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### Australia and New Zealand Ministerial Forum on Food Regulation (Forum)

15 November 2019

Agenda Item No.: 3.4  
Document No.: Forum12/19.43  
Originator: NSW

#### MISLEADING DESCRIPTIONS FOR FOOD

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#### RECOMMENDATION

##### THAT MEMBERS:

1. **AGREE** to refer the naming of analogue foods (milk and meat) in the Australia New Zealand Food Standards Code (the Code) to Food Standards Australia New Zealand (FSANZ) for re-consideration with a view to limiting use of these defined terms to products derived from animals. It is proposed that reforms apply to products that directly substitute for milk and meat, and products traditionally produced from milk and meat, but not long standing traditional products such as coconut milk and cream.

#### KEY POINTS

1. Plant based milks are becoming increasingly popular in Australian and New Zealand diets. In 2007, soy milk was the dominant milk analogue, albeit coconut milk and cream have a long history of use as ingredients in Asian cuisine. By 2019 the range has increased to include oat, rice, almond, almond/coconut, hazelnut, macadamia, spelt, hemp, plant pea and blends including coconut milk analogues. Internationally other plant products such as pistachio, lupin, chia and quinoa are being used in milk analogues.
2. As at April 2019, there were close to 200 different plant milk analogues available to consumers seeking dairy alternative, plant based beverages<sup>1</sup>. These are actively marketed as alternatives to mammalian milk (white milk), with deliberate product placement next to white milk to facilitate consumer comparison.
3. During the past four years, sales of plant milk analogues grew 48 per cent to 132 million litres. In contrast, sales of white milk grew four per cent over the same period to 1.3 billion litres<sup>2</sup>.
4. An emerging concern with the growing range of plant milk analogues is that consumers may automatically assume these are nutritionally equivalent to white milk. Whilst some products (soy milk) are relatively similar, others (almond milk, oat milk) differ significantly in both macronutrients (protein, carbohydrate) and micronutrients (calcium). Attachment 1 provides further details.
5. Whilst the Code already requires precautionary labelling on milk analogues to dissuade consumers from feeding these products to children under five years old, this statement is

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<sup>1</sup> <https://www.dairynewsaustralia.com.au/markets/2019/04/19/540507/the-rise-of-dairy-alternative-drinks-in-australian-supermarkets>

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not visible on the front of pack. The nutrition information panel (NIP) is also placed on the side or back of the pack. In contrast, the word 'milk' features on the front of pack labelling, attracting consumer attention and promoting these products as alternatives to white milk. It takes a consumer time to read NIP information and warning statements to avoid analogues being provided to children inadvertently who might be adversely affected by the nutritional differences between plant based milk analogues and white milk.

6. Given the rapid expansion of plant based milk analogues in the Australian and New Zealand markets, New South Wales (NSW) considers that it is timely to refer the naming of 'meat' and 'milk' back to FSANZ, with a view to limiting their use to mammalian products and animal products respectively. This will improve transparency and reduce the risk of adverse outcomes in the future.
7. Attachment 2 provides commentary from the then Commonwealth Office of Legislative Drafting and Practice (OLDP) on Standard 1.2.2, further to consideration of Proposal P1025 - Code Revision. The standard allows food to be named in ways that are technically untrue i.e. plant based milk is not actually milk, provided the product contains additional information to help indicate the true nature of the product e.g. soy milk. The OLDP recommended amending the standard to prevent outcomes of this kind.
8. NSW notes that previous consideration of these matters by FSANZ under Proposal P1025 was constrained to matters relating to the legal efficiency of the Code rather than the outcomes it delivers. Accordingly, FSANZ did not adopt the OLDP recommendation.
9. It is proposed that naming reforms apply to products that directly substitute for milk and meat, and products traditionally produced from milk and meat, but not long standing traditional products such as coconut milk and cream which are almost exclusively used as ingredients.
10. The key benefit of this change would be to provide clear guidance to consumers on what may be named 'milk' and 'meat', and allow consumers to compare products like for like rather than assuming that analogues are nutritionally comparable.
11. NSW recognises that the meat analogue market is still emerging in Australia but considers it is timely to act now in order to provide consumers with transparent information to support an informed choice.
12. NSW suggests this referral is made on the basis of both Section 18 (1)(b) of the *Food Standards Australia New Zealand Act 1991* 'the provision of adequate information relating to food to enable consumers to make an informed choice' and Section 18 (1)(a) 'protection of public health and safety' due to the health risks associated with inappropriate provision of analogues to vulnerable persons.
13. Such referral would also provide the opportunity for FSANZ to explore and profile the breadth of the meat and milk analogue market, including placement of relevant warnings, to enhance clarity and provide consistent and safe labelling and naming conventions for all Australian and New Zealand consumers.

## STAKEHOLDER VIEWS

14. While NSW has not consulted stakeholders on the matters canvased in this paper, there is strong livestock industry support for labelling reform as evidenced by calls from

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advocacy groups such as Farmers Associations, Red Meat Advisory Council, Country Women's Association and Dairy Connect.

**ATTACHMENTS**

- Attachment 1: Comparison of plant based analogues and dairy milk (composition and health star rating)
- Attachment 2: Commentary from the Commonwealth Office of Legislative Drafting and Practice regarding Standard 1.2.2

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