

The Senate

---

Rural and Regional Affairs and  
Transport Legislation Committee

---

Don't mince words: definitions of meat and  
other animal products

February 2022

© Commonwealth of Australia

ISBN 978-1-76093-357-9

This work is licensed under the Creative Commons Attribution-NonCommercial-NoDerivs 4.0 International License.



<https://creativecommons.org/licenses/by-nc-nd/4.0/>.

Printed by the Senate Printing Unit, Parliament House, Canberra

# Members

## Chair

Senator Susan McDonald

NATS, QLD

## Deputy Chair

Senator Glenn Sterle

ALP, WA

## Members

Senator Alex Antic

LP, SA

Senator Malarndirri McCarthy

ALP, NT

Senator Greg Mirabella

LP, VIC

*(Member from 2 December 2021)*

Senator Peter Whish-Wilson

AG, TAS

## Former Members

Senator Gerard Rennick

LP, QLD

*(Member to 2 December 2021)*

## Secretariat

Gerry McNally, Committee Secretary

Suzanne Blogg, Principal Research Officer

Joshua Wrest, Senior Research Officer

Michael Fisher, Research Officer

Kaitlin Murphy, Senior Research Officer

Alistair Shailer, Administrative Officer

Lewis Tremayne, Administrative Officer

PO Box 6100

Parliament House

CANBERRA ACT 2600

Telephone: (02) 6277 3511

Fax: (02) 6277 5811

Email: [rrat.sen@aph.gov.au](mailto:rrat.sen@aph.gov.au)



# Contents

Members .....	iii
Chair's foreword.....	vii
List of Recommendations .....	ix
Chapter 1—Introduction and background .....	1
Chapter 2—Potential impairment of Australia's meat category branding.....	17
Chapter 3—Consideration of Code and the use of animal protein descriptors .....	35
Chapter 4—A voluntary or mandatory framework under Australian Consumer Law .....	53
Chapter 5—Economic impact and opportunities .....	65
Chapter 6—Nutritional, environmental and animal welfare statements.....	77
Dissenting report by the Australian Greens.....	91
Appendix 1—Submissions and Additional Information.....	103
Appendix 2—Public Hearings.....	111
Appendix 3—Images of plant-based protein products .....	117



# Chair's foreword

The definitions of meat and other animal products report is a timely examination of the food labelling regulatory framework intended to benefit and protect consumers.

Food categories have increasingly become blurred and claims on plant-based proteins have not been clearly regulated. Organics, free-range and other raising claim categories are overseen by Australian Consumer Law, while nutritional and compositional labelling are overseen by the Department of Health. However, the Department of Health does not have matching policing or investigative powers.

The growth of new protein categories such as plant-based, cultured and blended animal and plant-based proteins are recognised as providing consumers with new sources of protein. An increasing world population, and pressure on arable farming land by encroaching urban zoning, are competing needs that are in part addressed by manufactured proteins.

The perception of competition between the traditional category of meat protein and manufactured plant-based protein was not borne out in consumption or consumer trends. It appears that the two categories are growing in size in line with a growing hungry world, and it is in Australia's interests to be a part of the growth of both sectors, utilising our reputation as a producer of high-quality produce, both animal and plant, and high food standards.

What is missing is clarity for the consumer. While industry sectors will argue the relative benefits of one over another by nutrition, sustainability and environmental standards, the consumer is not benefited if the labelling does not clearly define which category the product belongs to. Consumers are increasingly well informed and educated as to ingredient and nutrition labelling, but the use of animal terms and imagery on plant-based products is not adding to the ease of busy consumers.

While it appears most plant-based protein product manufacturers use clear labelling and terms, such as 'plant-based burger', there are no labelling standards to ensure that animal terms or images are not used on plant-based protein product packaging.

Anecdotally, since this inquiry began, awareness of this issue has grown considerably following the associated consultation and media interest. This may explain why groups such as the Australian Competition and Consumer Commission (ACCC) and Food and Grocery Council stated they had little or no feedback, yet media reports and consumer surveys had thousands of responses.

However, the committee heard that since Food Standards Australia New Zealand (FSANZ) made changes to Section 1.1.1–13 of the Food Code in 2016, labelling and claims on plant-based proteins have not been clearly regulated.

The agricultural industries spoke of their frustration of a consultation process on the proposed changes in 2016 which focused solely on dairy products, meaning other

affected industries, including the meat industry, were not consulted on the changes or even made aware until the proposed changes were signalled by a media release.

The result is that the definitions for dairy were altered to allow manufactured products to use animal terms and appropriate implied claims of equivalency. This pathway has subsequently been used by manufactured plant-based proteins.

As the new protein category in Australia expands from plant-based to cultured (trailing in Japan and others) and blended animal and plant proteins, Australia has an opportunity to identify the best regulator (health, consumer or other) and mandatory labelling requirements.

Domestic labelling guidelines are important to protect the existing and significant export market, which has clear definitions of meat, and to protect the new protein market.

Categories such as organic and free range may also be seeking greater clarity on labelling claims. It is important that there is a national standard that aligns with mandatory export standards found in existing legislation. The alignment between domestic and international standards will provide all stakeholders with clear guidance and enforcement via the ACCC, which has the powers and resources to address improper labelling and marketing practices.

The committee thanks all those people who provided submissions to this inquiry, and came to give evidence.

# List of Recommendations

## Recommendation 1

2.57 The committee recommends the Australian Government develops a mandatory regulatory framework for the labelling of plant-based protein products, in consultation with representatives from the traditional and plant-based protein sectors, food service industry and retailers.

## Recommendation 2

2.60 The committee recommends the Australian Competition and Consumer Commission reviews the placement of plant-based protein products in retailers' stores, including online platforms.

## Recommendation 3

2.63 The committee recommends the Australian Government ensures the application of a mandatory regulatory framework is applicable to cultured meat products, in preparation for the introduction of those products onto the Australian market.

## Recommendation 4

3.56 The committee recommends that, as part of its current review and modernisation of the *Food Standards Australia New Zealand Act 1999*, Food Standards Australia New Zealand (FSANZ) initiate a review in consultation with industry, of section 1.1.1–13(4) of the FSANZ Code and recommend exempting its application to named meat, seafood and dairy category brands.

## Recommendation 5

3.58 The committee recommends, on conclusion and application of the review of the Food Standards Australia New Zealand Code, that Food Standards Australia New Zealand develops guidelines to inform labelling and marketing practices for manufacturers of plant-based protein products.

## Recommendation 6

4.42 The committee recommends the Australian Competition and Consumer Commission develops a National Information Standard that defines and restricts the use of meat category brands to animal protein products. This standard should include guidance on the use of livestock imagery for labelling and marketing of plant-based protein products.

### **Recommendation 7**

**5.37** The committee recommends the Department of Agriculture, Water and the Environment, in partnership with the Commonwealth Scientific and Industrial Research Organisation, examines measures to:

- strengthen the plant-based protein product sector's capacity to source its products from Australian grown produce; and
- support investment opportunities into the Australian plant-based alternative product sector's manufacturing infrastructure to foster competitiveness and market opportunities on the international market.

### **Recommendation 8**

**5.38** The committee recommends the Department of Agriculture, Water and the Environment ensures that the plant-based protein product sector is supported to contribute to the Ag2030 goal of achieving a \$100 billion agricultural sector by 2030.

### **Recommendation 9**

**6.47** The committee recommends that, as part of its review of the *Food Standards Australia New Zealand Act 1999*, Food Standards Australia New Zealand (FSANZ), initiates consultations with stakeholders about amending the FSANZ Code to include:

- a definition of plant-based protein products; and
- minimum compositional requirements for plant-based protein products.

# Chapter 1

## Introduction and background

1.1 On 15 June 2021, the Rural and Regional Affairs and Transport Legislation Committee (the committee) self-referred, under Standing Order 25 (2)(a)(v), an inquiry into the current state of meat category branding in Australia, with the following terms of reference:

- (a) The management by the Department of Agriculture, Water and the Environment of the legislative and regulatory framework underpinning the compulsory levy investment into meat category brands as declared through the *Australian Meat and Live-stock Industry Act 1997*, taking specific account of:
  - (i) The potential impairment of Australian meat category brand investment from the appropriation of product labelling by manufactured plant-based or synthetic protein brands, including:
    - (1) the use of manufactured plant-based or synthetic protein descriptors containing reference to animal flesh or products made predominately from animal flesh, including but not limited to “meat”, “beef”, “lamb”, and “goat”; and
    - (2) the use of livestock images on manufactured plant-based or synthetic protein packaging or marketing materials.
  - (ii) The health implications of consuming heavily manufactured protein products which are currently being retailed with red meat descriptors or livestock images, including:
    - (3) consideration of unnatural additives used in the manufacturing process; and
    - (4) consideration of chemicals used in the production of these manufactured protein products.
  - (iii) The immediate and long-term social and economic impacts of the appropriation of Australian meat category branding on businesses, livestock producers and individuals across regional, rural and remote Australia, including:
    - (5) the reliance upon imported ingredients;
    - (6) the support of regional employment; and
    - (7) the state and commonwealth taxation contribution from the Australian red meat and livestock sector.
  - (iv) The implications for other Australian animal products impaired from the appropriation of product labelling by manufactured plant-based or synthetic proteins.
  - (v) any related matters.

- 1.2 The committee agreed to present its report on or before the end of February 2022. The report was subsequently tabled on 24 February 2022.

### **Conduct of the inquiry**

- 1.3 The inquiry was advertised on the committee's webpage, and the committee wrote to relevant Australian and state government departments and agencies seeking submissions. The committee also wrote to peak bodies, stakeholder groups, the business community, academics and research institutions inviting submissions. Details regarding the inquiry, and associated documents are available on the committee's webpage.
- 1.4 In total, the committee received 226 submissions. A list of submissions is included at Appendix 1. Public submissions have also been published on the committee's webpage.
- 1.5 The committee held six public hearings, all of which were held via videoconference due to the COVID-19 pandemic. The first hearing occurred on 7 September 2021, followed by two hearings on 16 and 17 September 2021. Further hearings were on 8 November 2021, and on 6 and 7 December 2021.

### **Acknowledgements**

- 1.6 The committee would like to thank those organisations and individuals who provided written submissions to the inquiry. The committee would like to acknowledge and thank those stakeholders that participated in its public hearings. Your efforts greatly assisted the committee during the inquiry and in its deliberations.

### **Note on references**

- 1.7 References in this report are to individual submissions as received by the committee, not to a bound volume. References to the committee Hansard are to the proof Hansard transcript. Page number may vary between the proof and the official Hansard transcript.

### **Structure of the report**

- 1.8 This report consists of six chapters. This chapter provides a summary of existing definitions of meat and other animal products in Australian legislation. This chapter proceeds to outline Australia's food regulatory system and Australian Consumer Law.
- 1.9 Chapter 2 considers evidence about consumers' understanding of plant-based proteins. The Chapter seeks to determine whether consumers are confused by current labelling practices across the plant-based protein sector and the potential impact on the traditional protein market. This chapter also considers the cultured meat industry.

- 
- 1.10 Chapter 3 considers in more detail the regulatory framework that governs the plant-based protein sector. Specifically, the Chapter looks at the Food Standards Australia New Zealand Code (FSANZ Code, the Code) in more detail, the Code's application on plant-based products and the types of descriptors that are used by the sector.
- 1.11 Chapter 4 explores the proposed voluntary and mandatory pathways forward under Australian Consumer Law.
- 1.12 Chapter 5 looks at the opportunities presented by Australia's protein sector, consisting of both traditional and plant-based protein products, to meet global demand. This chapter also considers the levies paid by the traditional protein sector, and potential adverse economic impacts resulting from the misappropriation of meat terminology by the plant-based protein sector.
- 1.13 Finally, chapter 6 considers matters related to the nutritional qualities of plant-based proteins and traditional protein products. This chapter reviews stakeholders' concerns about claims made by the plant-based sector about its products' nutritional value. Further, the assumptions made by consumers about those products' nutritional equivalency to traditional meat and dairy products. This chapter also considers the environmental and animal welfare statements made by manufacturers of plant-based proteins about the traditional protein sector.

### **Definitions relevant to the scope of this inquiry**

- 1.14 Definitions of meat and associated terminology exist across various Acts and regulations. These definitions play a vital role in the collection of levies, export controls and the regulations that govern domestic food consumption. A summary of these legislative instruments is detailed below.

#### *Australian Meat and Live-stock Industry Act 1997*

- 1.15 The *Australian Meat and Live-stock Industry Act 1997* (AMLI Act) underpins the Australian Government's compulsory levies of the red meat and livestock industries. Under the AMLI Act (and associated levy and charges Acts), the Australian Government has collected approximately \$5 billion in revenue since the Act's implementation.<sup>1</sup> The AMLI Act applies the following definitions for meat and meat products:

**meat** means the fresh or preserved flesh of cattle, calves, sheep, lambs, goats or other animals prescribed for the purposes of this definition, and includes meat products, meat by-products and edible offal, but does not include meat of a kind declared by the regulations to be, for the purposes of this Act, unfit for human consumption.

---

<sup>1</sup> Red Meat Advisory Council, *Submission 226*, p. 4.

**meat product** means food prepared from or containing meat, and includes canned meat.<sup>2</sup>

### *Export Control (Meat and Meat Products) Rules 2021*

1.16 More prescriptive definitions of meat category brands exist under the Export Control (Meat and Meat Products) Rules 2021 (Meat and Meat Products Rules), for the purposes of the *Export Control Act 2020* (Export Control Act). Under the Meat and Meat Products Rules, 'prescribed meat and meat products must not be exported from Australian territory unless the conditions prescribed by [the legislative] instrument are complied with'. The following meat and animal definitions apply:

**beef** means meat derived from:

- (a) a female bovine animal; or
- (b) a castrated male bovine animal; or
- (c) an entire male bovine animal showing no evidence of secondary sexual characteristics.

