SAAFoST
SOUTH AFRICAN ASSOCIATION for FOOD SCIENCE & TECHNOLOGY

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SOUTH AFRICAN ASSOCIATION FOR FOOD SCIENCE AND TECHNOLOGY (SAAFoST)

Director General of Health
Attention: Director, Food Control
Private Bag X828
Pretoria 0001
South Africa
15th December 2007

Dear Sirs,

Comments on Regulation R642 – Regulations Relating to the Labelling and Advertising of Foodstuffs

The South African Association for Food Science and Technology (SAAFoST) welcomes the publication of draft regulation R642. As the professional society for the food science and technology professions in South Africa and with a membership base that includes scientists from academia, government and industry, we believe we are in a position to comment constructively and objectively on the proposed regulations. Our comments will comprise certain introductory remarks relating to the overall content of the regulations followed by comments and recommendations relating to specific sections of the regulations and finally some concluding remarks in regard to potential processes for preparation of the final regulations.

Introduction

While SAAFoST fully supports the need for a major update of the existing food labelling regulations, we believe it to be essential that any changes made are:

1. Based on sound science
2. Practical in technical and scientific terms.

In addition, we acknowledge that the regulations are inherently technically complex and as such it is critical that the balance is found between 'gold standard' and the reality of the available resources to manage implementation and enforcement of the regulations within South Africa. We believe it is possible to do this without compromising to an unacceptable degree on either the fundamental principles behind the regulations or the degree of protection afforded to the consumer.

We acknowledge many of the fundamental principles behind the regulations and fully support key objectives such as:

1. An improvement in the overall health of the SA population
2. An improvement in the quality of the information supplied to the consumer

3. To put an end to the current abuse of existing regulations which has, on numerous occasions, caused misleading information to be conveyed to the consumer. SAAFoST has on a number of occasions expressed its dissatisfaction with the misleading and unethical marketing policies of certain food manufacturers and retailers.

In the context of the above, we fully support the principles behind the regulations and their text; however we do not believe that South Africa is in a position to take a global lead in food regulatory matters in terms of either the broad expertise required or the practical human or financial resources that are available to provide this expertise. Any aspirations of this sort are frankly unrealistic and could cause us to lose rather than gain credibilty in global food regulatory circles.

We agree that the CODEX Guidelines are an excellent starting point for regulations, but believe that where national adjustments are made to these guidelines, they need to be based on proven national public health issues and never deviate from the CODEX foundation of being rooted in science. It is our opinion that there are instances within these regulations where the decisions made on the inclusion of certain regulations and their text have made use only of selective information from single sources and have not included wider consultation by the Department of Health.

We notice that the focus of this regulation has shifted dramatically from food safety issues to issues of nutrition science and public health. We recognise that this is a global trend within food regulations and understand that this is the declared intention of the Department of Health. We draw attention however to the need in South Africa to balance overnutrition and undernutrition issues and the complexity of our population in terms of health, level of education and literacy. In order for the WHO Global Strategy on Diet, Nutrition and Physical Activity to be implemented at a national level, which we understand to be one of the key drivers behind the regulations, it is our opinion that these regulations cannot operate in isolation but must be part of a broader national strategy.

Any national intervention requires a transparent and broad consultation process, if an acceptable balance between the critical safety issues and public health issues is to be reached. Many of the concepts included in the regulations are controversial, even amongst the scientists concerned, and as a result inclusive working groups with clear mandates and defined timelines are required to achieve consensus within the constraints of current scientific knowledge. It is our opinion that the Department of Health should establish working groups to discuss, debate and draft text that meets the requirements of both the principles behind the regulations and the science required to justify them. We also accept that consumers have many concerns regarding the food supply and that food safety and nutrition are increasingly important to them, but developing regulations that pander to emotional and unsubstantiated concerns without scientifically acceptable evidence to support these concerns is totally unacceptable and could lead to further consumer confusion.

