



Food for Thought

A publication prepared by the Food Unit Department of Health WA

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Inside this issue

Food Unit communication strategy stakeholder consultation.....	1
Food business prosecutions for undeclared allergens in food.....	1
Listeria outbreak investigation	2
National food surveillance activities	3
Review of compliance and enforcement policy	3
Novel foods.....	3

Contacts

For contributions, enquiries or feedback regarding the newsletter please feel more than welcome to contact a member of the team.

Phone: (08) 9388 4999

Fax: (08) 9382 8119

Email:

foodunit@health.wa.gov.au

Food Unit communication strategy stakeholder consultation

We are currently reviewing our communication strategy and will be giving our stakeholders the opportunity to provide feedback on what their communication requirements are. We acknowledge that effective communication with our stakeholders is essential in order to achieve our roles and responsibilities. Following consultation with stakeholders the communication strategy will be finalised and an annual communication implementation plan produced for the 2014/2015 financial year.

Companies fined for failing to declare allergens in food



Two food businesses have recently been prosecuted for not declaring the presence of food allergens in their foods. A catering company in Victoria was convicted in September 2013 for breaching the *Food Act 1984* (VIC) Section 10(a)(1) for false description of food, receiving a \$55,000 fine. The prosecution followed an incident in

which an eight year old boy suffered anaphylaxis after being served ice-cream that a waiter guaranteed to be dairy-free; the boy's family had advised the venue multiple times of his allergies.

In Sydney a cake manufacturing business and its director were convicted and fined a combined \$48,000 plus costs of \$21,000 for sale of food containing undeclared allergens on multiple occasions. In one incident a child suffered an anaphylactic reaction after consuming cake containing undeclared egg. The food business was convicted of nine offences and the director was convicted of seven offences under the *Food Act 2003* (NSW) including:

Section 21(1) failure to comply with the Food Standards Code; Section 21(3) sale of food that was labelled in a manner that contravened the Food Standards Code; and Section 15(4) sale of food that the person ought reasonably to have known was falsely described and is likely to cause physical harm to a consumer who relies on the description.



Statistics show that 10% of infants aged 12 months, 4-8% of children under 5 years and approximately 2% of adults, have a food allergy in Australia¹. Food induced anaphylaxis has doubled in the last decade². With these rates of food allergy, it is becoming increasingly important for food businesses to understand their responsibilities in relation to labelling of allergens in food.

The Department of Health is currently developing resources for food businesses and Food Act authorised officers to assist in allergen management and allergen labelling regulation.

Listeria outbreak investigation

In January the Food Unit was notified of an isolation of *Listeria monocytogenes* in chicken and mayonnaise sandwiches analysed by an approved laboratory, in accordance with Regulation 15 of the *Food Regulations 2009 (WA)*. This regulation requires food businesses and laboratories to notify the CEO of the Department of Health of the isolation of *Salmonella* species, *Listeria monocytogenes*, *Shigella* species and verotoxigenic *E.coli* in association with a food business.

In response to the notification, the enforcement agency responsible for the food business manufacturing the chicken and mayonnaise sandwiches conducted an environmental health investigation. As part of the investigation, environmental swabs and food samples were obtained. In total, 26 swabs were obtained from utensils used during the sandwich making process, several key work surfaces and some employee's hands. Food samples were also collected and sent to PathWest for laboratory analysis. All food samples results were satisfactory, while one environmental swab was positive for *Listeria monocytogenes*. The positive environmental swab was obtained from a spatula utilised to spread the butter onto sandwich bread. A hairline fracture was later discovered on the spatula which may have provided an entry point for the harbourage of *Listeria monocytogenes*. The spatula was disposed of and replaced with new equipment.



In addition to the above, the food business agreed to install two additional hand basins and install a shoe sanitiser at the entrance of the premises after it was determined during the investigation that the hand basin was located in an area not easily accessible by the food handlers.

Further food sampling has been undertaken at the premises and all tests have produced negative results for *Listeria* and other pathogenic bacteria.

¹ Australasian Society of Clinical Immunology and Allergy (ASCIA). Food Allergy and Anaphylaxis Update 2013. 2013. Available from: <http://www.allergy.org.au/health-professionals/hp-information/asthma-and-allergy/food-allergy-and-anaphylaxis-update-2013> [cited 2014 Mar 13].

² ASCIA. ASCIA Allergy and Immune Diseases in Australia (AIDA) Report. 2013. 2013. Available from: http://www.allergy.org.au/images/stories/reports/ASCIA_AIDA_Report_2013.pdf [cited 2014 Mar 13].

National food surveillance activities – access to recent publications

Western Australian Local Governments often participate in national studies by contributing data through survey work. This information, in conjunction with data from other Australian jurisdictions, is vital to inform any human health risk assessments, policy guidelines or legislative decisions. Enforcement agencies and consumers may find this information useful as it informs the current research studies that are being done, topical issues that are being addressed and direction for legislative framework and decisions. This information can be found on the Food Standards Australia New Zealand (FSANZ) website at:

<http://www.foodstandards.gov.au/publications/Pages/annualreport/annualreport2012/regulatorystandards2012/publichealthandsafet5661.aspx>

and

<http://www.foodstandards.gov.au/science/monitoring/surveillance/pages/news/Default.aspx>

Review of the Department of Health Compliance and Enforcement Policy

The Department of Health compliance and enforcement policy (the Policy) is currently under review. Changes being considered relate to warning letters, seizure powers and templates for the improvement notice, prohibition order and infringement notice. Once the policy has been updated it will be published on the Public Health website.

Have you come across an unusual food or ingredient?

Have you considered whether it may be a novel food? Standard 1.5.1 – *Novel foods*, of the Australia New Zealand Food Standards Code defines novel food as food that does not have a history of consumption in Australia and requires a safety assessment before it can be added to the food supply. Food businesses wishing to use these foods must make an application to FSANZ to seek approval prior to its use.

Unusual foods or ingredients are not the only foods that may be novel. Extracts of seemingly well know and safe foods may be unsafe when used at a concentrated level. For example, the white kidney bean (cannellini) is well-known in Australia, however, an assessment of a proposal to use white kidney bean extract found that there were safety concerns based on the potential for effects on carbohydrate metabolism due to the proposed strength of the extract.



If you are unsure about a food or ingredient a good starting point is to review the list of previously assessed novel foods on the FSANZ website at <http://www.foodstandards.gov.au/industry/novel/novelrecs/Pages/default.aspx>. Further information about novel foods can be found at <http://www.foodstandards.gov.au/industry/novel/Pages/default.aspx>

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.