**pork** means meat derived from:

- (a) a female porcine animal showing no evidence of milk secretion; or
- (b) a male porcine animal showing no evidence of secondary sexual characteristics.

**goat**, when used in a trade description, means meat derived from a caprine animal.

**lamb** means meat derived from an ovine animal that:

- (a) is under 12 months of age; or
- (b) does not have any permanent incisor teeth to wear.

**meat** means any part of an animal (including an animal carcass and offal) that is slaughtered other than in a wild state.

**veal** means meat derived from a female, castrated male or entire male bovine animal:

- (a) that shows no evidence of eruption of permanent incisor teeth; and
- (b) the carcass of which is not more than 150 kg by reference to hot dress carcass weight; and
- (c) that, in the case of a male animal, shows no evidence of secondary sexual characteristics.

1.17 The Department of Agriculture, Water and the Environment (DAWE) is responsible for enforcement of the Export Control Act. It noted that exporters are responsible to ensure products comply with importing country requirements, including labelling provisions. Should product not apply, they will be amended by the importer.<sup>3</sup>

---

<sup>2</sup> *Australian Meat and Live-stock Industry Act 1997*, pp. 1 and 3.

<sup>3</sup> Department of Agriculture, Water and the Environment, *Submission 224*, p. 7.

### *Plant-based protein definitions*

- 1.18 Throughout this inquiry, there were varied terms used to describe plant-based protein products. Food Standards Australia New Zealand (FSANZ) use the terms meat and dairy analogue, with the term dairy analogue defined under the FSANZ Code as ‘derived from legumes, cereals, nuts, seeds, or a combination of these ingredients’. No definition is available for meat analogue products under the Code.<sup>4</sup>
- 1.19 Other descriptors used also include ‘plant-based alternative proteins’ or ‘manufactured plant proteins’. For the purposes of this report, the terminology used to describe both meat and dairy alternatives is ‘plant-based products’, with the term ‘plant-based proteins’ used specifically for plant-based products that replicate traditional meat products. The committee also acknowledges the categories are not mutually exclusive, with some food products containing both plant-based proteins and animal-based proteins, often referred to as ‘blended products’.

### **Food Standards Australia New Zealand**

- 1.20 The food regulation system consists of laws, policies, standards and processes that are designed to ensure the safety of food goods. Responsibility for ensuring food safety is coordinated by FSANZ and shared across national, state and local governments, with different roles fulfilled across jurisdictions, including enforcement.<sup>5</sup>
- 1.21 FSANZ is an independent authority established under the *Food Standards Australia New Zealand Act 1999* (FSANZ Act). FSANZ governs, develops and maintains Australia and New Zealand’s food regulation system that protects the health and safety of consumers, as well as coordinating food surveillance and food recall systems.<sup>6</sup> It is governed by a Board that consist of specialists from both countries.<sup>7</sup>
- 1.22 The joint food regulation system is underpinned by the Food Regulation Agreement (FRA). The FRA is an inter-governmental agreement between all Australian governments that have committed to a national system of food

---

<sup>4</sup> Food Standards Australia New Zealand Code, s. 1.1.2–3.

<sup>5</sup> Food Regulation, System overview, <https://foodregulation.gov.au/internet/fr/publishing.nsf/Content/system-overview-1> (accessed 7 October 2021).

<sup>6</sup> Food Standards Australia New Zealand, *Submission 15*, p. [2].

<sup>7</sup> For more information about the FSANZ Board and its current configuration, see: Food Standards Australia and New Zealand, *The Board*, <https://foodstandards.gov.au/about/board/Pages/default.aspx> (accessed 7 October 2021).

regulation (agreed to in November 2000). The FRA sets out a number of objectives shared across Australia's jurisdictions, such as:

- providing safe food controls to protect consumers;
- reducing the regulatory burden on the food sector;
- harmonising Australia's domestic and export food standards, as well as international food standards;
- providing a consistent regulatory environment across Australia through the development of agreed policy, standards and enforcement procedures; and
- supporting the shared efforts by Australian and New Zealand to harmonise food standards.<sup>8</sup>

1.23 New Zealand is not a signatory of the FRA; instead, Australian and New Zealand governments in 1995 signed a Joint Food Standards Treaty that sets out the shared food regulatory system. The overall goal of the treaty is to 'reduce unnecessary barriers in trade, to adopt a joint system of food standards, to provide for timely development, adoption and review of food standards and to facilitate sharing of information'.<sup>9</sup>

#### *Food Ministers' Meeting and Food Regulation Standing Committee*

1.24 The Food Ministers' Meeting (Food Ministers) consists of ministers from across state, territory, Australian and New Zealand governments, who consider and approve amendments to the food regulatory system. Food Ministers review proposals by FSANZ to amend the FSANZ code. As part of this process, Food Ministers can request that 'FSANZ review its decision to approve a standard or variation to a standard'.<sup>10</sup>

1.25 The Food Regulation Standing Committee (FRSC) supports the work of the Food Ministers' Meeting. This role is fulfilled by coordinating policy advice, ensuring the food regulatory system is consistently implemented and enforced across jurisdictions, advising on strategic issues and the operation of the forum.<sup>11</sup>

---

<sup>8</sup> Food Regulation, *Key documents that underpin the join Food Regulation System*, 2 March 2021, <https://foodregulation.gov.au/internet/fr/publishing.nsf/Content/key-system-documents> (accessed 14 October 2021).

<sup>9</sup> Food Regulation, *Key documents that underpin the join Food Regulation System*, 2 March 2021.

<sup>10</sup> Food Standards Australian New Zealand, *The Food Ministers' Meeting*, available at: <https://www.foodstandards.gov.au/code/fofr/Pages/default.aspx#:~:text=The%20Food%20Ministers%27%20Meeting%20%28the%20Food%20Ministers%29%3A%201,approach%20to%20compliance%20and%20enforcement%20by%20the%20jurisdictions.> (accessed 1 February 2022).

<sup>11</sup> The Food Regulation Standing Committee is supported by the Implementation Subcommittee for Food Regulation. For further information, see: Department of Health, *Submission 225*, p. 4

## Australian New Zealand Food Standards Code

- 1.26 Food standards are developed and maintained by the FSANZ Code. The Code establishes the 'legal requirements for food produced or imported for sale in Australia and New Zealand'.<sup>12</sup>
- 1.27 The Code 'does not have any legal effect of itself', nor does FSANZ play a role in its enforcement. Rather, the FRA enables the adoption of the Code into State or Territory law, with government agencies and local councils from each jurisdiction responsible for its application, interpretation and enforcement. Enforcement of the Code at Australia's border is the responsibility of the DAWE.<sup>13</sup>

### *The development of food standards*

- 1.28 FSANZ develops food standards in accordance with the FSANZ Act and Australian administrative law. This process is governed by principles of openness and transparency, with input sought from industry, public health sector, consumers and governments. An amendment to the Code can be proposed by any person through a submission to FSANZ. Alternatively, FSANZ can initiate its own review of the Code. A proposal to amend the Code must be subject to an evidence-based assessment in accordance with the FSANZ Act.<sup>14</sup>
- 1.29 Section 18 of the FSANZ Act establishes the objectives that must be maintained when developing or reviewing food standards. These objectives include:
- the protection of public health and safety;
  - a requirement for adequate information relating to food to ensure consumers can make informed choices; and
  - the prevention of misleading or deceptive conduct.<sup>15</sup>

---

<sup>12</sup> Food Standards Australia New Zealand, *Submission 15*, p. [2].

<sup>13</sup> Food Standards Australia New Zealand, *Submission 15*, p. [2].

<sup>14</sup> Food Standards Australia New Zealand utilises an internationally accepted Codex Risk Analysis Framework to conduct assessments of the Code. Food Standards Australia New Zealand, *Submission 15*, pp. [2–3].

<sup>15</sup> Other key considerations that must be followed under section 18 include: 'the need for food standards to be based on risk analysis using the best available scientific evidence; the promotion of consistency between domestic and international food standards; the desirability of an efficient and internationally competitive food industry; the promotion of fair trading in food; [and] any written policy guidelines prepared by the food Ministers'. In addition, Food Standards Australia New Zealand considers the cost/benefit of a food standard, whether other measures would produce a more cost-effective outcome than a proposed food standard and relevant New Zealand standards. Food Standards Australia New Zealand, *Submission 15*, p. [3].

- 1.30 Regarding the prevention of misleading or deceptive conduct, FSANZ applies the principle that:

Statements on food labels and other claims must be truthful and must not mislead or deceive consumers in relation to the safety, composition, nutritional value or stated benefit of the food.<sup>16</sup>

- 1.31 Amendments to food standards must be approved by the FSANZ Board. Once approved, those amendments are then referred to the Food Ministers' Meeting for its consideration. Should the Food Ministers' Meeting accept proposed standards, or variations to food standards, then the Code is amended to reflect the change and is adopted into Australian and New Zealand food laws.<sup>17</sup> The committee was advised that an overall consensus is not required by the Food Ministers' Meeting to amend the Code. However, FSANZ highlighted that importance of 'agreement at large' to justify the allocation of resources:

It doesn't have to be a 100 per cent consensus decision but for us to do work in this space we would want to ensure that there is agreement at large that this is an issue that warrants priority and resources allocated to that work to be dedicated in that space. And then there would need to be the same ministerial support to actually make any changes that could flow on from that.<sup>18</sup>

### *Meat definitions under the Code*

- 1.32 Under the Code, meat is defined in Standard 1.1.2—3 (and Standard 2.2.1—2) as:

whole, or part of the carcasses of any of the following animals, if slaughtered other than in a wild state:

- (a) buffalo, camel, cattle, goat, hare, pig, poultry, rabbit, or sheep
- (d) any other animal permitted for human consumption under a law of State, Territory or New Zealand; and

does not include:

- (a) fish; or
- (b) avian eggs; or
- (c) foetuses or part of foetuses.

- 1.33 Under the Code, fish is defined as 'a cold-blooded aquatic vertebrate or aquatic invertebrate including shellfish, but not including amphibians or reptiles'.<sup>19</sup>

---

<sup>16</sup> Food Standards Australia New Zealand, *FSANZ Section 18 Objectives*, available at: <https://www.foodstandards.gov.au/about/Documents/Principlestatementonpublichealthandsafety.docx> (accessed 21 October 2021).

<sup>17</sup> Food Standards Australia New Zealand, *Submission 15*, p. [3].

<sup>18</sup> Dr Sandra Cuthbert, Interim Chief Executive Officer, Food Standards Australia New Zealand, *Committee Hansard*, 7 December 2021, p. 19.

<sup>19</sup> Food Standards Australia New Zealand Code, s. 1.1.2—3.

- 1.34 Other definitions for prescribed terms relevant to meat products with compositional requirements are considered further in this Chapter.
- 1.35 Dairy definitions are also applied under Code. The term milk is defined under the Code, in Section 1.1.1—3 and Standard 2.5.1—2, as:
- (a) the mammary secretion of milking animals, obtained from one or more milkings for consumption as liquid milk or for further processing, but excluding colostrums; or
  - (b) such a product with phytosterols, phytostanols and their esters added.
- 1.36 Other definitions exist for butter, cheese, processed cheese, cream, yoghurt, and ice cream.<sup>20</sup>

### *Plant-based products and the Code*

- 1.37 Plant-based products (alternatively known as meat or dairy analogues) are ‘subject to the same Code requirements that apply to all foods for sale in Australia and New Zealand’. For this reason, plant-based products are subject to the same regulations that inform ‘the use of ingredients, processing aids, colourings, additives, nutritive substances, vitamins and minerals and novel foods’. The Code also regulates ‘the composition of some foods, such as dairy foods, meat and beverages’.<sup>21</sup> The food regulatory system ensures no substance is included in the composition of a food product unless assessed by FSANZ, agreed to by the Food Ministers’ Meeting and subsequently incorporated into the Code.<sup>22</sup>
- 1.38 In addition, the Food Ministers’ Meeting has endorsed a number of policy guidelines on how the ‘system should consider both regulatory (i.e. labelling) and non-regulatory measures’. These guidelines include information about labelling of food produced using new technologies, novel foods, the fortification of foods with vitamins and minerals, and the addition of other substances (other than vitamins and minerals).<sup>23</sup>

### *Labelling, naming and compositional requirements*

- 1.39 Plant-based products are also subject to the same labelling requirements specified by the Code. These requirements include ‘the naming of food, nutritional information, a statement of ingredients, allergen declarations and specific mandatory warning and advisory statements’.<sup>24</sup>

---

<sup>20</sup> Food Standards Australia New Zealand Code, s. 1.1.2—3.

<sup>21</sup> Food Standards Australia New Zealand, *Submission 15*, p. [4].

<sup>22</sup> Food Standards Australia New Zealand, *Submission 15*, p. [4].

<sup>23</sup> Department of Health, *Submission 225*, p. 4.

<sup>24</sup> Food Standards Australia New Zealand, *Submission 15*, p. [4].