If the aim of the Department of Health and Government is to provide the consumer with sound knowledge and ensure that all the information provided to them on foodstuffs is truthful and not misleading and in order to ultimately impact on overall improved public health, then science has to be the foundation of any regulations. As a professional scientific body that has as part of our

mission statement the objective of 'creating, interpreting and disseminating food-related scientific information', SAAFoST would strongly object to any deviation from the current best available scientific practices.

This submission document will endeavour in some areas to make detailed and specific proposals, however due to the complexity of the regulations as highlighted above, there are a number of topics which we feel require in-depth and specific technical input and for which we believe expert scientific working groups are required. For these topics, we will limit the scope of this submission to highlighting those areas requiring more detailed scrutiny and will be happy as an association, to either facilitate or participate in those working groups where our members are able to contribute specific expertise.

Definitions (Regulation 1)

SAAFoST is pleased to note that the range of definitions has been significantly increased, however we are concerned that:

1. There are still a large number of definitions missing many of which are critical to the correct interpretation of the regulations. For example:
    a. Artificial colourants / Artificial flavourant
    b. Natural colourants / Natural flavourant
    c. Partially hydrogenated
    d. Interesterified
    e. Organoleptic
    f. Savoury snack
2. A number of the proposed definitions are technically incorrect and in some cases the wording of the definition contains components that are either unnecessary or incorrect. For example
    a. Bleaching
    b. Chemically extracted
    c. Cold pressed
    d. Deodorise
    e. Trans fat
    f. Omega-3 fatty acids
3. Some of the definitions are in conflict with other definitions for the same word in other regulations. For example, the definition of good manufacturing practice differs from that in Regulation R908 relating to HACCP. It is imperative that all definitions are consistent in order to avoid confusion.

In order to correct the above concerns, input from the experts in specific fields will be required, due to the specialist nature of many of the definitions. Due to time constraints, it was not possible to prepare alternative definitions, however SAAFoST is willing to co-ordinate the necessary specialist resources required.

Regulation 4 / Regulation 64 / Regulation 65
We have general concerns regarding the fragmentation of regulations relating to nutritional information and have made comments on this matter under Regulation 52(1). This section of our comments will focus on issues of laboratory resources.

Regulation 4, Regulation 64 and Regulation 65 require that almost all nutritional information be obtained by means of chemical or microbiological analysis. We accept that, in purely scientific terms, this is a desirable approach however many of our members have commented that both the availability and capability of South African analytical laboratories is unfortunately limited, requiring the regulations to consider a more pragmatic approach. We can strive to reach the ideal, but current reality needs to be considered.

We find the section within the Consumer Goods Council of South Africa (CGCSA)'s submission regarding these issues to be acceptable and therefore support it. Should the quality of analytical capability in South Africa improve in the future to the extent that the original text of these regulations can be implemented, the regulations could be updated.

Regulation 14 (Prohibited Statements)
We would like to request the addition of a sub-regulation prohibiting any labelling or advertising statements relating to the use of Hazard Analysis Critical Control Points (HACCP) systems by the manufacturer concerned. Our experience is that statements of this sort are open to significant abuse as different standards apply for different manufacturers and it is impossible in practice to verify the efficacy of the system at any particular manufacturer through a formal legal process. We therefore suggest that a sub-regulation be added as follows:
(n) any reference to or use of the phrase "hazard analysis critical control point" or the word "HACCP".

PDCAAS (Regulation 32(1)(b) and Regulation 57(11)
Some SAAFoST members have expressed concern with regard to the methodology for PDCAAS determination. In order to address these concerns, SAAFoST suggests that a working group of the relevant experts be put together to discuss the matter in detail.

Fats & Oils (Regulation 33 / Annexure 6)
SAAFoST is exceptionally concerned about Regulation 33 and its scientific substantiation. The fats and oils industry will be making detailed technical comments, which we support, however SAAFoST wishes to make certain broader based comments.

