



**APPLICATION TO THE
FOOD STANDARDS AUSTRALIA NEW ZEALAND
TO VARY
STANDARD 2.5.4
IN RELATION TO
THE APPROVAL OF A SYSTEM FOR PRODUCING RAW MILK CHEESE**

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APPLICATION TO VARY THE FOOD STANDARDS CODE

1 GENERAL INFORMATION

1.1 Applicant

(a)	Name	FROMAGENT AUSTRALIA
(b)	Address	PO BOX 37 PORT MELBOURNE VIC 3207
(c)	Contacts	As Above
(d)	Nature of Applicant's business	Cheese Specialists

1.2 Nature of application

This application seeks to insert, in the Table to clause 3 of Standard 2.5.4 "Cheese", an entry for KEENS FARM CHEDDAR/ MONTGOMERY CHEDDAR produced according to the evaluation report and HACCP management system attached that sets out production requirements .



2 SPECIFIC INFORMATION

2.1 Details of the application

2.1.1 Standard 2.5.4 "Cheese" of the Food Standards Australia New Zealand Code defines cheese and sets compositional requirements for that product.

2.1.2 Clause 3 of the Standard provides -

Milk and milk products used to manufacture cheese or cheese products specified in Column 1 of the Table to this clause must be produced and processed using a method that -

- (a) ensures that the cheese produced achieves an equivalent level of safety protection as cheese prepared from milk or milk products that have been heat treated in accordance with paragraph (2)(a) in Standard 1.6.2; and*
- (b) is set out in the legislation or documentation listed in Column 2 of the Table to this paragraph.*

2.1.3 The Editorial Note to this clause states –

(1) From raw material production to the point of consumption, the milk, milk products and products containing milk or milk products should be subject to a combination of control measures, which may include, for example, pasteurisation, and these should be shown to achieve the appropriate level of public health protection.

(2) Legislation or documentation will only be listed in the Table to clause 3 if it incorporates or provides for methods which provide a level of safety protection equivalent to that provided by a process that includes treatment of the milk or milk product in accordance with paragraph 3(a), and has adequate hazard identification and process controls.

2.1.4 This application seeks to include a new entry in the Table to clause 3 for for KEENS FARMHOUSE CHEDDAR / MONTGOMERY CHEDDAR produced according to the attached documents and HACCP management System that sets out production requirements .

2.2 Purpose and efficacy of the proposed variation

2.2.1 Standard 1.6.2 of the Food Standards Code requires that cheese imported into or sold in Australia either be heat treated, or made according to a process set out in the Table to clause 3 of Standard 2.5.4. As the cheese in this case has not received a heat treatment as set out in Standard 1.6.1, this application is necessary to provide for the importation and sale of the cheese in Australia by including an appropriate entry for the cheese in the Table to clause 3.

2.3 Justification for the application

- 2.3.1 The cheese is as safe, if not safer, than cheese that has been pasteurised. This is because its production has been subject to careful hazard assessment and risk control at critical control points throughout its production, rather than relying on a single step heat treatment.
- 2.3.2 Due to regulatory concerns about raw milk cheese in Australia, and leaving to one side the question as to whether such concerns represent evidence-based regulation, the Food Standards Code requires that raw milk cheese only be sold in Australia if produced according to a process that has been reviewed and approved by Australian regulators.
- 2.3.3 The application is therefore necessary to seek Australian regulatory review and approval of the production process and a precondition to importation and sale.

2.4 Establish need for the application

- 2.4.1 See 2.2 and 2.3 above.

2.5 Nutritional implications

- 2.5.1 No nutritional implications are foreseen. The nutritional profile of the cheese is not markedly different from other cheeses.

2.6 Dietary implications

- 2.6.1 No dietary implications are foreseen.

2.7 Advantage to the consumer

- 2.7.1 The advantage to the consumer lies in his or her ability to purchase this raw milk cheese in Australia, while retaining the assurance of safety.

3 REGULATORY/LEGISLATIVE IMPLICATIONS

3.1 International standards

Keens Farm Cheddar and Montgomery Cheddar is exported to USA and EU Countries without restriction and meets the Codex definition for cheddar

3.2 International legislation

Production of KEENS FARMHOUSE CHEDDAR is recognised and governed by the domestic legislation of the United Kingdom and European Union .

3.3 Regulatory Impact Statement (RIS)

- 3.3.1 The Regulation Impact Statement (RIS) should recognise that raw milk cheese is a specialty product, and any one cheese is unlikely to capture a significant share of the cheese market, or impact upon levels of cheese consumption. The cheeses will be more expensive than mass-produced pasteurised cheeses, due to the additional costs of storage and maturation during production.
- 3.3.2 The principal impact of the amendment sought in this application will be the creation of consumer choice. Raw milk cheeses provide a range of taste and texture experiences that differ from pasteurised cheeses.
- 3.3.3 Finally, the RIS should recognise that mass-produced pasteurised cheeses are not required to undergo the costs of making an application such as this, which places raw milk cheese producers and importers at a commercial disadvantage.

4 ANALYTICAL PROCEDURES

No new analytical procedures are required as a result of this application.

5 DETAILS OF REASONING

The detailed reasoning for the application is as set out above.

6 MANUFACTURING AND PUBLIC HEALTH

6.1 Manufacturing process

6.1.1 The application seeks regulatory approval of the process described in the attached product management system

which demonstrate that the process –

(1) identifies a combination of control measures for the milk, milk products and products containing milk or milk products from raw material production to the point of consumption; and

(ii) incorporates or provides for methods which provide a level of safety protection equivalent to pasteurisation, and has adequate hazard identification and process controls.

6.2 Public health and safety

6.2.1 The process and maturation described in the attached 'product management system and HACCP for Keens Farm Cheddar and Montgomery Cheddar' provides a degree of safety at least equal to that of milk pasteurisation.

7 DECLARATION

I, Will Studd declare that the information provided in this application fully sets out the matters required and that the same are true to the best of my knowledge and belief and that no information has been withheld which might prejudice this application.

Signature:

JOANNE LEE
270 Bay Street Port Melbourne Victoria
A current practitioner under the
Legal Practice Act 1996

Declared before me*.

this.....^{30th} day of.....*January*.....¹⁹~~20~~*2004*..

* A Chief, Police, Resident or Special Magistrate; Stipendiary Magistrate or any Magistrate in respect of whose office an annual salary is payable; a Justice of the Peace; a person authorised under any law in force in Australia or its Territories to take affidavits; a person appointed under the to be a Commissioner for Declarations; a person appointed as a Commissioner for Declarations under the and holding office immediately before the commencement of the ; a Notary Public; a person before whom a statutory declaration may be made under the law of the State in which a declaration is made; or a person appointed to hold, or act in, the office in a country or place outside Australia of Australian Consul-General, Consul, Vice-Consul, Trade Commissioner, Consular Agent, Ambassador, High Commissioner, Minister, Head of Mission, Commissioner, Charge d' Affaires, or Consellor, Secretary of Attache at an Embassy, High Commissioner's office, Legation or other post.