Food Safety Week 2015
“Busting the food safety myths”

The Food Unit has organised a number of events for Food Safety Week 2015 (which runs from 8-15 November) including seminars for Food Act 2008 (WA) (Food Act) authorised officers, food industry and public health groups across the State. The seminars cover a diverse range of topics including labelling, food-borne disease outbreaks and review of the Food Act. In addition the Food Unit has partnered with the WA School Canteen Association and has organised a competition for primary school age children to encourage children to learn about food safety.

http://healthywa.wa.gov.au/Healthy-WA/Articles/F_I/Food-Safety-Week

The theme for this year’s Australian Food Safety Week is “did you know” (busting the food safety myths). During Food Safety Week people are encouraged to question some of the food safety tips they have received and always believed are correct. The HealthyWA website contains information on some common food safety myths:

http://healthywa.wa.gov.au/Healthy-WA/Articles/F_I/Food-safety-myths

Egg stamping register

Thank you to all local governments for their assistance with the development of the centralised egg register. The information provided by local councils and other sources has enabled the register to now consist of 45 egg producers/processors. This number is expected to grow with the continued support of local governments (continued page 2).
Egg stamping register (continued)

Egg standard fact sheet 16 has been updated (version 2) and can be viewed online at:

Currently the egg register:

- contains approximately 45 businesses throughout WA
- Of these 45, 26 businesses have notified the DOH via the application form
- 80% have a unique identifier (egg stamp)
- Businesses have one, two or even three stamps
- The register is not publicly available, but can be accessed by local governments by contacting the Food Unit
- Egg stamping applies to all egg producers/processors – there are no exemptions.

Do you have a hospital in your jurisdiction?

The Hospitals and Health Service Act 1927, Part 1 section 2(1) defines a “Private Hospital”.

There are currently 21 registered private hospitals in Western Australia ranging from St John of God Subiaco Hospital (Town of Cambridge) to Perth Clinic (City of Perth) and Ngala Family Services (City of South Perth). In accordance with Regulations 4 and 5 of the Food Regulations 2009 the local government is the appropriate enforcement agency for private hospitals within its district.

Additionally, there are hospitals that operate under a public private partnership (Joondalup, Peel and Midland Health Campuses) which are also under the jurisdiction of the local government enforcement agency.

These private hospitals provide medical, surgical or dental treatment and provide food to patients and are therefore required to comply with Standard 3.3.1 of the Australia New Zealand Food Standards Code (the Code) and operate a food safety program (FSP) complying with Standard 3.2.1 clause 5.

If you work for an enforcement agency with a private hospital within its jurisdiction it is a requirement that you verify the FSP to ensure it substantially complies with clause 5 of Standard 3.2.1. The hospital is then required to arrange an audit of the FSP within six months of verification.

The audit must be conducted by a Registered Regulatory Food Safety Auditor with a report being provided to the enforcement agency within 21 days of the audit; or within 24 hours if a serious non-compliance is observed. Other conditions apply to the audit process and these are detailed in the WA Food Regulation: Department of Health Management of Regulatory Food Safety Audit Policy

Further to the above, any food outlet within any state or private hospital that does not provide exclusively meals to patients is also within the jurisdiction of the appropriate enforcement agency; however the entity within a state hospital that provides patient meals is not.
Coconut milk and related product recalls

Since September 2015, several coconut milk, coconut juice drinks, and coconut powder products have been recalled in Australia, due to the presence of undeclared dairy allergen. The DOH is aware of two reported cases of anaphylactic reactions associated with the consumption of coconut milk drinks in the past two years, one of which resulted in a fatality.

Local, state/territory and federal governments, have a role in protecting and promoting the health and safety of the public; and successful implementation of a strategy to respond to the coconut milk issue requires a whole-of-government approach. The DOH is responsible for co-ordinating a cross-jurisdictional response in WA by supporting local government as the appropriate enforcement agency for the importing food businesses.

The recent death and increase in the number of food recalls due to the presence of undeclared milk and milk products in imported coconut products is a timely reminder to all food businesses (including manufacturers, marketers and importers). Food businesses must ensure that allergen management and labelling practices are up to date and being monitored to ensure compliance with the Australia New Zealand Food Standards Code (the Code).

Recalled coconut milk products have been sold at smaller Asian retailers as well as larger outlets, chemists and online. As of 5 November, following the assistance of local governments here in WA, three consumer level product recalls have been initiated by WA-based importers, covering four coconut milk products.

Food Standards Australia and New Zealand (FSANZ) co-ordinates and monitors food recalls in Australia in consultation with state and territory governments and a sponsor (usually the food product’s manufacturer or importer). Recalls that have been initiated recently have been in response to local and state government testing of suspected products for the presence of undeclared allergen. FSANZ helps food businesses to recall unsafe food in Australia by communicating recall information to the state and territory government agencies and industry groups. The affected food business is responsible for ensuring that the public is notified of a recall.

As this matter is based on a labelling issue associated with declaring an allergen, investigations by jurisdictions have been centred on individual importers. The DOH has been liaising with FSANZ, other jurisdictions, and the Department of Agriculture and Water Resources to gather intelligence to identify possible importers of coconut milk products to then co-ordinate a response for WA with the assistance of local governments.

To comply with the Code, products which contain the presence of milk or milk products (dairy) must state their presence on the label – Standard 1.2.3. Some importers have been diligent in their labelling of coconut milk products, whereas others have not been correctly labelling affected food products. This results in some food products being subject to a recall, and other identical products not being subject to a recall. The decision to recall is dependent upon the labelling or re-labelling of imported goods into Australia, hence identifying products at the importer-level.