1. This is an area where the definitions given are in many instances inaccurate and require revision that makes use of the recognised, credible knowledge in this field.
2. We fully support any regulations aimed at reducing the intake of trans fatty acids. We however reject any suggestion that naturally occurring trans fats should be treated any differently to those produced during industrial processing as the ultimate health effect is the same irrespective of source.
3. We believe that it should be possible to make claims in regard to the beneficial effects of certain fats in the diet.
4. We reject the apparent insinuation in many of the regulations that the refining processes used in the fats and oils industry result in products inferior in terms of nutritional quality and

safety to their unrefined counterparts. We point out that the objective of many of the processes involved is to improve the safety of the products.

This section of the regulation in our opinion requires major revision and we suggest that this be undertaken by a suitable working group. SAAFoST will be glad to participate in or if necessary co-ordinate such a group.

Allergens (Regulations 46-50)

SAAFoST strongly supports formal regulatory requirements in regards to allergen labelling and congratulates the Department of Health on the effort they have made in these regulations. Our comments will therefore be limited to only those components of the regulations and text where we have concerns.

Regulation 46(b):

We do not understand the rationale for this regulation. Any allergen that may be present in a flavourant will have to be declared in terms of Regulation 46(a), which we fully support. We therefore recommend the deletion of Regulation 46(b) as it adds no value to the text.

Regulation 49:

SAAFoST supports the two-tier principle of allergy declaration as we acknowledge that certain manufacturing operations will possess greater capability than others in terms of their ability to operate food safety systems. We fully support the use of HACCP as the criteria for defining the tiers. Our concern centers on the wording required by Regulation 49. We understand the need for the statements to be worded in sufficiently strong terms to:

1. Prevent them being used indiscriminately to cover the deficiencies in food safety procedures by manufacturers
2. Encourage manufacturers in the non-HACCP category to upgrade their systems

However we feel that the wording of the statement 'Unavoidably contaminated with…' will be misunderstood by consumers who we believe have a different understanding of the word 'contaminated' and will see these products as fundamentally unsafe. This wording also implies deliberate wrongdoing by the manufacturer. SAAFoST suggests that the wording clearly explains the circumstances under which any allergen could have become incorporated in the product and therefore leaves the decision as to the level of risk to the consumer. SAAFoST proposes that a meeting be held at which the alternatives can be discussed and debated.

Finally we draw the Department's attention to the recent decision of the European Union (Commission Directive 2007/68/EC of 27/11/2007) to grant certain exemptions to the requirement for compulsory allergen declarations that we believe should be considered.

Regulation 52 / Annexure 6

Perhaps the item in these regulations that has caused the most consternation amongst our members and among other concerned South African scientific bodies, whether academic or commercial, is the concept of creating 'essential' versus 'non-essential' food categories.

SAAFoST specifically does not wish to debate the commercial implications of this proposal but we have significant concerns in this area from a purely scientific basis. We intend to defer to the proposal of NSSA and ADSA in regards to the best way forward to ensure that the foundation of

any alternative proposal and wording is based on sound science, however we are in a position to make certain fundamental comments on the Annexure 6 concept and believe that we can make a significant contribution to any working group addressing this issue.

Our specific concerns are:

- The lack of scientific rationale behind the apparent division of foods into 'good' and 'bad' and the resulting conflict with the concept of Food Based Dietary Guidelines.
- Although restrictions on marketing and advertising to children and constraints on health claims are under consideration elsewhere in the world (and we broadly support the principles behind some of these initiatives and models) the concept of certain foods being designated as 'non-essential' has neither been implemented nor is it under consideration anywhere else in the world. The concept of 'non-essential' foods has been greeted with incredulity by both local and international nutrition and food scientists as being unduly simplistic and unsubstantiated scientifically.
- The arbitrary designation of entire groups of foodstuffs as being 'non-essential' without any quantitative criteria for such designation.
- The lack of completeness in terms of definitions and foods included or excluded in certain of the groups designated as 'non-essential'.
- The regulation makes no provision for potential technological advances aimed at improving nutrition quality, as in most cases the product would continue to be classified as 'non-essential' due to the lack of quantitative criteria for measuring changes in nutritional characteristics.
- The regulation completely disregards the actual quantities of foodstuffs consumed in context of an overall balanced diet. It is universally acknowledged that products with a less than ideal nutrient profile can be consumed in small quantities without any detrimental effect on overall dietary intake or nutritional status.
- The regulation makes no attempt to address the key issue of consumer education other than via a heavy-handed approach based on prohibition and restriction of freedom of choice.