1.40 The Code also establishes naming and representation requirements that specify that certain foods for sale are required to bear a label that includes the name of the food.<sup>25</sup> The name applied to the label of a food product ‘must be sufficient to indicate the true nature of the food’.<sup>26</sup> As such, a name can be used on a certain food product if it meets compositional requirements. Such compositional requirements exist for meat and meat products that are labelled as:

- sausage;<sup>27</sup>
- meat pie;
- dried meat;
- cured and/or dried meat flesh in whole cuts or pieces;
- manufactured meat; and
- processed meat.<sup>28</sup>

1.41 Should a consumer purchase a meat product listed above, they can likely assume that the product has met the compositional requirements specified by the Code ‘unless the context makes clear this is not the intention’, known as qualifying descriptors.<sup>29</sup> A further requirement under the Code is that food is labelled with a prescribed name and a descriptor that sufficiently details the true nature of the food (Standard 1.2.2–2).<sup>30</sup>

### *Qualifiers and the Code*

1.42 Under section 1.1.1–13(4) of the Code, food and beverage products are permitted to utilise qualifying descriptors to ensure a consumer is aware of the true nature of a product and its intended use. The Code subsequently allows products like ‘ginger beer’, ‘vegan cheese’, ‘vegetable sausage’, ‘chicken-free

---

<sup>25</sup> See: Food Standards Australia New Zealand Code, paras. 1.2.1–8(1)(a); Food Standards Australia New Zealand, *Submission 15*, p. [4].

<sup>26</sup> Unless the Code requires a prescribed name to be used on that product instead. This requirement does not apply to meat analogues because no prescribed names have been applied under the Code. See: Food Standards Australia New Zealand Code, ss. 1.2.2–2(1); Food Standards Australia New Zealand, *Submission 15*, p. [4].

<sup>27</sup> For example, a sausage under the Code must ‘contain no less than 500 g/kg of fat free meat flesh; and have a proportion of fat that is no more than 500 g/kg of the fat free meat flesh content’. The term sausage is defined in the Code as ‘a food that...consists of meat that has been minced, meat that has been comminuted, or a mixture of both, whether or not mixed with other foods, and which has been encased or formed into discrete units; and does not include meat formed or joined into the semblance of cuts of meat’. Food Standards Australia New Zealand Code, s. 2.2.1 defines the term meat as ‘meat from animal sources’. See: Food Standards Australia New Zealand, *Submission 15*, p. [5].

<sup>28</sup> Food Standards Australia New Zealand, *Submission 15*, p. [5].

<sup>29</sup> Food Standards Australia New Zealand Code, s. 1.1.1–13; Food Standards Australia New Zealand, *Submission 15*, p. [5].

<sup>30</sup> Food Standards Australia New Zealand Code, s. 1.1.1–2(1)(b).

chicken’ or ‘beef-free beef patty’ to be used on food labels.<sup>31</sup> No restrictions are applied to terms such as burger, mince or steak that describe utility rather than its composition.<sup>32</sup>

- 1.43 This amendment to the Code was made in March 2016, and at the time was largely considered with regard to dairy descriptors for plant-based juice products (analogue dairy), such as ‘soy milk, ‘almond milk’, ‘dairy-free cheese’ or ‘coconut yoghurt’.<sup>33</sup>

### **Plant-based protein products and consumer protection**

- 1.44 In addition to the Code, Australian consumers are protected under Australian Consumer Law (ACL) through the Australian Competition and Consumer Commission (ACCC) and its enforcement of the *Competition and Consumer Act 2010*, along with other state and territory consumer laws.

- 1.45 Plant-based products are regulated to the same standard as other foods sold or offered for sale in Australia and New Zealand. As such, manufacturers of these products are prohibited under ACL from:

...engaging in conduct that is misleading or deceptive or likely to mislead or deceive, or from making a representation that is false or misleading about the quality, quantity, composition or origin of products, including food products.<sup>34</sup>

- 1.46 A 2006 guideline to the *Trade Practices Act 1974* produced by the ACCC for the food and beverage industry emphasised that the key ‘do not mislead’ principle is guided by the ‘overall impression that a representation will leave in the mind of the consumer’. Should a consumer believe they are misled, then it is their responsibility to directly contact the business in the first instance, or a state and territory consumer protection agency or tribunal, an industry ombudsman, or the ACCC.<sup>35</sup>

- 1.47 A determination as to whether ACL has been contravened is made by a court rather than the ACCC. A court will consider whether the labelling of a plant-based substitute product is misleading under ACL by assessing the ‘overall impression conveyed to a reasonable consumer by the labelling and packaging’

---

<sup>31</sup> Food Standards Australia New Zealand Code, s. 1.1.1–13(4).

<sup>32</sup> Industry Working Group Discussion Paper, *The Labelling and Marketing of Plant-based Alternatives to Meat and Meat-based and Dairy products*, p. 5.

<sup>33</sup> See Chapter 3 further details about this amendment. Otherwise: Food Standards Australia New Zealand, *Proposal P1025 – Code Revision*, available at: <https://www.foodstandards.gov.au/code/proposals/Pages/proposalp1025coderev5755.aspx> (accessed 17 January 2021).

<sup>34</sup> Australian Competition and Consumer Commission, *Submission 19*, p. 1.

<sup>35</sup> Industry Working Group Discussion Paper titled *The Labelling and Marketing of Plant-based Alternatives to Meat and Meat-based and Dairy products*, p. 22.

of the product. A court's assessment will include contextual and circumstantial factors, such as 'specific statements made and images used and their relative prominence, placement and size'. A product's point of sale and placement within a supermarket may also be relevant. A decision as to whether a consumer has been misled 'does not hinge on the use of any particular word (such as 'meat'), or any particular image'.<sup>36</sup>

## **Reviews of labelling and marketing regulations under the FSANZ Code**

- 1.48 In recent years there have been several reviews into the labelling and marketing regulations for plant-based products. In 2018 the Ministerial Forum on Food Regulation authorised the FRSC to conduct a review of food labelling. In its final report of May 2019, the FRSC 'resolved on a majority basis that plant-based alternatives are adequately regulated under the current labelling requirements and consumer and fair-trading laws'.<sup>37</sup> The findings of this review were contested by some stakeholders, who expressed concern about details included and omitted from the report. These objectors called for a like-for-like comparison between products (rather than a comparison between 'plant-based alternatives with the whole of meat as one general category').<sup>38</sup>
- 1.49 In 2020, FSANZ released its report into soy leghemoglobin in meat analogue products, which also considered the labelling and marketing of plant-based protein products. FSANZ iterated the ACCC's view that the overall impression is the key consideration and 'a product that is clearly and prominently labelled 'vegan', 'vegetarian' or 'meat-free' is unlikely to mislead a consumer about whether the product is meat or plant based'.<sup>39</sup> FSANZ also reported that it had discussed the matter with the ACCC who reported that it had 'received some complaints about how meat analogue products are being represented as meat products'; however, 'the majority of these complaints were from companies producing traditional meat product or rival companies which asserted that consumer were or could be misled'. The report added that '[v]ery few of these

---

<sup>36</sup> Australian Competition and Consumer Commission, *Submission 19*, p. 1.

<sup>37</sup> For further information about the Food Regulation Standing Committee's findings, see: Food Regulation Standing Committee, *Misleading description for food options paper*, May 2019, <https://www.health.gov.au/sites/default/files/documents/2020/04/foi-request-1456-food-labelling-misleading-descriptions-for-food-options-paper.pdf> (accessed 11 November 2021).

<sup>38</sup> Industry Working Group Discussion Paper titled *The Labelling and Marketing of Plant-based Alternatives to Meat and Meat-based and Dairy products*, p. 35.

<sup>39</sup> Food Standards Australia New Zealand, *Soy leghemoglobin in meat analogue products*, December 2020, p. 37, <https://www.foodstandards.gov.au/code/applications/Documents/a1186-approval-report.pdf> (accessed 11 November 2021).

complaints were said to be from consumers who believed they had been misled'.<sup>40</sup>

### *Minister for Agriculture's Industry Working Group*

- 1.50 A further review commenced in September 2020 with the Minister for Agriculture establishing the plant-based alternatives labelling and marketing working group (Industry Working Group). This group consisted of representatives from across the agriculture, retail and the plant-based sector. The Industry Working Group was chaired by the National Farmers' Federation.<sup>41</sup>
- 1.51 The Industry Working Group facilitated a roundtable discussion hosted by the DAWE to share stakeholders' views on the current regulation and labelling and marketing requirements of plant-based products. This roundtable led to the production of a discussion paper issued to the Minister for Agriculture in March 2021.<sup>42</sup>
- 1.52 The Industry Working Group's discussion paper outlined a broad range of approaches available to industry and regulators. However, the working group reported that it was unable to 'come to a consensus decision' about the preferred pathway forward, with the majority of members agreeing that a 'voluntary approach is the preferred...noting further work should be undertaken to explore this option'. Representatives from the meat industry communicated their preference for a regulated model.<sup>43</sup> The Industry Working Group's discussion paper is considered further throughout this report.

### *Review and modernisation of Australia's food regulatory system*

- 1.53 On 15 November 2019, the Food Ministers' Meeting agreed to a plan to reform the food regulatory system 'to ensure it remains strong, robust and agile in the future'. The primary objectives of the reform agenda are to 'provide a cohesive, modernised legislative and institutional basis for the system', and ensure it aligns with 'international best-practice regulation and operation'. As part of this reform agenda, a review into the FSANZ Act commenced in July 2020. This

---

<sup>40</sup> Food Standards Australia New Zealand, *Soy leghemoglobin in meat analogue products*, December 2020, p. 37.

<sup>41</sup> Representatives included: Tony Mahar, National Farmers' Federation; Geoffrey Annison, Australian Food and Grocery Council; Roger Bektash, v2food; Tyson Cattle, AUSVEG; Sam Lawrence, Food Frontier; Tanya Pittard, Grain Producers; John McKillop, Red Meat Advisory Council; Terry Nolan, Australian Meat Industry Council; Craig Hough, Australian Dairy Farmers; Janine Waller, Australian Dairy Products Federation; Catherine Macneil, Coles Group; Paul Kelly, Woolworths Group; and...Mike Darby, National Farmers' Federation. See: Mr Mike Darby, General Manager, Rural Affairs, National Farmers' Federation, *Committee Hansard*, 17 September 2021, p. 31.

<sup>42</sup> Department of Agriculture, Water and the Environment, *Submission 224*, p. 15.

<sup>43</sup> Department of Agriculture, Water and the Environment, *Submission 224*, p. 10.

review involves a comprehensive examination of the FSANZ Act and the 'associated operations and responsibilities of [FSANZ]'.<sup>44</sup>

### **International efforts to regulate plant-based products**

- 1.54 Debate concerning the use of meat terminology on plant-based products is a global phenomenon, with various parliaments in different countries seeking to implement legislation that seeks to restrict their use.
- 1.55 In the United States, bills introduced at a federal level have not gained traction, whereas numerous states have passed legislation that sought to regulate the plant-based industry. Whilst some states have successfully passed legislation, advocates for the plant-based food sector have commenced litigation action that has prevented and/or delayed implementation. In some jurisdictions, proposed laws have been rejected,<sup>45</sup> or have been amended to permit the ongoing use of existing labelling practices by the plant-based protein industry.<sup>46</sup> The plant-based sector has developed voluntary guidelines for manufacturers.<sup>47</sup>
- 1.56 Effort to implement a regulatory regime for meat terminology had also been witnessed in the European Union. In 2020, a proposal to restrict dairy terminology was successfully progressed in the European Parliament.<sup>48</sup> However, a further amendment proposing to ban meat terminology such as 'burger', 'sausage' and 'steak' was not supported. France has independently passed legislation that prohibits the use of traditional meat and dairy terms on products largely based on non-animal ingredients.<sup>49</sup>
- 1.57 The Industry Working Group's discussion paper outlined international efforts to regulate the plant-based sector for both meat and dairy terminology. In

---

<sup>44</sup> Department of Health, *Submission 225*, p. 5.

<sup>45</sup> Industry Working Group Discussion Paper, *The Labelling and Marketing of Plant-based Alternatives to Meat and Meat-based and Dairy products*, pp. 24, 27.

<sup>46</sup> Ms Jessica O'Connell, Counsel, Beyond Meat, *Committee Hansard*, 6 December 2021, p. 6; Mr Tyler Jameson, Vice President, Government Relations, Impossible Foods Inc, *Committee Hansard*, 6 December 2021, p. 4.

<sup>47</sup> Plant-based Foods Association, *Labeling*, available at: <https://www.plantbasedfoods.org/policy/labeling/> (accessed 3 February 2022).

<sup>48</sup> Whilst agreed to by the European Parliament, the next phase includes discussions between European Union member states, the European Commission and the European Parliament to negotiate the legislation.

See: Industry Working Group Discussion Paper, *The Labelling and Marketing of Plant-based Alternatives to Meat and Meat-based and Dairy products*, pp. 25–26.

<sup>49</sup> Industry Working Group Discussion Paper, *The Labelling and Marketing of Plant-based Alternatives to Meat and Meat-based and Dairy products*, p. 26.

addition to the United States, the European Union and France, other countries discussed include Canada, China, Japan and India.<sup>50</sup>

---

<sup>50</sup> Industry Working Group Discussion Paper, *The Labelling and Marketing of Plant-based Alternatives to Meat and Meat-based and Dairy products*, pp. 23–30.



