“Back to Basics” course well received!

In November 2014 the Food Unit delivered a ‘Back to Basics’ course for Food Act 2008 (Food Act) authorised officers as part of Australian Food Safety Week. The course provided an overview of food safety management and food regulation in Western Australia, with presentations by officers from the Food Unit and OzFoodNet.

A series of presentations on day one included the food regulatory system, food legislation, compliance and enforcement, labelling, food recall, manufacturing of food, pathogens and food safety standards. Day two covered compliance and enforcement and food-borne disease outbreak investigation in more depth.

Feedback was very positive with attendees rating the course as highly relevant, and 97% would recommend the course to others. In response to the positive feedback it is likely this course will be delivered again during Food Safety Week 2015. In the interim the Food Unit is considering developing a course on food labelling, and requests from attendees for further information on other food related topics are being considered.
Updated compliance and enforcement guideline and policy

The Department of Health has reviewed and updated the Food Act 2008 (WA) (Food Act) Compliance and Enforcement Guideline for Enforcement Agencies (the Guideline) and the Department of Health Compliance and Enforcement Policy (the Policy). Updates include:

- Addition of detail on Food Act authorised officer powers of entry, inspection and seizure
- Removal of informal and internal mediation and conciliation
- Written warnings to be used only for matters outside the statutory issues for which improvement notices may be served
- Clarification on the use of seizure powers as an evidence gathering mechanism
- Updates to the Department of Health’s template improvement notice, prohibition order and certificate of clearance of a prohibition order.

Food Act enforcement agencies are encouraged to use the Guideline as a framework to develop their own Food Act compliance and enforcement policy.

Egg stamping register

Standard 4.2.5 - Primary Production and Processing Standard for Eggs and Egg Products (Standard 4.2.5) of the Australia New Zealand Food Standards Code was developed by Food Standards Australia New Zealand in response to food-borne disease outbreaks suspected of being linked to eggs and egg products. Standard 4.2.5 aims to reduce the incidence of these outbreaks; some of the key requirements of Standard 4.2.5 include:

- Individual eggs and egg products to be marked with the producers’ unique identifier to enable the source of an individual egg or egg product to be quickly identified and traced, for example during a food-borne disease outbreak investigation.
- Prohibition of the sale of unacceptable eggs or egg products, such as cracked or dirty eggs unless they are to be either cleaned or pasteurised.
- Egg producers and processors must identify and control food safety hazards and operate according to a Food Safety Management Statement.

Following feedback from the egg industry and Local Government Food Act 2008 (WA) enforcement agencies (enforcement agencies), the Food Unit will develop and manage a central register for egg identification. Whilst it is not mandatory, a central register will benefit both the egg industry and enforcement agencies by reducing the likelihood of unique identifiers being duplicated, and will assist in the trace-back process of a food-borne disease outbreak investigation.

To assist the food industry and enforcement agencies in the application of Standard 4.2.5, the Food Unit will produce and release guidance material shortly.

Enforcement Agency Section 121 reporting

We would like to thank local government enforcement agencies for submitting their Food Act 2008 (WA) Section 121 reports for 2013/14. The response has been positive with 75% of reports received by the 31 August deadline. The Food Unit is currently collating the responses and will release a summary report of the data from enforcement agencies in March this year.
Fact Sheet: Food Labelling for Food Importers

A new fact sheet on food labelling for food importers has been released by the Food Unit. The fact sheet outlines the labelling requirements of the Australia New Zealand Food Standards Code for imported food sold in Australia. The fact sheet is available on the Public Health website and enforcement agencies are welcome to provide this fact sheet to importing food businesses for guidance.

Clarification on the appropriate enforcement agency

We would like to provide the following guidance in relation to the appropriate enforcement agency for various food businesses, following a number of queries that have been raised by local government authorised officers:

- The Department of Health is the appropriate enforcement agency for:
  - food businesses that prepare food for patients in public hospitals;
    however, other food businesses located within a public hospital that are not preparing food for patients in the hospital are under the jurisdiction of local government, as are private hospitals
  - dairy primary production, processing and transport businesses;
    however, any retail activities carried out by a dairy food business are under the jurisdiction of local government; these businesses are registered under the Food Act 2008 (WA) with the Department of Health and are only required to notify the local government in respect of their retailing activities
  - primary production and manufacturing of bivalve molluscs;
  - food businesses not in a district (Kings Park, Rottnest Island and Perry Lakes).

- Department of Corrective Services facilities that are located within a local government district are under the jurisdiction of that local government.

- meat food businesses including abattoirs (other than Tier 1 - export), boning rooms and ready-to-eat meat manufacturers including smallgoods manufacturers are under the jurisdiction of the local government and the Department of Health conducts audits of these businesses as the controlling authority.

Food Unit events calendar

To stay up to date with forthcoming Food Unit publications and events please visit the Food Unit publications and events page on the Public Health website. The publications and events schedule will be updated every quarter.
The appropriate enforcement agency for export activities undertaking exporting of prescribed goods for export is outlined in the Food Act 2008 (WA) Regulatory Guideline No. 4 which is available on the Public Health website.

**Date marking – ‘best-before’ or ‘use-by’ for meat and ready-to-eat foods?**

The Food Unit has received queries from authorised officers and members of the public regarding the sale of meat and some ready-to-eat foods that have a ‘best-before’ date rather than a ‘use-by’ date.

The requirements for date marking of food are given in Standard 1.2.5 – Date Marking of Food, of the Australia New Zealand Food Standards Code (the Code). A ‘best-before’ date is the date until which a food can be expected to retain its quality attributes (such as taste, colour and texture). A food that has past its ‘best-before’ date may have reduced quality but should still be safe to eat. Food businesses are permitted to sell food past its ‘best-before’ date; however, the food must comply with other legislative requirements such as requirements for the suitability or quality of the food. A ‘use-by’ date is the date by which a food should retain its safety to eat (such as microbiological safety). After this date the food should not be eaten as its safety can no longer be guaranteed. Standard 1.2.5 prohibits the sale of food past a ‘use-by’ date.

**Raw meat** that must be cooked prior to consumption does not need a ‘use-by’ date as the cooking process will kill the pathogens making the food safe to eat.

**Ready-to-eat food** that will spoil before becoming unsafe does not need a ‘use-by’ date if the spoilage will be detected by the consumer and the food will not be consumed; for example, food that will become mouldy, rancid, soured or stale before pathogens reach unsafe levels.

Food Standards Australia New Zealand has produced a user guide to Standard 1.2.5 that includes a decision tree on the application of a ‘use-by’ date for safety reasons, which may assist authorised officers in assessing compliance with Standard 1.2.5. The user guide can be viewed on the Food Standards website.

**Farewell Anna!**

In December 2014 the Food Unit farewelled Anna Anagno. Anna started working at the Food Unit in 2010, bringing with her a wealth of knowledge from her experience as an Environmental Health Officer in local government and private industry. During her time at the Food Unit Anna played a key role in food-borne disease outbreak investigations; coordinating investigations and providing advice to authorised officers, as well as carrying out food safety assessments and coordinating workshops for local government. Anna was a great asset to the team; her enthusiasm, drive and good humour will be greatly missed. We would like to wish Anna all the best for her future endeavours!

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.