Notwithstanding our concerns above with regard to Annexure 6, SAAFoST does in principle accept that certain constraints need to be in place to prevent misleading and unscrupulous marketing practices in regard to certain foodstuffs and target consumer groups. As the determination of both the categorisation of nutritional quality of foods and the identification of high-risk target groups falls within the expertise of NSSA and ADSA, we will broadly defer to their views on how to address these issues. Our role would be to assist in drafting text relating to the practical interpretation of these principles from the perspective of actual food formulation. SAAFoST believes it can offer significant input in this area and urges the Department of Health to form a working group that makes use of the vast expertise available in this country, in order to achieve a set of regulations that address the key concerns and are grounded in sound science but are practical.

Annexure 6 cannot be discussed without consideration of Regulation 52 in its entirety. We wish to comment on both the general provisions related to nutritional information (Regulation 52(1)) and the provisions for 'non-essential' foods (Regulation 52(2).

In regard to Regulation 52(1):

- We are concerned that the regulations relating to nutritional information are disjointed and are covered under Regulation 4, Regulation 52(1), Regulation 64 and Regulation 65. It is our opinion that these regulations should be consolidated into a single regulation. This will avoid confusion and possible incorrect application of the nutrition information requirements. We defer to the work that had been done by the CGCSA in this regard and would support their proposals.
- We are concerned that replacement of RDAs with a previously relatively unknown term MDR will result in the need for massive re-education of both professionals and consumers. We believe that such a change should only take place if there is sufficient evidence to scientifically justify the adoption of this concept and believe that the debate around this has not taken place. We therefore would support the NSSA / ADSA proposal of a working group of scientists to review this concept and put forward an initial proposal that is then made available for comment by all interested parties.
- SAAFoST believes that the principle of controlling recommended servings sizes in order to avoid abuse for the purposes of making inflated nutrition claims is sound. We are aware that there has indeed been considerable abuse in this area in the past and do not condone it. However, SAAFoST believes that we cannot simply adopt serving sizes from other countries or other regulations. We acknowledge that there are practical difficulties:
  - Maintaining such a set list within a formal regulatory structure will be difficult and require constant updating as new categories of products become available.
  - Any serving size list would need to be inclusive of all foodstuffs consumed in the typical South African diet.
  - A single defined portion size may not always be applicable to a particular category of foodstuffs. It is possible to have variations in serving sizes without misleading consumers. For example, single servings of yoghurt range between 100ml and 175ml. This range is not excessive and the larger serving size could not be construed as an attempt to force excessive consumption.

  Therefore we propose that the choice of serving size be left to the manufacturers with the following provisions:
  1. In the case of a product where there are single serving size packages, the serving size given in the nutrition information table must be the same as that of the single serving size package.
  2. In the case of a product where there are larger packaging sizes as well as single serving size packages available, the serving size given in the nutrition information table must be that of the single serving.
  3. In the case of a product where there are no single serving size packages available but only multiple serving packages, the manufacturer can determine the size of a single serving to be given in the nutrition information table but must be able to produce documented substantiation as to the rationale behind how the serving size was derived.

In regard to Regulation 52(2):

We believe that discussion on the details of this regulation cannot fully take place until such time as the issue of Annexure 6 has been resolved. However there are certain issues on which we feel we can comment at this stage:

- SAAFoST, from a scientific perspective, supports the principle that certain foodstuffs should have constraints placed on the type of fortification allowed. We defer to the views of NSSA / ADSA.

