

**27 May 2003**

**INITIAL ASSESSMENT REPORT**

**APPLICATION A482**

**PLANT PROTEINS AS WINE PROCESSING AIDS**

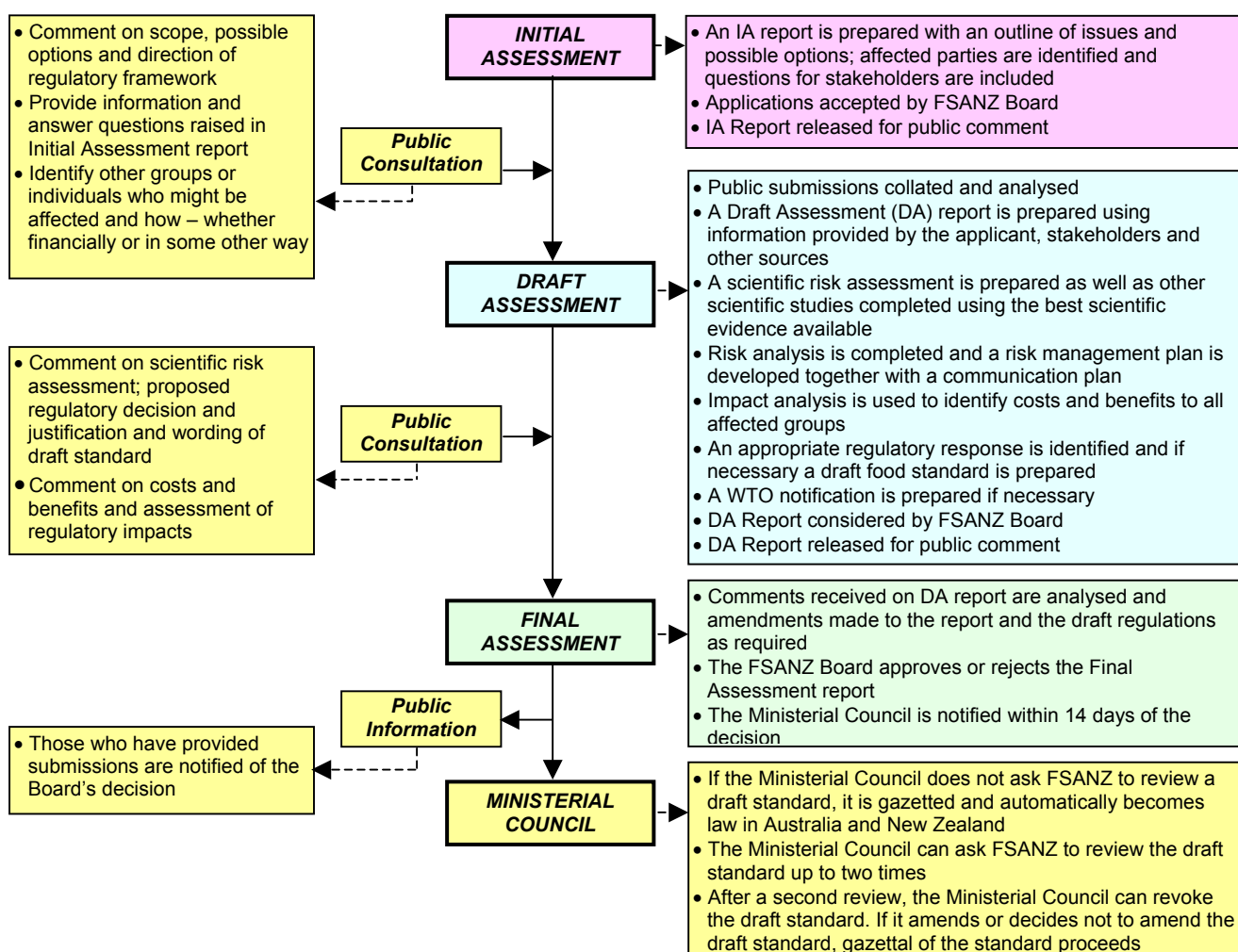
## FOOD STANDARDS AUSTRALIA NEW ZEALAND (FSANZ)

FSANZ's role is to protect the health and safety of people in Australia and New Zealand through the maintenance of a safe food supply. FSANZ is a partnership between ten governments: the Commonwealth; Australian States and Territories; and New Zealand. It is a statutory authority under Commonwealth law and is an independent, expert body.

FSANZ is responsible for developing, varying and reviewing standards and for developing codes of conduct with industry for food available in Australia and New Zealand covering labelling, composition and contaminants. In Australia, FSANZ also develops food standards for food safety, maximum residue limits, primary production and processing and a range of other functions including the coordination of national food surveillance and recall systems, conducting research and assessing policies about imported food.

