



## INQUIRY REPORT

### APPLICATION A396 ERYTHROSINE IN PRESERVED CHERRIES

**Note:** This report is the “Inquiry” as referred to in Section 16 of the *Australia New Zealand Food Authority Act (1991)* and sets out the reasons for making a recommendation to the Australia New Zealand Food Standards Council under Section 18 of the Act.

## **INQUIRY REPORT**

### **APPLICATION A396 – ERYTHROSINE IN PRESERVED CHERRIES**

#### **EXECUTIVE SUMMARY**

- No changes to the Full Assessment or Regulatory Impact Statement are proposed. The Inquiry Report includes proposed drafting for Volumes 1 and 2 of the *Food Standards Code*.
- The approval of the use of erythrosine in preserved cherries is technologically justified and poses no additional risk to public health and safety.
- The draft variation should come into force on gazettal.

#### **Executive Summary from the Full Assessment Report**

- An application was received on 10 August 1999 from Ardmona Foods Limited, requesting permission to continue the use of erythrosine to colour preserved cherries to a maximum permitted level of 200 mg/kg.
- Clause (2A) of Standard A5 – Colourings, of Volume 1 of the *Food Standards Code* permitted the use of erythrosine to a maximum level of 290 mg/kg. This permission ceased to have effect on 9 March 2000.
- Standard 1.3.1 – Food Additives, which came into legal effect on 22 June 2000, included permission for erythrosine to be added to preserved cherries to a maximum level of 290 mg/kg. However, this permission was subject to the outcome of this application.
- The Joint FAO/WHO Expert Committee on Food Additives (JECFA) evaluated erythrosine in 1990 and allocated an Acceptable Daily Intake (ADI) of 0-0.1 mg/kg body weight.
- The current and proposed permitted uses of erythrosine lead to only a low level of dietary exposure which is well below the ADI and does not raise any apparent public health and safety concerns.
- There is a technological need to colour preserved cherries in order to meet consumer expectations for red coloured cherries. The colours in natural red cherries migrate to other fruits in a fruit cocktail during the cooking process. Maraschino cherries are white and are therefore dyed red to resemble a normal variety of cherry.
- Erythrosine is the only colour available that provides the appropriate colour, that does not bleed into the other fruit in a canned fruit cocktail during the cooking process, and that is stable over the shelf life of the product.

- The Regulation Impact Statement concludes the benefits to consumers, industry and governments of permitting erythrosine in preserved cherries, to a maximum level of 200 mg/kg, outweigh any costs.

### Previous Authority consideration

- ANZFA undertook a Full Assessment of A396 in December 2000. A call for public submissions for the purpose of Inquiry was gazetted on 20 December 2000 and submissions closed on 01 January 2001.

### ISSUES RAISED IN PUBLIC SUBMISSIONS AT INQUIRY

Five submissions were received at Inquiry, from the South Australia Food Technology Association, InforMed Systems, the Food and Beverage Importers' Association, Ardmona and Golden Circle.

A campaign letter was received on 20 February 2001 signed by 29 submitters. It did not however, provide any relevant information that had not been considered in the assessment. See attachments.

<b>Submitter</b>	<b>Position</b>	<b>Comments</b>
Elaine Conroy, Food Technology Association	Supports	FTA has reviewed this application and accepts this application without further comments
Ken Grice, Golden Circle	Supports	Supported the variation to Schedule 1 in Standard 1.3.1 to permit the use of Erythrosine at a maximum level of 200mg/kg for preserved cherries. This was based on safety, consumer satisfaction, acceptance by the overseas market and the unavailability of appropriate kosher substitute suitable for Jewish community
John Birkbeck, InforMed Systems	Supports	Reiterated their original support for the use of this colouring agent
Tony Beaver, Food & Beverage Importers Association	Supports	Supported the permission for use of erythrosine based on information on safety and unavailability of suitable alternative as addressed in the Full Assessment. Further, other countries such as USA and EU also allowed the use of erythrosine in preserved cherries.
John Quill, Ardmona Foods Ltd	Supports	Pointed out that the use of lacquered cans as suggested by Qld Health is unsuitable for storing coloured cherries. Formation of fluorescein, which may occur in unlacquered cans, is not a health concern as fluorescein is used in other dentistry and angiography.

