, or the *New Zealand Food Regulations 1984*, but not a combination of both. However, in all cases maximum residue limits for agricultural and veterinary chemicals must comply solely with those limits specified in the *New Zealand Food Regulations 1984*.
- **Food imported into New Zealand from Australia** must comply with either the *Australian Food Standards Code* or the *New Zealand Food Regulations 1984*, but not a combination of both. However, in all cases maximum residue limits for agricultural and veterinary chemicals must comply solely with those limits specified in the *New Zealand (Maximum Residue Limits of Agricultural Compounds) Mandatory Food Standard 1999*.
- **Food imported into New Zealand from Australia** must comply with either the *Australian Food Standards Code* or the *New Zealand Food Regulations 1984*, but not a combination of both.
- **Food imported into Australia from New Zealand** must comply with the *Australian Food Standards Code*. However, under the provisions of the Trans-Tasman Mutual Recognition Arrangement, food may be imported into Australia from New Zealand if it complies with the *New Zealand Food Regulations 1984* or *Dietary Supplements Regulations 1985*.
- **Food manufactured in Australia and sold in Australia** must comply solely with the *Australian Food Standards Code*, except for exemptions granted in Standard T1.

In addition to the above, all food sold in New Zealand must comply with the *New Zealand Fair Trading Act 1986* and all food sold in Australia must comply with the *Australian Trade Practices Act 1974*, and the respective Australian State and Territory *Fair Trading Acts*.

Any person or organisation may apply to ANZFA to have the *Food Standards Code* amended. In addition, ANZFA may develop proposals to amend the *Australian Food Standards Code* or to develop joint Australia New Zealand food standards. ANZFA can provide advice on the requirements for applications to amend the *Food Standards Code*.

Any person or organisation may apply to the Authority to have the *Australian Food Standards Code* amended. In addition, the Authority may develop proposals to amend the *Australian Food Standards Code*. the Authority can provide advice on the requirements for applications to amend the *Australian Food Standards Code*.

FURTHER INFORMATION

Submissions: No submissions on this matter are sought as the Authority has completed its assessment.

Further information on this and other matters should be addressed to the Standards Liaison Officer at the Australia New Zealand Food Authority at one of the following addresses:

PO Box 7186
Canberra Mail Centre ACT 2610
AUSTRALIA
Tel (02) 6271 2258
email: slo@anzfa.gov.au

PO Box 10559
The Terrace WELLINGTON 6036
NEW ZEALAND
Tel (04) 4739942
email: anzfa.nz@anzfa.gov.au

Requests for copies of the Full Assessment Report and other information papers should be addressed to the Authority's Information Officer at the above address, or Email info@anzfa.gov.au