The FSANZ Board approves new standards or variations to food standards in accordance with policy guidelines set by the Australia and New Zealand Food Regulation Ministerial Council (Ministerial Council) made up of Commonwealth, State and Territory and New Zealand Health Ministers as lead Ministers, with representation from other portfolios. Approved standards are then notified to the Ministerial Council. The Ministerial Council may then request that FSANZ review a proposed or existing standard. If the Ministerial Council does not request that FSANZ review the draft standard, or amends a draft standard, the standard is adopted by reference under the food laws of the Commonwealth, States, Territories and New Zealand. The Ministerial Council can, independently of a notification from FSANZ, request that FSANZ review a standard.

The process for amending the *Australia New Zealand Food Standards Code* is prescribed in the *Food Standards Australia New Zealand Act 1991* (FSANZ Act). The diagram below represents the different stages in the process including when periods of public consultation occur. This process varies for matters that are urgent or minor in significance or complexity.



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## 1. Introduction

FSANZ received an application on 18 November 2002, from Scorpex Wine Services to amend the *Australia New Zealand Food Standards Code* (the Code) to permit the use of plant proteins as processing aids during production of wine. The application is being considered as a Group 3 (cost-recovered application). The applicant requested that Standard 4.1.1 – Wine Production Requirements (Australia only) be amended accordingly.

The purpose of this application is to permit the use of alternative wine clarifying agents to those currently used that are sourced from animals. Such products would also produce wine that is acceptable for vegan and vegetarian consumers.

## 2. Regulatory Problem

All wine sold in Australia must comply with Standard 2.7.4 – Wine and Wine Product. Standard 2.7.4 sets definitional standards for wine and wine product. The applicant claims that plant protein are foods, and are thereby permitted by virtue of clause 3 to Standard 1.3.3, which provides:

*The following processing aids may be used in the course of manufacture of any food at a level necessary to achieve a function in the processing of that food –*

(a) *foods, including water;*

However, all wine produced in Australia must also comply with Standard 4.1.1-Wine Production Requirements (Australia only). Standard 4.1.1 underpins Australia's 1994 Agreement with the European Community (EC) on trade in wine, which relies on Australian wine being recognised as wine of designated quality and origin (e.g. *appellation contrôlée*, DOC, *qualitätswein* etc).

Standard 4.1.1 does not permit the use of plant proteins as processing aids. Therefore a variation will be required to Standard 4.1.1 in order to permit these products as processing aids for wine produced in Australia.

## 3. Objective

The objective of this assessment is to determine whether it is appropriate to amend the Code to permit the use of all or certain plant proteins for use as processing aids in wine production in Australia.

In developing or varying a food standard, FSANZ is required by its legislation to meet three primary objectives, which are set out in section 10 of the FSANZ Act. These are:

- the protection of public health and safety;
- the provision of adequate information relating to food to enable consumers to make informed choices; and
- the prevention of misleading or deceptive conduct.

In developing and varying standards, FSANZ must also have regard to:

- the need for standards to be based on risk analysis using the best available scientific evidence;
- the promotion of consistency between domestic and international food standards;
- the desirability of an efficient and internationally competitive food industry;
- the promotion of fair trading in food; and
- any written policy guidelines formulated by the Ministerial Council.

Public health and safety will be protected by ensuring that any plant proteins, which are approved for this purpose are safe. The promotion of consistency with international wine standards and the promotion of fair-trading in wine will be considered during assessment of this application.

#### **4. Background**

A number of proteinaceous materials derived from animal products are permitted by the Code for use to clarify grape juice and wine. These proteinaceous materials irreversibly bind with phenolic structures extracted from grapes to form insoluble precipitates, which are removed by techniques such as filtration. Commonly used proteinaceous clarifying materials include gelatine, milk, isinglass (fish collagen) and egg white.

It is claimed by the applicant that there are alternative proteinaceous clarifying products, which are sourced from plants. Trials have been carried out in Europe evaluating the efficacy of using these plant proteins as an alternative to the use of gelatine during wine production. Initial results have been promising and form the basis for this application.

#### **5. Relevant Issues**

##### **5.1 Nature of the Products**

The applicant claims the plant products used are foods. The plant proteins, which have been used to date are composed of hydrolysed protein derived from cereals, corn and legumes. The proteins comply with the Codex Alimentarius Standard 174-89 for Vegetable Protein Products. Such proteins are prepared by various separation techniques from vegetable sources. The Codex Standard applies to products that are used during the manufacture of foods that require further processing.

The technological justification and safety assessment of these plant protein products will be examined at Draft Assessment.