- SAAFoST does not support the use of function claims, enhanced function claims and reduction of disease risk claims for foods of 'lesser nutritional quality'. Again we would defer to the views of NSSA / ADSA.
- SAAFoST is of the opinion that all foods should only be consumed in moderation and as part of a balanced diet and lifestyle. We therefore object to Regulation 52(2)(f) and Regulation 52(3) and request their deletion irrespective of whatever model is finally adopted for the assessment of overall nutritional quality. Our justification for these deletions is that all foods can fit into a healthy diet and lifestyle and consumers should be educated as to how foods impact on their overall health. We acknowledge that the food industry has some responsibility to provide consumer education, however we do not believe that the role of the label of a foodstuff is to provide this level of education. This should rather be part of a total national nutrition education strategy.

Mandatory Nutrition Information

In the light of the above comments SAAFoST is of the view that if we are to achieve the ultimate objective of these regulations, namely to improve the nutritional status of South Africans, it is fundamental that all pre-packaged foodstuffs provide the consumer with some basic nutritional information. We do not believe that this requirement would place an undue burden on the food industry and discussion with our industry members indicates unanimous support for this proposal. We however believe that the exact details of what should be included as mandatory nutrition information, needs detailed, broad and transparent discussion with all stakeholders. We support a simple, standardised and scientifically substantiated method of communicating nutritional information to consumers. One such example would be the Guideline Daily Allowance (GDA) concept that has been adopted by a significant number of food companies and forms the basis of the recently announced proposal by the European Commission for a standardised system of nutritional labelling. We do however strongly oppose any form of 'traffic light' system as we believe this further adds to the 'good' versus 'bad' food categorisation and is unduly simplistic. SAAFoST believes that any consumer communication tool would require consumer research in order to ensure that it is correctly understood and meets its objective. We also believe that any such system would require a baseline study together with a follow-up study to monitor impact.

Glycaemic Index (Regulation 58 / Guideline 6)

As GI is a nutrition science concept and the methodology to determine GI requires that it is scientifically substantiated, SAAFoST will defer to the NSSA / ADSA comments on the methodology defined in the Guidelines and also on Regulation 58. We do however have a concern that GI has been over-stated as being the key factor in making slimming claims and would like to see a working group address the whole issue of slimming claims.

Comparative claims (Regulation 59)

We are concerned that Regulation 59(1)(a) and Regulation 59(1)(e) are technically vague and will result in confusion of interpretation. If the objective of a comparative claim is to allow consumers to make choices between foodstuffs which could be considered as alternatives on the basis of nutritional content, it follows that comparisons should be permitted between a broader range of foods. We would not advocate comparisons between foods which are typically not consumed on the same occasion but would maintain that alternatives which would not be

covered under the draft text need to be available. For example, although bread and certain savoury biscuits are, in terms of Regulations 59(1)(a) and Regulation 59(1)(e) neither 'different versions of the same foodstuff' or 'foods with the same organoleptic properties', consumers in practice choose between these two foods when making a meal choice. It would thus be of benefit for a consumer to be able to, for example, compare the fibre content of the savoury biscuits with that of a slice of bread.

We therefore suggest that Regulation 59(1)(e) be deleted and that Regulation 59(1)(a) reads as follows: 'The foodstuffs being compared are foodstuffs that are typically used as alternatives at any particular consumption occasion.' Adequate protection against misuse would be provided by the relevant sections of Regulation 14 and Regulation 15.

We also have some concerns regarding the need for greater clarity to Regulation 59(1)(b)(ii). It is not clear whether the wording 'identity of the foodstuff(s) to which the foodstuff is being compared…' refers to a category description or a brand name. The latter would result in conflict with the ASA Guidelines on comparative advertising.