## **ASSESSMENT OF ISSUES RAISED IN PUBLIC SUBMISSIONS AT INQUIRY**

The five public submissions were all supportive of the application and no further changes were suggested.

## **CHANGES TO FULL ASSESSMENT/RIS RESULTING FROM INQUIRY**

No changes to the full assessment or Regulatory Impact Statement are proposed. The Inquiry Report, however, includes drafting for Volume 1 of the *Food Standards Code*.

## **CONCLUSIONS**

The approval of the use of erythrosine in preserved cherries is technologically justified and poses no additional risk to public health and safety.

The draft variation should come into force on gazettal.

## **ATTACHMENTS**

1. Proposed Draft Variations
2. Campaign Letters to Minister
3. ANZFA reply to Campaign letter
4. Statement of Reasons

**DRAFT VARIATION TO VOLUMES 1 AND 2 OF THE *FOOD STANDARDS CODE***

**To commence: On gazettal**

[1] *Standard A5 of Volume 1 of the Food Standards Code is varied by omitting clause 2A, paragraphs (a) and (b) and associated note*

[2] *Standard 1.3.1 of Volumes 1 and 2 of the Food Standards Code is varied by omitting the maximum level of 290 mg/kg in relation to the entry for preserved cherries known as maraschino cherries, cocktail cherries or glace cherries in item 4.3 of Schedule 1, and substituting –*

200 mg/kg

**CAMPAIGN LETTERS TO MINISTERS**

**APPLICATION A396**

The following is a list of submitters of the campaign letter which was received on 20 February 2001:

1. Jane Forster, Quinns Rocks, WA
2. Jenny Koungoulos, Nth Strathfield, NSW
3. Sharyn Martin, Deepwater, Qld
4. Katrina Gosschalk, Gympie, Qld
5. Amanda D Forde, Springwood, Qld
6. Veronica Griffin, Kewarra Beach, Qld
7. Dorne Cawte, Mackay, Qld
8. Diane L Buckland, Kallangur, Qld
9. Catherine Cay, Nanango, Qld
10. Barbara Hanson, Qld
11. Jan Schmidt, Banyo, Qld
12. Yvette Collins, Clayfield, Qld
13. Ann Want, Bonville, NSW
14. Jill Taylor, Hawker, ACT
15. Antonia Maric, Calamvale, Qld
16. Pamela Valenti, Cairns, Qld
17. Gaye Pogson, Sunrise Beach, Qld
18. Cheryl Lange, Charleville, Qld
19. Margaret Carter, Alexander Hills, Qld
20. Dawn Lundberg, Woody Point, Qld
21. Corinne Buckley, Loganlea, Qld
22. Marilyn Sharpe, New Farm, Qld
23. William Shaw, Bundaberg, Qld
24. Barbara Prideaux, Burpengary, Qld
25. Christina Rowe, Kirwan, Qld
26. Margarete Zoltowski, Wellington Point, Qld
27. Richard Giles, Mapleton, Qld
28. Alison McDonald, Maleny, Qld
29. Tim Fisher, Herberton, Qld

A copy of the letter is attached.

**ANZFA REPLY TO CAMPAIGN LETTERS**

**APPLICATION A396**

*The following is the text of the letter sent to the submitters:*

Thank you for your letter regarding your concerns about the use of food additives, in particular with reference to Application A396 – Erythrosine in preserved cherries. I would like to bring to your attention that ANZFA web site [http://www.anzfa.gov.au/documents/pub06\\_99.asp](http://www.anzfa.gov.au/documents/pub06_99.asp) provides detailed information on the use of food additives.