## Chapter 2

# Potential impairment of Australia's meat category branding

- 2.1 The principal debate of this inquiry is whether the plant-based protein sector's use of animal protein descriptors, images and utility terms cause confusion amongst consumers. Perspectives on this matter varied, with some stakeholders arguing that there is insufficient evidence of consumer confusion. Whereas other stakeholders, predominately from the livestock and traditional protein sector, disagreed, giving reference to numerous examples of consumers unintentionally purchasing such products.
- 2.2 This chapter considers the potential impairment of Australia's meat category branding by current labelling and marketing practices of plant-based protein sector. This is followed by consideration of studies and surveys that have sought to determine whether consumers are confused. This analysis includes evidence of reported instances of consumer confusion to the Australian Competition and Consumer Commission (ACCC), along with criticisms of the ACCC's data and enforcement of Australian Consumer Law.
- 2.3 Finally, this chapter considers evidence about the placement of plant-based protein products on supermarket shelves and its contribution to consumers' understanding of those products' true nature. This is followed by discussions about the potential future impact of cultured meats being introduced to the Australian market.

### **The use of animal protein descriptors, utility terms and images**

- 2.4 Terms associated with animal proteins, meat utility terms, and animal imagery, are used by the plant-based protein sector on product labels and in other marketing material. During this inquiry, the committee received numerous examples of plant-based protein products using meat terminology (such as 'meat', 'beef', 'chicken', 'pork' and 'lamb') and utility terms (such as 'burger', 'patties' or 'sausage').<sup>1</sup> According to advocates for the plant-based protein sector, the rationale for utilising such terms is because it supports consumers' understanding of a product's flavour, texture and use.<sup>2</sup> Further, advocates for the continuation of current labelling practices argued that any attempt to restrict

---

<sup>1</sup> Examples of products sold in Australia can be found in Appendix iii.

<sup>2</sup> Mr Tyler Jameson, Vice President, Government Relations, Impossible Foods Inc, *Committee Hansard*, 6 December 2021, p. 7; Mr Kjetil Hansen, Founder and Chief Executive Officer, Deliciou, *Committee Hansard*, 6 December 2021, p. 26; Mr Nick Hazel, Chief Executive Officer, v2food, *Committee Hansard*, 6 December 2021, p. 28.

the use of these terms would increase, rather than decrease, consumer confusion and may have broader unintended consequences.<sup>3</sup>

### **Traditional protein industry's concerns**

- 2.5 The traditional protein industry challenged the necessity for utilising terms used by the animal protein sector on plant-based products. These witnesses and submitters argued that consumers are confused by current labelling practices and warned of underreporting of the matter to the ACCC.<sup>4</sup> Further, these stakeholders argued that labelling and marketing practices employed by the plant-based protein sector were appropriating meat terminology, devaluing and undermining the reputation of Australia's animal protein sectors, and misleading consumers.<sup>5</sup> As described by the Australian Chicken Meat Federation (ACMF), the primary issue faced by the traditional protein sector is the protection of 'animal protein terms from exploitation by those who are using those terms inappropriately to attract value to their products in a way that can't be justified'.<sup>6</sup> A risk of such action, as described by the Consolidated Pastoral Company, is the 'potential to inflict damage on the industry's hard-won reputation in producing high-quality meat', both domestically and on international markets.<sup>7</sup>
- 2.6 These stakeholders called for 'truth in labelling', enhanced product labelling laws and recognition of the industry's contribution to the Australian economy through its payment of levies.<sup>8</sup> However, the National Farmers' Federation (NFF) and Victorian Farmers Federation emphasised that measures to strengthen product labelling should not seek to prioritise one agricultural sector against another.<sup>9</sup>

---

<sup>3</sup> Mr Greg McFarlane, Director, Vegan Australia, *Committee Hansard*, 17 September 2021, p. 4; Dr Tamasin Ramsay, Executive Director, Animal Justice Party, *Committee Hansard*, 17 September 2021, p. 17.

<sup>4</sup> See: *Criticisms of the ACCC*.

<sup>5</sup> Ms Veronica Papacosta, Chief Executive Officer, Seafood Industry Australia, *Committee Hansard*, 16 September 2021, p. 28; Ms Emma Germano, President, Victorian Farmers Federation, *Committee Hansard*, 16 September 2021, pp. 37–38; Mr Michael Guerin, Chief Executive Officer, AgForce Queensland Farmers Limited, *Committee Hansard*, 8 November 2021, p. 26; Mr Troy Setter, Chief Executive Officer, Consolidated Pastoral Company, *Committee Hansard*, 8 November 2021, p. 39.

<sup>6</sup> Dr Vivien Kite, Executive Director, Australian Chicken Meat Federation, *Committee Hansard*, 16 September 2021, p. 15.

<sup>7</sup> Mr Troy Setter, Chief Executive Officer, Consolidated Pastoral Company, *Committee Hansard*, 8 November 2021, p. 40.

<sup>8</sup> See: Chapter 5 for further information.

<sup>9</sup> Mr Ben Antenucci, Policy Director, Agricultural Industries, NSW Farmers Association, *Committee Hansard*, 16 September 2021, p. 36; Ms Emma Germano, President, Victorian Farmers Federation, *Committee Hansard*, 16 September 2021, p. 37.

- 2.7 As a key representative of the red meat industries,<sup>10</sup> the Red Meat Advisory Council (RMAC) expressed concern about the appropriation of Australian red meat category brands, and the underlying motivations and marketing strategies employed by the plant-based sector. The RMAC submitted that these companies were using ‘piggyback marketing practices to trade on the good name of Australia’s red meat category brands’ to appeal to mainstream consumers. The RMAC argued that the reason for this behaviour is because of the pre-existing reputation of Australia’s red meat as being ‘one of the safest and most nutrient-dense foods available’.<sup>11</sup>
- 2.8 This concern was shared by many representatives for the animal protein sector. Various stakeholders from across protein groups emphasised the significant investments made to develop and promote Australian-made animal protein. As demonstrated below, these stakeholders were distressed by the tactics of the plant-based sector to utilise meat category brands, which may undermine consumers’ recognition and trust in those brands.
- 2.9 The ACMF spoke of the adverse consequences of plant-based products utilising the terms ‘chicken’ and ‘chicken meat’, or images of chickens on those products. The ACMF accused the plant-based foods sector of ‘deliberately exploiting consumer trust in recognition of chicken meat to drive sales of non-chicken products that, potentially, consumers wouldn’t otherwise have actually purchased’. In its view, a consequence of this practice is the potential devaluation of chicken terminology ‘to the detriment of [the industry’s] producers’ and negatively impact ‘on the integrity of [the industry’s] products’.<sup>12</sup>
- 2.10 Seafood Industry Australia (SIA) described the experience as ‘incredibly disheartening’ and expressed dismay of plant-based protein products being ‘allowed to piggyback off [the seafood industry’s] reputation of producing great Australian seafood’. It emphasised that this reputation was built upon ‘generations of hard work, underpinned by the ongoing support of the Australian Government in areas of marketing, traceability, international trade and domestic industry support’.<sup>13</sup>
- 2.11 Similarly, Australian Pork Limited (APL) described the current marketing practices of the plant-based protein sector as ‘passing off’ their products by

---

<sup>10</sup> The Red Meat Advisory Council members include the Australian Livestock Exporters Council, the Australian Lot Feeders’ Association (*Submission 226*), the Australian Meat Industry Council (*Submission 79*), the Cattle Council of Australia (*Submission 140*), the Goat Industry Council of Australia and Sheep Producers Australia (*Submission 132*).

<sup>11</sup> Red Meat Advisory Council, *Submission 226*, p. 8.

<sup>12</sup> Dr Vivien Kite, Executive Director, Australian Chicken Meat Federation, *Committee Hansard*, 16 September 2021, p. 15.

<sup>13</sup> Seafood Industry Australia, *Submission 143*, p. 8.

utilising established definitions of meat such as ‘bacon’ and ‘pork’. The APL added that this practice is problematic because over 90 per cent of Australian households use these meat ‘definitions to support their purchasing decisions’.<sup>14</sup>

2.12 Further concerns shared across animal protein groups relate to the broader economic impact on the industry (Chapter 5) and the nutritional, environmental and animal welfare claims made plant-based manufacturers (Chapter 6).

### **Are consumers confused?**

2.13 A key question asked throughout this inquiry was whether consumers are confused by the labelling and marketing practices of plant-based products. Various studies and surveys were referred that have sought to answer this question.

2.14 A 2021 Pollinate survey of 1000 Australian consumers found 64 per cent of participants expected plant-based products to contain animal protein if the packaging presented with at least one of the following attributes:

- the product is described as ‘meat’;
- the product uses an image of an animal; and
- the product uses words like ‘beef’, ‘chicken’ or ‘lamb’.<sup>15</sup>

2.15 This Pollinate survey found 56 per cent of respondents believed that plant-based protein packaging should not be permitted to use any of the attributes listed above. Of those attributes, animal imagery was regarded as the most likely source of confusion. Regarding misattribution of plant-based protein products, the survey reported an average rate of 25 per cent. Those most likely to mistake a plant-based product for an animal protein product were people aged 65 or over, spoke a language other than English with family and friends and had a household income of \$40 000 per annum or below.<sup>16</sup>

2.16 Another industry-led survey, by APL, found 50 per cent of participants surveyed, ‘upon initial view of package labelling of a ‘plant-based roast pork’, believed the product’ to be made of pork. Fifty per cent of respondents also believed that the use of terms such as ‘pork’ or ‘bacon’ should not be permitted on plant-based products.<sup>17</sup> It also referenced a US study that found:

... almost a third of participants incorrectly identified a meat analogue burger patty labelled as “Beyond Meat Beyond Burger” as containing beef

---

<sup>14</sup> Australian Pork Limited, *Submission 129*, pp. 10–11.

<sup>15</sup> Red Meat Advisory Council, *Submission 226*, pp. 29, 35, 38 and 42.

<sup>16</sup> Red Meat Advisory Council, *Submission 226*, pp. 29, 35, 38 and 42.

<sup>17</sup> Australian Pork Limited, *Submission 129*, p. 3; Ms Margo Andrae, Chief Executive Officer, Australian Pork Limited, *Committee Hansard*, 16 September 2021, p. 30.

---

mince, when it was displayed side by side with two traditional meat burger patties.<sup>18</sup>

- 2.17 A 2020 empirical study conducted by Jareb Gleckel (Gleckel study, US) surveyed 155 participants to determine whether consumers were confused by plant-based food labels. This study found '[c]onsumers are no more likely to think that a plant-based product comes from an animal if the product's name incorporates words traditionally associated with animal products than if it does not'. The Gleckel study also sought to answer whether consumers are more confused without the use of traditional animal protein and dairy descriptors. On this matter the study found that the omission of words traditionally associated with animal protein on plant-based products 'causes consumers to be significantly more confused about the taste and use of these products'.<sup>19</sup> The study concluded that legislation that prohibits 'companies from using words like "beef" and "butter" on their labels does not advance the government's interest in preventing consumer confusion'.<sup>20</sup>
- 2.18 The contrasting view that consumers are not confused by the labelling practices of plant-based products was shared by various submitters and witnesses to this inquiry. These stakeholders argued that there was no quantitative, peer-reviewed evidence that consumers are confused by these labels and mistakenly purchasing plant-based protein products.<sup>21</sup> The Alternative Protein Council (APC), as a representative of Australia's leading plant-based protein and dairy producers, highlighted that 'clear product labelling is of critical importance to enable consumers to make informed purchasing decisions'. It referenced market research by Food Frontier that found consumers are buying plant-based protein products not because they are confused or mistaken by the product, 'but because they're actively seeking out plant-based options'. Further, the study found 'the plant-based nature of the product *is* the key selling point, with manufacturers keen to highlight this' fact.<sup>22</sup> This view was emphasised by a number of plant-based protein producers.<sup>23</sup>

---

<sup>18</sup> Australian Pork Limited, *Submission 129*, p. 12.

<sup>19</sup> Social Science Research Network, *Are consumers really confused by plant-based food labels? An empirical study*, Jareb A. Gleckel, November 2020, [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3727710](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3727710) (accessed 1 December 2021).

<sup>20</sup> Social Science Research Network, *Are consumers really confused by plant-based food labels? An empirical study*, Jareb A. Gleckel, November 2020.

<sup>21</sup> Food Frontier, *Submission 159*, p. 4; v2food, *Submission 78*, p. 4; Australian Food and Grocery Council, *Submission 109*, pp. 3–4.

<sup>22</sup> Alternative Proteins Council, *Submission 116*, pp. 2, 5.

<sup>23</sup> Mr Tyler Jameson, Vice President, Government Relations, Impossible Foods Inc, *Committee Hansard*, 6 December 2021, p. 1; Ms Jessica O'Connell, Counsel, Beyond Meat, *Committee Hansard*, 6 December 2021, p. 2.

- 2.19 Customer research data from Colmar Brunton<sup>24</sup> found 91 per cent of customers reported that they ‘have never mistakenly purchased a plant-based product thinking it was a meat-based counterpart, or vice versa’. Of the 9 per cent who mistakenly purchased the wrong product, the study found ‘they were more likely to be vegetarian or vegan’.<sup>25</sup>
- 2.20 Similarly, Woolworths Group conducted a nation-wide survey of 5 700 customers in March 2021. It found 7 per cent reported that they had purchased a plant-based product in error, which Woolworths pointed out is in alignment with the Colmar Brunton/Food Frontier’s findings.<sup>26</sup> Woolworths also reported 62 per cent of its customers purchased plant-based protein products at least sometimes, with the majority of sales resulting from new customers to the category, with a 40 per cent growth (year-on-year) in plant-based protein purchases. However, this figure remained significantly smaller than sales of red meat by a factor of 60-to-1.<sup>27</sup> The basis for this growth in consumer demand for these products include health, ethical and environmental reasons, with a growing number of people pursuing a flexitarian diet (a consumer who has consciously reduced the amount of meat consumed).<sup>28</sup>
- 2.21 The Australian Farm Institute found there to be no concrete evidence of consumer confusion other than anecdotal evidence. Its representative, Ms Katie McRobert spoke of ‘a few surveys which were quite extensive but were based on consumer intention, not based on consumer behaviour’ with ‘a fairly small percentage of people who said that they would be tricked by the product that they were shown’. Overall, the Australian Farm Institute has found there to be no evidence of systemic confusion amongst consumers:
- ... we couldn't see any evidence to support the claim that people were being tricked into buying a different product based on the label, or not consistently tricked...[S]ometimes people might make a decision in a hurry...Anecdotally, it has happened. People have put the wrong thing into their trolley, but then they've not done it again.<sup>29</sup>

---

<sup>24</sup> Study commissioned by Food Frontier and Life Health Foods.