Colourants (Regulation 59(4) / Annexure 8)

SAAFoST fails to understand why this regulation has been included. It is our considered opinion that the insinuation within Regulation 59(4) that artificial colours are conclusively detrimental to health whereas natural colours have no adverse effects on health is as of yet scientifically unsubstantiated. We are aware of the recent study by the University of Southampton in regard to the potential effects of certain food colours on children suffering from attention deficit hyperactivity disorder, however a single study cannot be used as sufficient evidence to motivate formal regulations of this sort and, in addition, the methodology used in the study concerned has been challenged. It is thus premature and presumptuous to be making a regulation of this sort and we strongly object to it and request its deletion. If the Department of Health has concerns over colourants these should be addressed by means of amendments to Regulation R118/1996 and only after consultation with the appropriate experts and discussion at a CODEX level.

Guidelines

SAAFoST would like to place on record its concern that the Guidelines are defined in the regulations as 'means guidelines as determined from time to time by the Director-General in terms of these regulations.' This definition implies that no consultation is required prior to the Director-General making any changes to the Guidelines. As the Guidelines are considered to have enforceable legal standing, they should not be treated any differently from the actual regulations. We thus object to the potential lack of consultation that this definition implies and urge the Department of Health to ensure that consultation with relevant scientific experts and stakeholders forms the basis of any changes to the Guidelines.

Guideline 11

We understand the technical content of this Guideline and in general find it acceptable however at no stage in the main body of the regulations is there any reference to Guideline 11. We feel it

would be desirable to indicate which specific regulatory provisions require reference to this Guideline.

Dossiers / Ad hoc expert committee (Guideline 13)

SAAFoST fully supports the need for all health claims to undergo rigorous scientific scrutiny and the need for submission of suitable dossiers. Our major concern pertains to the procedure that will be adopted for the assessment of these dossiers and the composition and terms of reference of the *Ad hoc* Scientific Expert Committee.

Such a procedure must:

1. Be in place ahead of the regulations coming into force
2. Be tested ahead of its implementation to ensure the feasibility and practical implications of such a procedure
3. Define timelines for the assessment of the submission, in view of the need for industry to integrate these timelines into the commercial planning of product launches.
4. Ensure that the dossier requirements are scientifically suitable and aligned with best practice. SAAFoST will defer to the views of NSSA / ADSA with regards to dossier content
5. Ensure that not only is the scientific substantiation adequate, but it must also formally authorise the exact claim wording.
6. Make provision, in the event of a rejection of a dossier, for an appeal by the applicant.
7. Be open and transparent while respecting the need for commercial confidentiality where required.

With regards to the *Ad hoc* Scientific Expert Committee itself:

1. The composition of the Committee needs to be sufficiently flexible to cater for a relatively wide range of expert skills
2. Careful consideration needs to be given to the term ‘expert’. It is essential that members of the Committee are drawn from a selection of sources and chosen on the basis of their proven scientific capability, and that some form of peer review process is used to select them.
3. We are concerned that the identity of the committee members will, according to Guideline 13, not be disclosed. In the interests of transparency, it is felt that at the end of the submission process, the names of the committee should be made known.
4. Consideration needs to be given as to how such a Committee would be remunerated. We do not believe that it is feasible or sustainable for Committee members to serve on a purely voluntary basis. This raises the issue of payment for dossier submissions and we believe this must be addressed.
5. It is likely that most of the Committee members will be senior scientists in positions where they have wide responsibilities and a heavy workload. Assuming that the issue of remuneration can be solved, the issue of time availability remains and requires consideration, as agreed timelines (see above) are essential.