I can assure you that ANZFA seriously considers all concerns raised by public submissions in the evaluation of the safety of foods. If ANZFA's recommendations from A396 are endorsed by the Ministerial Council, Australia and New Zealand will be at the forefront internationally in terms of regulations that restrict the use of erythrosine in foods. In contrast with Australia, many other countries including the United States still permit erythrosine to be added to a wide variety of foods.

A proposal to restrict the use of erythrosine in foods was prepared by the National Health and Medical Research Council prior to the commencement of the Australia New Zealand Food Authority Act 1991. As a result of this proposal the Food Standards Code no longer permits the use of erythrosine as a food additive in foods generally, including frankfurters, lollies and fruit drinks, which are foods that are commonly eaten by children.

The use of erythrosine is proposed to be permitted only in glace cherries and maraschino cherries used in fruit cocktails, for the following reasons:

- The current and proposed permitted uses of erythrosine lead to only a low level of dietary exposure and do not raise any apparent public health and safety concerns.
- There is a technological need to colour preserved cherries in order to meet consumer expectations for red coloured cherries.
- Erythrosine is the only colour available that provides the appropriate colour, that does not bleed into the other fruit in a canned fruit cocktail during the cooking process, and that is stable over the shelf life of the product.

Furthermore, the presence of erythrosine must be indicated in the ingredient list to inform those people who wish to avoid consuming this additive. I hope this letter adequately addresses your concerns.

Yours sincerely,

Jim Gruber  
Principal Food Technologist

## STATEMENT OF REASONS

### **APPLICATION A396 - FOR RECOMMENDING A VARIATION TO VOLUMES 1 AND 2 OF THE *FOOD STANDARDS CODE* TO PERMIT 200 MG/KG OF ERYTHROSINE IN PRESERVED CHERRIES.**

The Australia New Zealand Food Authority has before it Application **A396** received on 10 August 1999 from Ardmona Foods Limited, requesting permission to continue the use of erythrosine to colour preserved cherries to a maximum permitted level of 200 mg/kg. ANZFA has completed an inquiry of the application and has prepared draft variations to the *Food Standards Code*.

The Australian New Zealand Food Authority recommends the adoption of the draft variation for the following reasons:

- The current and proposed permitted uses of erythrosine lead to only a low level of dietary exposure which is well below the ADI and does not raise any apparent public health and safety concerns.
- There is a technological need to colour preserved cherries in order to meet consumer expectations for red coloured cherries. The colours in natural red cherries migrate to other fruits in a fruit cocktail during the cooking process. Maraschino cherries are white and are therefore dyed red to resemble a normal variety of cherry.
- Erythrosine is the only colour available that provides the appropriate colour, that does not bleed into the other fruit in a canned fruit cocktail during the cooking process, and that is stable over the shelf life of the product.
- The Regulation Impact Statement concludes the benefits to consumers, industry and governments of permitting erythrosine in preserved cherries, to a maximum level of 200 mg/kg, outweigh any costs.

It is recommended that the draft variation should come into effect on the date of gazettal.

## REGULATION IMPACT

ANZFA has undertaken a regulation impact assessment which also fulfils the requirement in New Zealand for an assessment of compliance costs. That process concluded that the amendment to the Code is necessary, cost effective and of benefit to both producers and consumers.



## **WORLD TRADE ORGANIZATION (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 was not notified to the WTO because the proposed variation to the Code constitutes a minor change to the Code and is not expected to impact on trade issues for either technical or sanitary or phytosanitary reasons.

## **DRAFT VARIATION TO VOLUMES 1 AND 2 OF THE *FOOD STANDARDS CODE***

### **To commence: On gazettal**

[1] *Standard A5 of Volume 1 of the Food Standards Code is varied by omitting clause 2A, paragraphs (a) and (b) and associated note*

[2] *Standard 1.3.1 of Volumes 1 and 2 of the Food Standards Code is varied by omitting the maximum level of 290 mg/kg in relation to the entry for preserved cherries known as maraschino cherries, cocktail cherries or glace cherries in item 4.3 of Schedule 1, and substituting –*

200 mg/kg