<sup>25</sup> Colmar Brunton, *Hungry for plant-based: Australian consumer insights*, October 2019, p. 5, available at: <https://www.foodfrontier.org/reports/> (accessed 29 November 2021).

<sup>26</sup> Woolworths Group, *Submission 127*, p. 3.

<sup>27</sup> Woolworths Group, *Submission 127*, p. 2.

<sup>28</sup> Food Frontier, *Submission 159*, p. 6; Mr Tony Green, Chief Executive Officer, Australian Foodservice Advocacy Body, *Committee Hansard*, 8 November 2021, p. 8; Mr Bobby Ratnarajah, Columnist, Australian Vegans, 17 September 2021, *Committee Hansard*, p. 7; Mr Neal Chay, Executive Director, Animal Liberation Queensland, *Committee Hansard*, 17 September 2021, p. 13.

<sup>29</sup> Ms Katie McRobert, General Manager, Australian Farm Institute, *Committee Hansard*, 8 November 2021, pp. 3–4.

- 2.22 Various plant-based protein manufacturers, such as Nestle, Impossible Foods, Beyond Meat and Deliciou advised the committee that they had not received any complaints of consumers being confused by their products.<sup>30</sup>

### *Reported incidents of consumer confusion*

- 2.23 The ACCC reported that it had ‘not received information that demonstrates that the labelling of plant-based substitute products is an issue causing consumer detriment’. The ACCC submitted that it had received ‘very few reports’ of consumers being misled by the labelling found on plant-based substitute products. Of these reports received, the ACCC had found them to originate from those associated with the production of meat or dairy products:

... consumers and industry stakeholders in sectors that produce meat or dairy products raising concern that plant-based substitute products use animal product related descriptors (e.g. ‘meat’; ‘burger’; ‘milk’), or pictures of animals on their labelling. However in general, the information provided by these contacts demonstrated that they had not been misled by the labelling of the products, as they were fully aware of what the relevant product was made of when viewing it for sale. These reports were more in the nature of enquiries as to whether the products were allowed to use animal product related descriptors or animal pictures on their labelling.<sup>31</sup>

- 2.24 The ACCC initially reported between January 2020 to June 2021, there had been eleven reports about the labelling of plant-based protein products ‘out of around 564,000 total contact over the same period’. This figure was later updated through a reassessment of the data, resulting in a further six relevant consumer contacts, bringing the total to 17.<sup>32</sup> The ACCC reiterated that those complaints were not from misled individuals; rather, ‘the majority of those persons contacting [the ACCC] were obviously aware of the nature of the product and were querying the legality of the use of animal-related images or words as part of the label’. It added that some of the 17 complaints were made by meat industry bodies.<sup>33</sup> Upon reviewing those products, the ACCC concluded that in

<sup>30</sup> Mrs Kirsten Grinter, Chair, Alternative Proteins Council, *Committee Hansard*, 8 November 2021, p. 10; Mr Tyler Jameson, Vice President, Government Relations, Impossible Foods Inc, *Committee Hansard*, 6 December 2021, p. 1; Ms Jessica O’Connell, Counsel, Beyond Meat, *Committee Hansard*, 6 December 2021, p. 2; Mr Kjetil Hansen, Founder and Chief Executive Officer, Delicious, *Committee Hansard*, 6 December 2021, p. 26.

<sup>31</sup> Australian Competition and Consumer Commission, *Submission 19*, p. 2.

<sup>32</sup> A further figure of 20 was provided by the ACCC, noting that three more complains had been made since the ACCC had made its submission to the inquiry. See: Mr Rami Greiss, Executive General Manager Compliance and Fair Trading Division, Australia Competition and Consumer Commission, *Committee Hansard*, 6 December 2021, p. 36.

<sup>33</sup> Mr Mick Keogh, Deputy Chair, Australian Competition and Consumer Commission, *Committee Hansard*, 6 December 2021, pp. 34 and 36.

their opinion 'a court would view the overall impression conveyed by the labelling of these products as unlikely to mislead an ordinary consumer'.<sup>34</sup>

- 2.25 Concerning the ACCC's consideration whether such matters should be subject to an enforcement action, its Deputy Chair, Mr Mick Keogh explained the first assessment is to determine whether a breach of ACL has occurred. Further action is then guided by the ACCC's compliance and enforcement priorities, which considers the 'extent of economic or consumer harm...the strategic importance of the issue and the impact of the issue on vulnerable consumers and consumer communities'. Mr Keogh emphasised the importance of this compliance framework because the ACCC has finite resources and an 'obligation to prudently utilise taxpayer dollars'. A comparison was made to the ACCC's actions against the new motor vehicle sector, which consisted of 10 000 consumer contacts per year, with an average purchase price of between \$30 000 and \$50 000.<sup>35</sup>
- 2.26 Mr Keogh reassured the committee that the ACCC would continue to consider further allegations raised by consumers, in line with ACL and its compliance and enforcement policy. Mr Keogh added that those 'parties that believe [ACL] has been breached can initiate their own actions and do not need ACCC involvement'.<sup>36</sup>
- 2.27 The committee also heard from FSANZ about its consideration of consumers' capacity to distinguish between plant-based and traditional protein products. Its representative, Mr Glen Neal, referred to FSANZ's consideration of social science research as part of its assessment of Impossible Foods' application for the additive soy leghemoglobin:

... when we're assessing applications, if I may, is not only what the evidence is saying around safety but also what the social science is telling us around consumer understanding. In particular, if I could go back to the Impossible Foods soy leghemoglobin application last year, we reviewed the evidence around what consumers aren't understanding from what's on shelves at the moment. That actually identified a couple of studies, one Australian and one New Zealand study, that highlighted that the vast majority of consumers in both countries are able to discern plant based products from meat products. There was a minority of consumers in both countries that reported having accidentally purchased a plant based product rather than their intent to buy a meat based product. It is nine per cent for Australia and six per cent for New Zealand. That's obviously a bit annoying for those people who purchased those products, but that's what the social science is telling us, that

---

<sup>34</sup> Australian Competition and Consumer Commission, *Submission 19*, p. 2.

<sup>35</sup> Mr Mick Keogh, Deputy Chair, Australian Competition and Consumer Commission, *Committee Hansard*, 6 December 2021, p. 34.

<sup>36</sup> Mr Mick Keogh, Deputy Chair, Australian Competition and Consumer Commission, *Committee Hansard*, 6 December 2021, p. 35.

there's not a great deal of consumer confusion present in either Australia or New Zealand.<sup>37</sup>

### Criticisms of the ACCC

- 2.28 Various stakeholders objected to the ACCC's assurance that consumers are not confused. The committee received a number of notifications of consumers unintentionally purchasing plant-based protein products. Many witnesses suggested those consumers confused by plant-based protein products were not reporting such incidences to the ACCC, suggesting few knew such an action was possible.<sup>38</sup>
- 2.29 These concerns were confirmed by numerous examples describing circumstances of consumer confusion,<sup>39</sup> none of which reported such incidents to the ACCC. Ms Emily Pullen from Jim's Jerky informed the committee that she had accidentally purchased plant-based chicken stock thinking it was traditional chicken stock. Ms Pullen confirmed that she had not contacted the ACCC.<sup>40</sup> Mr Troy Setter from the Consolidated Pastoral Company had also unintentionally purchased plant-based beef stock on a couple of occasions, having been confused by the image of a cow on the product and the use of the term 'beef'.<sup>41</sup> The issue of misidentified stock was raised by Ms Emma Germano of the Victorian Farmers Federation, who also spoke of a neighbour who had purchased a plant-based prawn product with the understanding it was made of prawns.<sup>42</sup>
- 2.30 Mr William Wilson, the Cattle President of AgForce Queensland Farmers Limited, reflected upon his dismay after discovering he had unintentionally purchased and cooked a plant-based beef mince product for friends.<sup>43</sup> Similarly, the Australian Check Meat Federation provided the committee with

---

<sup>37</sup> Mr Glen Neal, General Manager, Risk Management and Intelligence, Food Standards Australia New Zealand, *Committee Hansard*, 7 December 2021, p. 18.

<sup>38</sup> Seafood Industry Australia, *Submission 143*, p. 7; Dr Vivien Kite, Executive Director, Australian Chicken Meat Federation, *Committee Hansard*, 16 September 2021, p. 17; Mr Patrick Hutchinson, Chief Executive Officer, Australian Meat Industry Council, *Committee Hansard*, 7 December 2021, p. 20.

<sup>39</sup> Other examples include: Kiel Haeusler, *Submission 63*, p. 1; Edwina Virgo, *Submission 205*, p. 1; . Examples of consumer confusion are also listed in the Pollinate Survey. See: Red Meat Advisory Council, *Submission 226*, p. [39].

<sup>40</sup> Ms Emily Pullen, Chief Executive Officer, Jim's Jerky. *Committee Hansard*, 8 November 2021, p. 39.

<sup>41</sup> Mr Troy Setter, Chief Executive Officer, Consolidated Pastoral Company, *Committee Hansard*, 8 November 2021, p. 39.

<sup>42</sup> Ms Emma Germano, President, Victorian Farmers Federation, *Committee Hansard*, 16 September 2021, p. 40.

<sup>43</sup> Mr William Wilson, Cattle President, AgForce Queensland Farmers, *Committee Hansard*, 8 November 2021, p. 29.

correspondence from Clare Buckley who had been ‘duped’ by a pre-made frozen plant-based chicken meal.<sup>44</sup>

- 2.31 Ms Elisha Parker argued consumers were confused by plant-based protein products being sold in restaurants. She referenced a plant-based ‘lamb’ pita wrap and expressed concern about the risk of misidentification for people with allergens:

As a mother to a severely allergic child with an allergy to lamb, I wouldn't take the chance that this could be a grass-fed lamb product. But what about the consumer who's not up on agriculture terms that may also make this mistake and eat a product that may be inferior to a genuine Australian lamb product, reflective on our industry.<sup>45</sup>

- 2.32 Broader, more systemic concerns were expressed by other stakeholders who questioned the effectiveness of ACCC's enforcement of ACL. These witnesses and submitters questioned whether the ACCC was thoroughly investigating the matter and perceived the ACCC as unwilling to commence proceedings against the plant-based protein sector.<sup>46</sup> The RMAC made a comparison to the number of proceedings the ACCC has made against the livestock sector. It proposed the ACCC could address this market failure by establishing an information standard for red meat category branding under section 134 of Schedule 2 to the *Competition and Consumer Act 2010*.<sup>47</sup> This proposal is further considered in Chapter 4.

### Research gaps

- 2.33 Various stakeholders raised concern with the quality of the research into consumer confusion. Criticisms were directed at findings of the Food Regulation Standing Committee's 2018 review of food labelling, because it did not complete a like-for-like comparison between products.<sup>48</sup>
- 2.34 The Australian dairy industry expressed concern with research produced by Food Frontier to inform the Industry Working Group's findings. Dairy representatives had sought clarification on whether Food Frontier's research

---

<sup>44</sup> Answers to questions taken on notice by the Australian Chicken Meat Federation during the 16 September public hearing in Canberra (received 17 September 2021), p. 2.

<sup>45</sup> Ms Elisha Parker, private capacity, *Committee Hansard*, 8 November 2021, p. 34.

<sup>46</sup> Mr Will Evans, Chief Executive Officer, Northern Territory Cattleman's Association, *Committee Hansard*, 7 September 2021, pp. 6, 8; Mr Paul de Silva, Marketing Director, Arcadian Organic and Natural Meat Company, *Committee Hansard*, 8 November 2021, p. 46; Mr Mark Davie, Director, Keppel Brand, *Committee Hansard*, 8 November 2021, p. 52.

AgForce Queensland Farmers also raised issue with the ACCC. See: Mr Michael Guerin, Chief Executive Officer, AgForce Queensland Farmers, *Committee Hansard*, 8 November 2021, pp. 26–28.

<sup>47</sup> Red Meat Advisory Council, *Submission 226*, p. 11.