The DOH has undertaken several joint assessments with local governments to undertake product labelling assessments and co-ordinate a sampling regime of suspected imported
products. After an importer has been identified, authorised officers conduct labelling assessments of products that fall within the scope of the incident. Following a labelling assessment, products of interest are cross-referenced with a national database of sampling activities across other jurisdictions to determine if a product should be submitted to the laboratory for analysis.

The DOH is reminding all businesses, including importers, about the need to meet mandatory allergen labelling requirements. Consumers should be made aware of the possibility that other similar coconut milk, coconut juice drink and coconut powder products may contain undeclared dairy. These products will continue to be investigated by the DOH and local governments to investigate food products of interest to ensure that labels declare the presence of dairy allergens.

### Food products containing hemp

Over the last few months food products containing hemp for sale in WA have been brought to the Food Unit’s attention. Hemp is cultivated worldwide, including Australia and New Zealand (under strict licensing arrangements), and is currently used in Australia as a source of clothing and building products. Currently, hemp cannot be used in food in Australia and New Zealand as it is prohibited in the Code. However, hemp seed oil has been permitted in NZ since 2002 under the New Zealand Food (Safety) Regulations under certain conditions.

Hemp or industrial hemp is a Cannabis plant (species *Cannabis sativa*) and is different to other varieties of *Cannabis sativa*, commonly referred to as marijuana. Hemp contains no, or very low levels of THC (delta 9-tetrahydrocannabinol), the chemical associated with the psychoactive properties of marijuana.

Standard 1.4.4 of the Code, clause 1(1) states that “a plant or fungus, or a part of a derivative of a plant or fungus listed in Schedule 1, or any substance derived therefrom, must not be intentionally added to food or offered for sale as food”. Hemp is listed as a prohibited plant in Schedule 1 of Standard 1.4.4. Issues can arise as hemp in food is permitted in some countries such as USA, Canada and Europe which are imported into Australia.

In December 2012 Ministers sought a review of a FSANZ decision to approve a new application seeking to permit low-THC hemp as food. The Ministers who make up the Australia and New Zealand Ministerial Forum (the Forum) on Food Regulation resolved to reject the proposed variation to Standard 1.4.4 – Prohibited and Restricted Plants and Fungi, resulting from Application A1039. The Forum noted that FSANZ found that foods derived from the seeds of low THC hemp do not present any safety concerns as food, and that concerns regarding the impact on police THC drug testing fall beyond the remit of FSANZ.

Several concerns were raised by some Forum members, including law enforcement issues, particularly from a policing perspective in relation to roadside drug testing, cannabidiol levels as well as the marketing of hemp in food may send a confused message to consumers about the acceptability and safety of Cannabis.

The Forum agreed that further work would be undertaken promptly to consider law enforcement, roadside drug testing and marketing concerns in consultation with relevant ministers.
Frequently asked questions from authorised officers

Can food business registration be transferred for change of ownership? What is the change of ownership process? Should the new proprietor be filling out the registration form?

There are no provisions in the Food Act for transfer of registration. A new food business will be required to register in accordance with Section 110 of the Food Act. The previous food business’ registration can be cancelled in accordance with Section 112 of the Food Act.

Should we still be issuing certificate of registration every year?

No. In accordance with Section 111 of the Food Act, a registration remains in force until cancelled. Only one registration certificate should be issued.

What is the recommended protocol when dealing with enforcement of ‘mobile vendors’ (including stalls) at events?

An authorised officer has the same powers for mobile vendors and stalls as for any fixed premises food business, so long as they are operating in the local government district applicable to that officer. This means that compliance and enforcement tools can be issued. Should any compliance issues be identified and/or enforcement action be taken it is recommended that the registering local government be notified.

How many times should we verify a FSP that keeps coming back as not compliant and what would be the next step? I have one that has submitted a third copy which is still not complying despite providing them the required guidelines. Can we ask to have it done professionally?

Let’s not forget that FSPs are designed as a ‘risk reduction strategy’ for high risk food businesses. This means that if a food business has a FSP that does not contain the elements of Standard 3.2.1, there is an increased risk to consumers as well as there being non-compliance with multiple sections of the Food Act including Section 99 – ‘food safety programs and auditing requirements’. Before determining what follow-up action is appropriate, it is recommended that the authorised officer seeks to clarify why the food business is not developing a FSP that can be verified against Standard 3.2.1. The approach may be different if the reason is lack of skills and knowledge as opposed to blatant non-compliance. If the problem is skills and knowledge, it may be a good idea to suggest that the food business seeks assistance from a professional training/auditing organisation. Otherwise, most enforcement tools can be issued in response to FSP non-compliance.

The Food Unit at the Department of Health makes all reasonable efforts to ensure the accuracy of the information it provides. However, the information provided should not be relied upon as legal advice or regarded as a substitute for legal advice. You should exercise your own skill, care and judgement when relying on this information.
Did you know???
A series of fact sheets have been produced in an easy to read format to assist you to understand particular topical matters related to the Food Act, including:

- Standard 4.2.5 Primary production and processing standard for eggs and egg product
- Food labelling for food importers
- Food recalls
- Pet meat
- Assessment of businesses that manufacture food
- Management of temporary and mobile food businesses
- Becoming a regulatory food safety auditor in Western Australia
- Notification of prescribed pathogens under the Food Regulations 2009 (WA)
- Fees and charges under the Food Act 2008 (WA)
- Exempted food businesses
- Registration of a food business
- Food prepared in residential premises
- Food allergen declarations

If you have any comments or suggestions, or would like to make a contribution to the next edition of the Food for Thought newsletter, please contact the Food Unit at foodunit@health.wa.gov.au or phone (08) 9388 4999.