Investigation of a Formal Permanent Body for Review of Health Claims

We are aware that the Department has expressed a desire to consider the establishment of a formal permanent body to review health and nutrition claims for foods as required by Guideline 13 and also to potentially provide broader strategic and policy input into the scientific aspects of regulatory processes in this area. Such a body would presumably be similar to that played by the

Medicines Control Council in regard to legislation relating to pharmaceutical products. SAAFoST would strongly support the establishment of such a body and can comment as follows:

1. We believe that such a body should be comprised mainly of nutrition professionals but believe that there should also be representation by professional food scientists.
2. Members should be drawn predominantly from the academic community but it would be desirable to also have members with commercial experience who could be required if necessary to recuse themselves from the discussions on any issues where a potential conflict of interest could arise.
3. It would be desirable to be able to draw on persons not necessarily resident in South Africa for certain specialist inputs. Communication with these persons could readily be handled electronically to avoid issues of availability and cost.
4. As indicated above, the need for clear timelines for decision making is essential.

Concluding Remarks

It is the stated objective of the Department that the outcome of these regulations should include the improvement in the status of certain public health issues (e.g. reduction in obesity and diseases of lifestyle). SAAFoST draws the Department's attention to the need to be able to measure outcomes if these regulations are to have the desired impact. We would like therefore to be informed of how the Department intends to measure, both at baseline and into the future, the impact of these regulations.

Another major concern for SAAFoST relates to how these regulations will be enforced. It is acknowledged by all parties that they are technically complex. It is also widely known that the Environmental Health functions of local authorities are under resourced, as are the Department's Laboratory Services. In addition the fines charged for non-compliance are totally inadequate to serve as a deterrent. Without adequate enforcement and penalties that are significantly harsher than those currently in place, the current abuses of labelling regulations are likely to continue.

SAAFoST recognises the limited resources of the Department of Health: Directorate Food Control who will be responsible for consideration of all the submission documents relating to the Draft Regulations. These submissions are likely to cover a wide range of sometimes complex scientific subjects and principles, and as such require assessment by appropriately qualified experts. We further believe that each and every submission should be given due and equal consideration. As a result SAAFoST firmly believes that the Department should give consideration to:

- Enlisting the assistance of appropriately qualified people to assist in the assessment process and the preparation of the final text of the regulations
- Forming working groups (as suggested many times in this submission) on key topics in order to address the more complex and contentious scientific concerns
- Adopting a two-stage process going forward. Those elements of the current draft that are generally considered to be either acceptable in their current form or require only minor changes should be fast tracked into final regulations as soon as possible. The remaining components of the draft regulation that require more in-depth consideration and consultation by working groups in order to ensure their scientific foundation and accuracy should be separated from the fast-track regulations above and be added at a later date.

SAAFoST would like to draw the Department's attention to the fact that many expert scientists are employed within the food industry. These individuals should not be excluded from working groups or other consultative bodies as not only is their specialist expertise in particular areas often unavailable in academia, but they also have a vast knowledge of the processes involved in turning scientific principles into commercial practice. In the case of SAAFoST, all our members comply with a SAAFoST Code of Conduct that requires them to place scientific objectivity ahead of commercial interests. We therefore would be happy to assist the Department with the establishment of any working groups.

SAAFoST would like to place on record its disappointment that, since the publication of the first draft regulations in 2002, only very limited consultation has taken place and often only with selected individuals. We believe that many of the concerns raised in this submission could have been avoided had a greater degree of consultation taken place. We therefore urge the Department of Health to ensure that in taking this draft forward, consultation forms the basis of the process and offer our services wherever they are appropriate in order to ensure that the final regulations meet all the objectives of the Department while remaining practical and grounded in sound science. We believe that FLAG is the approriate forum through which all relevant parties can be formally kept advised of progress in finalising the regulations and also to request external assistance in achieving this goal.

SAAFoST has, over this comment period, encouraged those of our members working in the food industry to focus their comments on scientifically based assessments and to avoid formal legal challenges to the draft regulations. The fact that this has been widely accepted is an indication of the willingness of both industry and professional scientific bodies to work together with the Department to ensure that the regulations are objective and science based. This approach will only continue to be successful if the Department in turn now follows a process of consultation with the relevant scientific experts going forward.

We trust that our submission will be favourably received and will be happy to meet with the Department to discuss it in more detail if required.

Yours sincerely,

Rosemary Maguire
President (2007 – 2010)