<sup>48</sup> Industry Working Group Discussion Paper, *The Labelling and Marketing of Plant-based Alternatives to Meat and Meat-based and Dairy products*, p. 35.

had been peer reviewed but noted that it was ultimately the decision for the Department of Agriculture, Water and the Environment to ensure the ‘quality [of] evidence that went forward into that discussion paper’.<sup>49</sup> The Australian Dairy Farmers agreed that Food Frontier’s ‘evidence is highly questionable’ because of its constituted purpose to ‘reduce consumption of animal products’.<sup>50</sup>

- 2.35 Criticisms were also directed at the Gleckel study. The Red Meat Advisory Council (RMAC) pointed out that Jareb Gleckel was a legal academic, ‘with no apparent qualifications or accredited experience in market and social research’. Further, the study ‘was comprised of non-nationally representative survey of 155 participants, none of whom lived in Australia...[and] was undertaken using only text with no images shown of actual product packaging used in the market’. RMAC expressed dismay that this study was referenced as scientific literature by the CSIRO.<sup>51</sup> The SIA also criticised the study because its findings were inconsistent with the results of the Pollinate survey.<sup>52</sup>
- 2.36 Shortcomings were also raised with the Pollinate survey. The Australian Foodservice Advocacy Body (AFAB) thought the methodology was solid, but had issue with its findings. Specifically, the survey not recognising the role of contextual information available to consumers in a supermarket.<sup>53</sup> Further, various stakeholders stated the four products sampled by Pollinate were not reflective of the 250 products available on the market.<sup>54</sup> Whereas Beyond Meat questioned the three second timeframe participants had to view a product, which it believed was not reflective of ‘consumer purchasing decision’.<sup>55</sup> v2food described the study as ‘flawed’. More generally, v2food was critical of the traditional protein sector’s overall reliance on anecdotal evidence.<sup>56</sup>
- 2.37 Overall, there was a notable lack of peer-reviewed research into the matter. The NFF advised the committee that it had no independent peer-reviewed data on

---

<sup>49</sup> Ms Janine Waller, Executive Director, Australian Dairy Products Federation, *Committee Hansard*, 6 December 2021, p. 12.

<sup>50</sup> Mr Craig Hough, Director Strategy and Policy, Australian Dairy Farmers, *Committee Hansard*, 6 December 2021, p. 11.

<sup>51</sup> Red Meat Advisory Council, *Submission 226*, p. 10.

<sup>52</sup> Seafood Industry Australia, *Submission 143*, p. 7.

<sup>53</sup> Mr Tony Green, Chief Executive Officer, Australian Foodservice Advocacy Body, *Committee Hansard*, 8 November 2021, p. 8.

<sup>54</sup> Mr Tony Green, Chief Executive Officer, Australian Foodservice Advocacy Body, *Committee Hansard*, 8 November 2021, p. 8; Mrs Kirsten Grinter, Chair, Alternative Proteins Council, *Committee Hansard*, 8 November 2021, p. 13; Mr Thomas King, Chief Executive Officer, Food Frontier, *Committee Hansard*, 8 November 2021, p. 57.

<sup>55</sup> Ms Jessica O’Connell, Counsel, Beyond Meat, *Committee Hansard*, 6 December 2021, p. 5.

<sup>56</sup> Mr Nick Hazel, Chief Executive Officer, v2food, *Committee Hansard*, 6 December 2021, p. 28.

this matter.<sup>57</sup> This point was also raised by the Australian Food and Grocery Council's (AFGC) Deputy Chief Executive, Dr Geoffrey Annison. He stated that the AFGC was 'very aware of the concerns regarding the labelling the new plant protein based products' but 'is not aware of any convincing peer-reviewed evidence that a substantial proportion of consumers are unaware of the true nature of these...products arising from their labelling'. Dr Annison added that, should a regulatory pathway be taken to address labelling concerns, then 'the evidence would have to be there that it was a sufficient problem in order to bring in a regulatory intervention'.<sup>58</sup>

- 2.38 Various stakeholders, including the NFF and the CSIRO, welcomed the suggestion for a more detailed, independent peer-reviewed study to take place.<sup>59</sup> Some witnesses argued this research should occur before any regulatory reform occurs.<sup>60</sup> Whereas AgForce Queensland Farmers denied further research was needed; instead, it called for urgent action to improve product labelling laws.<sup>61</sup>
- 2.39 The Industry Working Group also found there to be 'limited consumer research'. It noted that it had received a range of evidence, both 'published and un-published surveys and reports', that supported the 'various positions about whether consumers are being misled'. The Industry Working Group's representatives noted that 'the nature of this evidence meant that there are perceptions of limitations about the validity of the conclusions that these studies provide'.<sup>62</sup>

---

<sup>57</sup> Mr Tony Mahar, Chief Executive Officer, National Farmers' Federation, *Committee Hansard*, 17 September 2021, p. 29.

<sup>58</sup> Dr Geoffrey Annison, Deputy Executive Director, Australian Food and Grocery Council, *Committee Hansard*, 17 September 2021, pp. 34, 36.

<sup>59</sup> Mr Tony Mahar, Chief Executive Officer, National Farmers' Federation, *Committee Hansard*, 17 September 2021, p. 29; Mr Nicholas Goddard, National Public Affairs Manager, Australian Oilseeds Federation, *Committee Hansard*, 8 November 2021, p. 21; Mr David McKeon, Chief Executive Officer, GrainGrowers, *Committee Hansard*, 8 November 2021, p. 21; Dr Michael Robertson, Director, Health and Biosecurity, Commonwealth Scientific and Industrial Research Organisation, *Committee Hansard*, 6 December 2021, p. 23; Mr Nick Hazel, Chief Executive Officer, v2food, *Committee Hansard*, 6 December 2021, p. 28.

<sup>60</sup> Mr Ryan Alexander, Co-Founder and Managing Director, No Meat May, *Committee Hansard*, 17 September 2021, p. 8; Ms Tara Ward, Managing Solicitor, Animal Defenders Office, *Committee Hansard*, 17 September 2021, p. 15; Mr Tyson Cattle, National Public Affairs Manager, AUSVEG, *Committee Hansard*, 8 November 2021, p. 18; Ms Jessica O'Connell, Counsel, Beyond Meat, *Committee Hansard*, 6 December 2021, p. 5.

<sup>61</sup> Mr Michael Guerin, Chief Executive Officer, AgForce Queensland Farmers, *Committee Hansard*, 8 November 2021, p. 29.

<sup>62</sup> Industry Working Group Discussion Paper, *The Labelling and Marketing of Plant-based Alternatives to Meat and Meat-based and Dairy products*, pp. 6–7.

## Product placement

- 2.40 The Australian Farm Institute explained the importance of appropriate product placement to ‘either aid or abet consumer clarity of choice’, noting that ‘alternative meat products are usually quite close to or co-located with their animal-based counterparts (albeit generally well segregated with signage)’.<sup>63</sup> Ms McRobert informed the committee that the evidence suggested that rather than the terms used on food being an issue, the bigger problem is when plant-based protein products are ‘displayed alongside traditional animal protein’. In these instances, ‘deception would be more likely to occur’.<sup>64</sup>
- 2.41 The placement of plant-based protein products was also raised as key factor when determining the overall impression of product.<sup>65</sup> The ACCC advised the committee that ‘most retailers that supply both animal derived food products and plant-based substitutes have these products located separately’. Accordingly, this practice ‘makes it even more unlikely for consumers to be misled’.<sup>66</sup> This view was objected to by RMAC and AgForce Queensland Farmers, who submitted that it was indicative of the ACCC’s lack of proactive investigation and appreciation of the issue.<sup>67</sup>
- 2.42 The Northern Territory Department of Industry, Tourism and Trade spoke of the importance of an easily identifiable product separation in retail outlets. Its representative noted precedence already existed with the clear separation of halal certified products, and that a similar approach should be taken with the placement of plant-based products.<sup>68</sup>
- 2.43 The committee received numerous reports and photos of plant-based protein products being placed alongside traditional protein products.<sup>69</sup> Arcadia Organic & Natural Meat Co. noted that the display cabinets used for plant-based protein

---

<sup>63</sup> Australian Farm Institute, *Submission 136*, p. 4.

<sup>64</sup> Ms Katie McRobert, General Manager, Australian Farm Institute, *Committee Hansard*, 8 November 2021, p. 6.

<sup>65</sup> The Pollinate survey noted that 47 per cent of respondents rated a product’s location as a key determinate of consumer confusion, followed by product packaging (45 per cent) and online categorisation (42 per cent).

<sup>66</sup> Australian Competition and Consumer Commission, *Submission 19*, p. 2.

<sup>67</sup> Red Meat Advisory Council, *Submission 226*, p. 11; Mr William Wilson, AgForce Cattle President, AgForce Queensland Farmers, *Committee Hansard*, 8 November 2021, p. 31.

<sup>68</sup> Mr Luke Bowen, Deputy Chief Executive Officer, Agriculture, Fisheries and Defence, Northern Territory Department of Industry, Tourism and Trade, *Committee Hansard*, 7 September 2021, p. 12.

<sup>69</sup> Images tabled by Senator McDonald during a public hearing in Canberra on 8 November 2021; Images tabled by Senator McDonald during a public hearing in Canberra on 7 December 2021, [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Rural\\_and\\_Regional\\_Affairs\\_and\\_Transport/DefinitionsofMeat/Additional\\_Documents?docType=Tabled%20Documents](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Rural_and_Regional_Affairs_and_Transport/DefinitionsofMeat/Additional_Documents?docType=Tabled%20Documents) (accessed 25 January 2022).

products frequently contain signage with terms such as ‘meat’, ‘beef’, ‘pork’ and ‘chicken’.<sup>70</sup> Sutcliffe Meats suggested strategies by the plant-based sector to specifically target consumers of meat resulted in supermarkets agreeing to place plant-based protein products alongside traditional protein for consumers’ convenience, which ultimately has led to labelling confusion.<sup>71</sup> In addition, the committee spoke of knowledge that major supermarket chains were self-regulating by removing products from shelves because those products do not provide adequate clarity to consumers.<sup>72</sup>

- 2.44 The committee sought to raise these matters with Woolworths, Coles and Aldi; however, all declined to appear before the committee. Woolworths did reference product placement in its submission. Woolworths referenced its ‘Fresh Made Easy’ program that utilised specialised signage and product placement for plant-based products. Woolworths reported that this initiative had made ‘it very clear to customers what these products are and effectively separate them from meat products’. Additional training for staff had also been implemented to better inform its customers of plant-based products.<sup>73</sup>
- 2.45 Online shopping platforms were also discussed. Woolworths submitted that it had developed a dedicated landing page for plant-based products.<sup>74</sup> Mrs Jacynta Coffey, owner and director of Coffey Cattle Company referred to a recent search of the word ‘mince’ via Coles online. Mrs Coffey advised the committee that this search function placed traditional beef mince alongside its plant-based protein replica.<sup>75</sup>
- 2.46 The committee raised with the ACCC reports of meat and plant-based protein products in close proximity on retailers’ shelves. In response, the ACCC said its ‘evidence was based on communication and discussions with retailers, and was based on observations’. It added that some retailers may not adhere and it ‘would be willing to revisit and correct’ its evidence should the ACCC be mistaken. The implications for this would be considered within the context of ACL.<sup>76</sup>
- 2.47 The matter of product placement and signage of plant-based products was considered by the Industry Working Group. It concluded that the approaches

---

<sup>70</sup> Arcadia Organic & Natural Meat Co, *Submission 36*, p. [4].

<sup>71</sup> Sutcliffe Meats, *Submission 45*, p. 1.

<sup>72</sup> Senator Susan McDonald, *Committee Hansard*, 7 December 2021, p. 11.

<sup>73</sup> Woolworths Group, *Submission 127*, p. 4.

<sup>74</sup> Woolworths Group, *Submission 127*, p. 4.

<sup>75</sup> Mrs Jacynta Coffey, Owner and Director, Coffey Cattle Company, *Committee Hansard*, 8 November 2021, p. 47.

<sup>76</sup> Mr Mick Keogh, Deputy Chair, Australian Competition and Consumer Commission, *Committee Hansard*, 6 December 2021, p. 37.

discussed 'were not deemed feasible by the retail representatives'. The discussion paper noted that '[m]ajor retailer's stores also range in size and are individually designed, with the use of signage and placement built around customer behaviours'. For this reason, there was a concern 'that a prescriptive standard for retailers would hinder core competitive retail business strategy'. Retailers emphasised that they had not received feedback or evidence that existing placement strategies cause consumer confusion, and that current approaches were designed to support consumer locating desired products. The report also recognised there to be differences in product placement and signage between major and smaller grocers.<sup>77</sup>

### **Future developments – cultured meat**

2.48 A further matter raised concerned the development of synthetic or cultured meat. This type of protein involves sourcing cells from healthy animals that are then grown in 'cell culture within a controlled production environment'. Vow, an Australian research and development-stage company into cultured meat, submitted that these finished products, which are still under development, 'are produced *ex vivo*, meaning outside of the animal, in a way that is safe and scalable'. The cultured meat industry is anticipated to be worth US\$25 billion by 2030.<sup>78</sup>

2.49 The Cultured meat industry is in its pre-commercial technology stage globally, meaning these products are not currently available on the market for Australian consumers.<sup>79</sup> For this reason, Vow submitted that the committee's consideration of the labelling requirements for these products was premature.<sup>80</sup> When asked about Food Frontier's position of cultured meats and whether it could produce its food at a cost-competitive level, Mr Thomas King responded that:

Potentially. This technology and this industry are still at a very early stage. It's still in the R&D phase, so there are still a lot of unknowns. That's why there are a lot of research dollars being put into trying to explore the potential of that technology, but, because cell cultivation technology for food is not currently undertaken at commercial scale, it is hard to know, in terms of things like price, when and whether these products will get to price parity. There are certainly folks who believe there is great potential for that,

---

<sup>77</sup> Industry Working Group Discussion Paper, *The labelling and marketing of plant-based alternatives to meat and dairy products*, p. 54.

<sup>78</sup> Vow, *Submission 92*, p. 1.

<sup>79</sup> Singapore has a range of cultured chicken nuggets available for human consumption, the only country to date with this new source of protein available to consumers. Vow, *Submission 92*, p. 2.