##### **5.2 Other relevant matters**

This Application has been placed in Group 3 of the FSANZ standards development Workplan, because it is a cost recovered application. In making an initial assessment of an application FSANZ is required by its legislation to have regard to the category of assessment that will be required if the application proceeds to draft assessment and whether the development or variation of a standard would confer an exclusive, capturable commercial benefit on the applicant.

This Application was provisionally assessed as Category 2. However during the initial assessment this was reviewed and a more appropriate category is for this relatively simple

application is Category 1. Category 1 applies to an application relating to a simple variation to a food regulatory measure requiring limited public consultation.

The applicant has requested that FSANZ consider applying section 36 of the FSANZ Act to shorten the assessment process. Under section 36 (1A) FSANZ is able to omit certain steps that will not have a significant adverse effect on the interests of anyone, or where the application raises issues of minor complexity. FSANZ assessed that this application raises issues of minor complexity and has decided to omit one round of public comment. No public comment will be requested on this Initial Assessment Report, but there will be a round of public comment for the Draft Assessment Report.

The requested variation to Standard 4.1.1 – Wine Production Requirements (Australia only), to approve the use of plant proteins as a processing aid for wine production would not confer an exclusive, capturable commercial benefit on the applicant.

## **6. Regulatory Options**

If FSANZ agrees with the applicant that the particular plant proteins referred to in the Application are foods or food ingredients then they already have approval as general processing aids and therefore can be used during wine manufacture under Standard 2.7.4 – Wine and Wine Product (but not for wine produced in Australia).

The two regulatory options available for this situation are:

1. Not approve the use of all or certain plant proteins as processing aids for wine production in Australia under Standard 4.1.1;
2. Approve the use of all or certain plant proteins (to be defined) for wine production in Australia under Standard 4.1.1.

## **7. Impact Analysis**

The affected parties to this application are:

1. wine producers and suppliers to wine producers in Australia;
2. consumers of Australian wine; and
3. Commonwealth, State and Territory regulatory departments that enforce food regulations in Australia. There should be no impact in New Zealand since the proposed amendment is an Australia only standard.

### *Option 1*

There are no perceived benefits to the Australian wine industry, consumers or government agencies if this option is taken.

There are disadvantages to the Australian wine industry if this option is taken since they would have less choice in which clarifying agent they can use. Australian wine-makers will

not have access to techniques that enable them to produce wine for vegan and vegetarian consumers, as well as consumers that have a concern about the use of gelatine.

It also puts Australian wine producers at a disadvantage because wine produced overseas using plant proteins as clarifying agents could be sold in Australia since they would meet Standard 2.7.4, but Australian wine producers could not use plant proteins.

### *Option 2*

There are advantages to the Australian wine industry, giving them a choice of using a non-animal derived clarifying agent that they can use to appeal to a broader range of wine consumers.

There are benefits for wine consumers who are vegan and vegetarian, who do not wish to purchase wine made using animal derived products. Also it would provide an alternative to consumers who have health concerns about using gelatine (derived from cattle) in wine manufacture.

There should be no or minimal costs associated with such changes to wine producers. One possible cost for wine producers would be new labelling if any there is the presence of any of the substances that require mandatory declarations covered in clause 4 of Standard 1.2.3 in the final wine, caused by the use of plant proteins.

There should be no added costs or concerns for food regulators.

## **8. Consultation**

### **8.1 World Trade Organization (WTO)**

As members of the World Trade Organization (WTO), Australia and New Zealand are obligated to notify WTO member nations where proposed mandatory regulatory measures are inconsistent with any existing or imminent international standards and the proposed measure may have a significant effect on trade.

Plant proteins comply with the Codex Alimentarius General Standard for Vegetable Protein Products Codex Stan 174-1989 for use as foods and food ingredients. This Codex standard does not provide specific approval for use in Vegetable protein Products wine however approval is being sought through the Office International de la Vigne et du Vin (OIV).

Additionally, it is not expected that permitting the use of plant proteins for wine production in Australia and/or New Zealand would have any significant effect on international trade. This is since the overall market for wine clarification agents (gelatine) is relatively small (100 tonnes at AUD \$1.2M per annum). Approval would only provide wine producers with an optional alternative to gelatine and displacement of this market is not expected to be rapid or significant. Any amendment to Standard 4.1.1 – Wine Production Requirements applies only to wine produced in Australia. For the above reasons it is not FSANZ's intention to recommend relevant agencies notify the World Trade Organization (WTO).

## **9. Conclusion and Recommendation**

Having regard to section 13 of the FSANZ Act requirements for an Initial Assessment, FSANZ accepts the application. FSANZ also accepts the applicant's request that the application be progressed under section 36 of the FSANZ Act since the application raises issues of minor complexity. Thus, no public comment on this Initial Assessment will be requested. A Draft Assessment, that will contain proposed legal drafting, will be written and public comment sought on that report.