<sup>80</sup> Vow, *Submission 92*, p. 2.

but this sector is still at a very early stage. There are only a few companies in Australia that are pursuing that work.<sup>81</sup>

- 2.50 Should these foods be destined for the Australian market, they would be considered by FSANZ under its 'normal safety assessment process, through the established novel foods pathway'.<sup>82</sup>
- 2.51 Despite these products not being available for Australian consumers, witnesses and submitters expressed concern for their impact, particularly if those products are permitted to utilise meat terminology under the existing regulatory regime.<sup>83</sup> The SIA stated that cultured meat products are anticipated for the Australian market, and regulators should 'get ahead of it before it actually starts coming into the market'.<sup>84</sup>

### **Committee comment and recommendations**

- 2.52 Whilst the committee is supportive of both the traditional and plant-based protein markets, it is strongly opposed to the appropriation of animal protein descriptors and animal imagery by the plant-based protein sector. The committee sympathises with the animal protein sector's concerns and agrees that the current regulatory framework is inadequate. This inadequacy is demonstrated by the labelling and marketing practices of plant-based products, which are piggybacking upon the significant investment made by the animal protein sector to develop brand recognition by consumers. This significant investment is undercut by the plant-based industry's efforts to replicate known meat category brands, rather than creatively develop its own terminology and brand recognition.
- 2.53 The committee is of the view that current labelling and marketing practices by the plant-based protein sector is causing consumer confusion, demonstrated by the numerous reports of consumer confusion throughout this inquiry. Consumers are reporting incidences of unintentionally purchasing plant-based replicas of traditional protein products, yet they remain unheard. Many consumers are unaware that they can report such incidences to a consumer watchdog.

---

<sup>81</sup> Mr Thomas King, Chief Executive Officer, Food Frontier, *Committee Hansard*, 8 November 2021, p. 60.

<sup>82</sup> Vow, *Submission 92*, p. 2.

<sup>83</sup> Mr Luke Bowen, Deputy Chief Executive Officer, Agriculture, Fisheries, Defence, Northern Territory Department of Industry, Tourism and Trade, *Committee Hansard*, 7 September 2021, pp. 11–12; Mrs Tess Herbert, Chair, Australian Beef Sustainability Framework, *Committee Hansard*, 16 September 2021, p. 8; Dr Vivien Kite, Executive Director, Australian Chicken Meat Federation, *Committee Hansard*, 16 September 2021, p. 15; Cattle Council of Australia, *Submission 140*, p. 2.

<sup>84</sup> Ms Veronica Papacosta, Chief Executive Officer, Seafood Industry Australia, *Committee Hansard*, 16 September 2021, p. 26.

- 2.54 Due to underreporting of cases of consumer confusion, the committee is not convinced that this issue is accurately presented by the ACCC, nor by research presented by the plant-based protein sector. The committee respectfully disagrees with the argument that further research is needed into the matter. Further, the committee considers the ACCC's opinion about a court's prospective findings on product labelling presumptuous, and believes it is for a court to make that determination, not the ACCC.
- 2.55 It is time for decisive action by the Australian Government to address consumers' concerns. For this reason, the committee recommends the Australian Government initiates proceedings to develop a mandatory regulatory framework for the labelling of plant-based protein products. Any regulatory framework developed should be done in consultation with representatives from across the traditional protein sector (including red meat, chicken, pork and seafood industries), the plant-based protein sector, the food service industry and retailers. This process should seek to build upon the substantive work already spearheaded by the Minister for Agriculture's Industry Working Group.
- 2.56 As discussed further in this report, there are alternative proposals and pathways forward to address this matter. Specific details of these pathways, and committee views on the appropriate course of action are detailed in Chapters 3 and 4.

### **Recommendation 1**

- 2.57 The committee recommends the Australian Government develops a mandatory regulatory framework for the labelling of plant-based protein products, in consultation with representatives from the traditional and plant-based protein sectors, food service industry and retailers.**
- 2.58 The committee believes a widely overlooked contribution to consumer confusion is the role of product placement on supermarket shelves. The evidence presented by the ACCC is not representative of the evidence presented to this committee. Anecdotal and photographic evidence has shown meat and non-meat products being placed side-by-side. The committee congratulates Woolworths with its efforts to differentiate products on its shelves and online. However, the committee believes further review and reform is needed to ensure best practice is implemented throughout the retail sector.
- 2.59 The committee disagrees with the ACCC's conclusions, and for this reason, recommends that it reviews its findings regarding the placement of plant-based protein products on retailers' shelves. Online sales platforms, and whether appropriate product identification and separation are applied, should be considered as part of this review. This review should result in an appropriate framework to assist Australia's retailers with establishing suitable product

placement of plant-based protein products. Such measures will greatly enhance consumers' understanding and reduce confusion.

### **Recommendation 2**

**2.60 The committee recommends the Australian Competition and Consumer Commission reviews the placement of plant-based protein products in retailers' stores, including online platforms.**

2.61 Finally, the committee sees significant issues arising with the prospect of cultured, lab-grown meat entering the Australian market. The committee foresees this new development resulting in further consumer confusion, with existing labelling and marketing practices likely to enable further appropriation of meat category branding used by the traditional protein sector. The failure to prepare for this likely future could have dire outcomes for Australia's livestock sector, with impacts on the livelihoods of people throughout the entire supply chain.

2.62 The committee disagrees that any action to prepare for this future is premature. Instead, the committee calls for the Australian Government to ensure any mandatory regulatory framework is applicable to cultured meat products, in preparation for their introduction onto the Australian market.

### **Recommendation 3**

**2.63 The committee recommends the Australian Government ensures the application of a mandatory regulatory framework is applicable to cultured meat products, in preparation for the introduction of those products onto the Australian market.**

# Chapter 3

## Consideration of Code and the use of animal protein descriptors

3.1 The primary regulatory focus of this inquiry was on the appropriateness of section 1.1.1–13(4) of the Food Standards Australia New Zealand Code (FSANZ Code, the Code). As demonstrated throughout this report, the FSANZ Code permits the use of meat category brands on non-meat products when used in conjunction with a qualifying statement that indicates the true nature of the food. The extract of section 1.1.1–13(4) specifically states:

If a food name is used in connection with the sale of a food (for example in the labelling), the sale is taken to be a sale of the food as the named food unless the context makes it clear that this is not the intention.<sup>1</sup>

3.2 In practice, the use of qualifier statements varies across the plant-based protein sector. As revealed by this inquiry, it has become common practice for traditional animal protein descriptors, images and utility terms to be utilised, alongside qualifier statements such as ‘plant-based’, ‘vegan’ or ‘beef-free beef’. The prominence of such qualifier statements on the packaging, through font size and style, has been shown to vary across product labels.

3.3 This chapter considers the origin of section 1.1.1–13(4) of the FSANZ Code, its original intent and concerns raised by the animal protein sector about the consultation process in the lead up to the amendment in 2016. Further, this chapter considers application in a contemporary context, which has extended beyond plant-based dairy products.

3.4 This chapter then reviews the varied use of animal protein descriptors, livestock images and utility terms across the plant-based protein sector, and discussions on the appropriateness of their continued use. It concludes with suggested amendments to the FSANZ Code.

---

<sup>1</sup> The following examples are provided in the Food Standards Australia New Zealand Code:

- Examples Section 2.7.2–3, relating to beer, does not prevent the use of ‘ginger beer’ in relation to the soft drink. Such a product is not beer for the purposes of the Code.
- Section 2.1.1–3, relating to ‘bread’, does not prevent the use of ‘shortbread’ or ‘crispbread’ in relation to those foods, or ‘unleavened bread’ to describe the food made without the yeast that would be required for it to be sold as ‘bread’. Those products are not bread for the purposes of the Code.
- The context within which foods such as soy milk or soy ice cream are sold is indicated by use of the name soy; indicating that the product is not a dairy product to which a dairy standard applies.

### Section 1.1.1—13(4) of the FSANZ Code

- 3.5 As noted in Chapter 1, a core element of the debate concerning plant-based product labelling requirements is the application of section 1.1.1—13(4) of the FSANZ Code. Throughout this inquiry, this section of the Code was referred to as the ‘Sanitarium amendment’, with various stakeholders noting that Sanitarium had made the proposal to permit the use of dairy terminology for dairy analogue products. However, FSANZ clarified with the committee that the amendment to the Code was not at the request of Sanitarium;<sup>2</sup> rather, it was in response to a 2009 ruling of the Supreme Court of New South Wales into *Christine Tumney (NSW Food Authority) v Nutricia Australia Ltd* (the Nutricia Case).<sup>3</sup>
- 3.6 According to FSANZ, the Nutricia Case demonstrated that there was not a clear understanding about what constitutes food, with the court declining ‘to apply the definitions of food that appear in the FSANZ Act... Instead, the court applied what was described as a “common understanding” about what constitutes food’. Prior to the 2016 amendment, FSANZ acknowledged that:
- ... [t]he current design of the Code is based on the concept that all food can be sold provided the food is not specifically prohibited. The Code excludes, and then provides specific permissions for, some types of food or substances that can be added to foods. This establishes a complex matrix of permissions that is difficult to enforce.<sup>4</sup>
- 3.7 FSANZ accordingly initiated a legal review of the FSANZ Code, known as Proposal P1025 in 2013. As part of this legal review, FSANZ developed draft variations of the FSANZ Code, which included the proposed section 1.1.1—13(4) that ‘provides that if a name is used when a food is sold, that name is assumed to be the true name of the food unless another name is apparent from the sale context’.<sup>5</sup> As part of the legal review, FSANZ called for submissions on two occasions, the first on 23 May 2013 and the second on 10 July 2014.<sup>6</sup>

---

<sup>2</sup> Mr Glen Neal, General Manager, Risk Management and Intelligence, Food Standards Australia New Zealand, *Committee Hansard*, 7 December 2021, p. 13.

<sup>3</sup> Food Standards Australia New Zealand, *Call for submissions — Proposal P1025*, f23 May 2013, <https://www.foodstandards.gov.au/code/proposals/Documents/P1025%20Code%20Revision%20CFS.pdf> (accessed 7 December 2021), p. 4; Supreme Court of NSW, *Caselaw: NSW Food Authority v Nutricia Australia Pty Ltd* [2008] NSWCCA 252, <https://www.caselaw.nsw.gov.au/decision/549fe4953004262463c2818a> (accessed 8 December 2021).

<sup>4</sup> Food Standards Australia New Zealand, *Call for submissions — Proposal P1025*, 23 May 2013, p. 15.

<sup>5</sup> Food Standards Australia New Zealand, *Attachment B – Explanatory Statement*, p. 5, <https://www.foodstandards.gov.au/code/proposals/Documents/P1025-CodeRevision-AppR-Attach-B.pdf> (accessed 7 December 2021).

<sup>6</sup> Concerns about this amendment were raised by Dairy Australian and Queensland Health. Food Standards Australia New Zealand, *Proposal P1025 — Code Revision*,

## Consultation and application of section 1.1.1—13(4)

3.8 Since the founding of section 1.1.1—13(4) of the Code, the dairy industry has raised this matter numerous times to address ‘the misuse of dairy terms and images in the marketing and labelling of plant-based alternatives’.<sup>7</sup> The Australian Dairy Industry Council (ADIC) considered the matter a ‘longstanding problem’ and informed the committee that it has seen:

... plant based products using dairy terms like 'milk' despite not having these in their ingredients, images of cows used in marketing despite cows not being part of the production process and claims of nutritional equivalence or better than dairy despite the contrary. This is a clear market failure in the form of information asymmetry that requires government intervention.<sup>8</sup>

3.9 The animal protein sector also criticised the Code, in particular the absence of consultation with meat producers during FSANZ’s consideration of the amendments that formed Proposal P1025.<sup>9</sup> The Red Meat Advisory Council (RMAC) pointed out that FSANZ had not consulted with the red meat industry, that its consideration of the section 1.1.1—13’s scope was limited, prioritised the interests of Sanitarium and failed to recognise the ‘flow on effect’ of the regulation’s impact:

There is no evidence of consultation with the Australian red meat industry through the process that considered the amendment. Having received the background to Section 1.1.1—13 and all the submissions made during the consultation process, it is clear that the wording was influenced by the submissions made in relation to analogue dairy products without consideration of the flow on effect such wording would have on analogue meat products. Importantly, the wording was influenced by the arguments

---

<https://www.foodstandards.gov.au/code/proposals/Pages/proposalp1025coderev5755.aspx> (accessed 8 December 2021).

<sup>7</sup> Australian Dairy Industry Council. *Submission 39*, p. 1.

The dairy industry first raised concerns with the use of dairy descriptors being used on plant-based products in 1987, and informed the committee that many of its concerns detailed at the time have materialised. The Rural and Regional Affairs and Transport References Committee briefly considered this matter as part of its inquiry into the performance of Australia’s dairy industry and the profitability of Australian dairy farmers since regulation in 2000, [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Rural\\_and\\_Regional\\_Affairs\\_and\\_Transport/DairyIndustry/Report](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Rural_and_Regional_Affairs_and_Transport/DairyIndustry/Report) (accessed 14 December 2021). See: Mr Rick Gladigau, President, Australian Dairy Industry Council, *Committee Hansard*, 6 December 2021, p. 9.

<sup>8</sup> Mr Rick Gladigau, President, Australian Dairy Industry Council, *Committee Hansard*, 6 December 2021, p. 9.

<sup>9</sup> Mr Markus Rathsmann, President, Cattle Council of Australia, *Committee Hansard*, 16 September 2021, p. 2; Mr Mark Davie, Director, Keppel Brand, *Committee Hansard*, 8 November 2021, pp. 47 and 51.

of a company with a vested interest in selling plant-based beverages as “milk”, while the meat industry made no submission.<sup>10</sup>

- 3.10 RMAC recommended that, ‘given no consultation was undertaken with the meat industry on the Sanitarium amendment to [s]ection 1.1.1—13, the Code is revised to explicitly state this section is not applicable to named meat products’ under the Code.<sup>11</sup>
- 3.11 The committee questioned FSANZ on the consultation process leading up to the 2016 amendments. Its representatives spoke of public consultations taking place in the form of ‘30 and 40 submissions’ from a range of stakeholders across governments, industry and consumer groups, with dairy representatives participating in the process.<sup>12</sup>
- 3.12 Regarding section 1.1.1—13, FSANZ commented that the amendment was to clarify a ‘pre-existing intent’ that already existed under the Code, as explained by FSANZ Interim Chief Executive Officer, Dr Sandra Cuthbert:

[T]he change that is referred to here was only to clarify the pre-existing intent already within the code, so nothing drastic was intended to come out of this piece of information. The products had already been available on the market for many years, so the intent of the legislation was a clarifier of what was already in existence.<sup>13</sup>

### *Guidelines to interpret and understand the Code*

- 3.13 The meat and dairy sectors critiqued FSANZ for the lack of guidelines available for industries to interpret and understand the application of section 1.1.1—13. RMAC raised the concern that, although FSANZ does not have an enforcement role, it does have a legislative function to develop guidelines to assist with the interpretation of the Code. RMAC made clear that FSANZ had not ‘developed guidelines on the use of non-defined red meat category brands such as “beef”, “lamb” and “goat”’. For this reason, FSANZ had failed ‘to deliver upon the authority’s legislative function’.<sup>14</sup> To address this issue, RMAC recommended that FSANZ ‘immediately develop a guideline to assist in the interpretation of the [FSANZ] Code standards relating to the labelling of “beef”, “lamb” and “goat”’.<sup>15</sup>

---

<sup>10</sup> Red Meat Advisory Council, *Submission 226*, p. 6.

<sup>11</sup> Red Meat Advisory Council, *Submission 226*, p. 6.

<sup>12</sup> Mr Glen Neal, General Manager, Risk Management and Intelligence, Food Standards Australia New Zealand, *Committee Hansard*, 7 December 2021, p. 14.

<sup>13</sup> Dr Sandra Cuthbert, Interim Chief Executive Officer, Food Standards Australia New Zealand, *Committee Hansard*, 7 December 2021, p. 14.

<sup>14</sup> Red Meat Advisory Council, *Submission 226*, p. 7.

<sup>15</sup> Red Meat Advisory Council, *Submission 226*, p. 7.

3.14 The committee asked FSANZ whether it had developed guidelines to assist with the interpretation of section 1.1.1–13 of the Code. In response, FSANZ said it had historically issued guidance around labelling standards but clarified that it had not been updated to reflect changes made to the Code in 2016. Ms Jenny Hezelton, Director of Labelling and Information Standards, said:

They're actually old; they date back to when the joint food standards code came into effect, which was in 2001. A number of them have not been updated, so they are historical documents. Since the code revisions, so the 2016 change to the code that you were referring to earlier, there has not been an update of that guidance since that time. Many of the jurisdictions in Australia, the states and territories, have the enforcement responsibility. A number of them have done some of that division of guidance by virtue of the information that they make available on their own websites or in their assistance to industry.<sup>16</sup>

### **The use of animal protein descriptors, livestock images and utility terms**

3.15 A primary concern shared by all stakeholders that participated in this inquiry was whether certain traditional meat descriptors and terminology should be restricted in their use. The committee received a range of views, that broadly were categorised as:

- those in favour of continued use of animal protein descriptors and utility terms;
- those in favour of restricted use of animal protein descriptors, but supportive of plant-based protein products use of utility descriptors; and
- those in favour of a wide-scale ban on plant-based protein products use of both animal protein and utility descriptors.

3.16 A further matter raised throughout the inquiry was the use of animal imagery on the labelling and marketing of plant-based protein products.

3.17 The continued use of meat terminology on plant-based protein products was widely objected to by the animal protein sector and other stakeholders. As described in Chapter 2, this sector reported instances of consumer confusion because of product labelling practices by the plant-based protein sector. Across the red meat, poultry, pork, seafood and other agricultural sectors there were calls for regulations that prohibit the use of animal descriptors being used by plant-based products, with section 1.1.1–13 of the Code being revised to explicitly exclude its application to named meat and seafood products.<sup>17</sup> The

---

<sup>16</sup> Ms Jenny Hezelton, Director, Labelling and Information Standards, Food Standards Australia New Zealand, *Committee Hansard*, 7 December 2021, p. 16.

<sup>17</sup> Red Meat Advisory Council, *Submission 226*, p. 6; Australian Lot Feeders' Association, *Submission 223*, p. 9; Seafood Industry Council, *Submission 143*, p. 5; AgForce Queensland Farmers, *Submission 139*, p. 7; Australian Pork Limited, *Submission 129*, p. 16; Mr Nicholas Goddard, National

Australian Dairy Products Federation perceived this type of regulatory change as a long-term objective for the dairy sector, with its representatives favouring a voluntary framework as a first step to addressing their concerns.<sup>18</sup>

- 3.18 The RMAC made clear that it was ‘seeking minimum standards to prohibit the use of descriptors including “meat”, “beef”, “goat”, “lamb” et cetera’ because plant-based protein products ‘are deliberately trying to piggyback on [their] product and pretend that they are everything that our product is, when in fact they’re not’.<sup>19</sup> RMAC’s Independent Chair, Mr John McKillop, provided an example of the imbalance in the approach taken by the plant-based protein sector, asking what response vegan groups would have if meat products were labelled as ‘animal-based lentils’:

Say one of the meat processors decided to use an offal product and turn it into something that looked like chickpeas. Say they dried them out, put them in the vegan aisle and called them 'animal based lentils' or 'animal based chickpeas'. There would be absolute outrage from the vegan groups. They'd say: 'You're trying to deceive us into buying a product that's clearly animal based and you're trying to pitch it as something it's not.' Yet somehow these same groups seem to think that it's okay to do completely the same to us and put pictures of steers or cows on a product and call it beef and not think that we would find that offensive to our production systems.<sup>20</sup>

- 3.19 Mr McKillop specifically detailed the red meat sector’s objection to the current operation of the FSANZ Code under section 1.1.1–13 and FSANZ’s failure to adequately consult with Australian consumers. Mr McKillop called for this loophole to be closed, and warned the failure to do so would have ramifications for the entire animal protein supply chain:

I think we need to close this loophole, because infringing our trademark brand to sell other products unlawfully—or it should be unlawful in Australia—denigrates the hard work of all those involved. And it's not just the producers. It's the workers; it's the butchers; it's everyone involved in the supply chain.<sup>21</sup>

---

Public Affairs Manager, Australian Oilseeds Federation, *Committee Hansard*, 8 November 2021, p. 21.

<sup>18</sup> Further discussed in Chapter 4. Ms Janine Waller, Executive Director, Australian Dairy Products Federation, *Committee Hansard*, 6 December 2021, pp. 13–14.

<sup>19</sup> A similar concern about piggyback marketing tactics was also shared by the Australian Duck Meat Association, who spoke of products labelled “roast duck”. Dr Greg Parkinson, Chief Executive Officer, Australian Duck Meat Association, *Committee Hansard*, 16 September 2021, p. 19.

<sup>20</sup> Mr John McKillop, Independent Chair, Red Meat Advisory Council, *Committee Hansard*, 7 December 2021, p. 21.

<sup>21</sup> Mr John McKillop, Independent Chair, Red Meat Advisory Council, *Committee Hansard*, 7 December 2021, p. 22.

- 3.20 RMAC considered the continual use of meat category brands by plant-based protein products to describe ‘sensory experiences’ as an ‘infringement upon the unique intellectual property developed by our industry’. This investment, through ‘compulsory levies and private expenditure in red meat-eating quality programs are severely devalued if any vegetable product can benefit from’ the industry’s category branding.<sup>22</sup>
- 3.21 Arguments in support of minimum regulated standards that restrict the use of animal products descriptors were not isolated to the animal protein sector. The National Farmers’ Federation (NFF) advocated for principles that ensure ‘food labelled with an animal product description is derived from an animal’ and a ‘minimum regulatory regime that prohibits’ plant-based protein products from using ‘descriptors that contain any reference to animal flesh or products’. Specifically, the NFF advocated for a voluntary framework as a first step, yet supported the removal ‘of plant-based protein being called “meat” and/or dairy products that have a clear perception if not definition in people’s minds’, along with increased descriptors indicating a product is plant-based.<sup>23</sup> The NFF highlighted the importance of not impairing Australian meat category brand investments, yet at the same time allowing all protein sectors to grow:
- The plant based sector has, in our view, taken the opportunity to leverage in labelling already established over time by the animal protein sector. It’s our view that we must ensure the legislative and regulatory framework doesn’t impair the Australian meat category brand investment from the appropriation of product labelling by manufactured plant based or synthetic protein products, while allowing both plant and red meat protein sectors to grow to their full potential.<sup>24</sup>
- 3.22 The NSW Farmers Association pointed out the ‘long-established marketing descriptors’ used by beef, sheep, meat, goat, chicken and dairy industries. For this reason, it is necessary for those industries to ‘retain and protect’ their use, nor should another sector be permitted to ‘misappropriate these terms and descriptors for the promotion of their own product that by nature is not the product being marketed’.<sup>25</sup>
- 3.23 Whilst supportive of minimum standards, Graingrowers noted that no sector should be disadvantaged under any regulatory changes:

Care must be taken that any regulatory changes to the labelling definitions of either end-products, be they plant- or animal-based, do not negatively

---

<sup>22</sup> Red Meat Advisory Council, *Submission 226*, p. 12.

<sup>23</sup> National Farmers’ Federation, *Submission 103*, p. 4; Mr Tony Mahar, Chief Executive Officer, National Farmers’ Federation, *Committee Hansard*, 17 September 2021, pp. 27–28.

<sup>24</sup> Mr Tony Mahar, Chief Executive Officer, National Farmers’ Federation, *Committee Hansard*, 17 September 2021, p. 27.

<sup>25</sup> Mr Ben Antenucci, Policy Director, Agricultural Industries, NSW Farmers Association, *Committee Hansard*, 16 September 2021, p. 36.

impact growers, their livelihoods, and their day-to-day operations. Any claims placed the label of a product should be scientifically supported so that consumer confusion and misinformation is avoided.<sup>26</sup>

- 3.24 Those in favour of an improved regulatory framework clarified that they were supportive of increased consumer competition through the availability of plant-based protein products. However, these submitters and witnesses argued that this competition must take place within an honest and balanced regulatory environment.<sup>27</sup> The committee heard support for plant-based protein products to create their own category branding/value proposition similar to other products, such as margarine.<sup>28</sup> This point was made by AgForce Queensland Farmers who warned this issue would undermine 'fair competition and risk the integrity and regulatory certainty of the entire food system'.<sup>29</sup>
- 3.25 The plant-based protein sector largely dismissed the arguments made by the traditional protein sector. Food Frontier advised the committee that a significant proportion of plant-based product already utilise suitable labelling practices. It referenced an analysis of 252 plant-based protein products on retailer shelves which found:
- all the products reviewed used one or more qualifier terms on the front of their packaging to indicate they are meat-free, with 85 per cent using two or more terms and 56 per cent using three or more;
  - sixty-six per cent of those products did not use an animal meat term in the product name, and instead used terms that describe a products' format and utility (such as 'burger', 'mince' or 'tenders');
  - animal meat terms were used on 26 per cent of those products, alongside a modification to indicate they are meat-free (such as 'beefy' or 'chicken-less') and describe the product's style;
  - only eight per cent of the product surveyed use an unmodified meat term (such as 'beef' or 'chicken') along with 'an average of 2.4 terms either in the product name or elsewhere' on the front of the packaging to indicate the product is meat-free;
  - eighty-nine per cent of surveyed products do not use animal depictions on the front of their product's label, with 7 per cent using animal depictions that occupy less than 10 per cent of the front-of-pack label and a further

---

<sup>26</sup> Graingrowers, *Submission 128*, p. [4].

<sup>27</sup> Graingrowers, *Submission 128*, p. [4]; National Farmers' Federation, *Submission 103*, p. 4; Ms Veronica Papacosta, Chief Executive Officer, Seafood Industry Council, *Committee Hansard*, 16 September 2021, p. 23.

<sup>28</sup> Seafood Industry Australia, *Submission 143*, p. 7; Mr Luke Bowen, Deputy Chief Executive Officer, Agriculture, Fisheries and Defence, Northern Territory Department of Industry, Tourism and Trade, *Committee Hansard*, 7 September 2021, p. 10; Ms Emily Pullen, Chief Executive Officer, Jim's Jerky, *Committee Hansard*, 8 November 2021, p. 41.

<sup>29</sup> AgForce Queensland Farmers, *Submission 139*, p. 8.

4 per cent using animal depictions that occupy more than 10 per cent of the front-of-pack label; and

- none of the products surveyed use the term ‘Australian’ in their brand or product name, which according to Food Frontier was ‘contrary to the suggestion that plant-based alternatives are infringing on the [intellectual property] of Australia livestock producers’.<sup>30</sup>

3.26 As detailed in Chapter 2, advocates for the continued use of animal protein descriptors and utility terms emphasised that consumers were not confused by existing labelling practices of the plant-based protein product sector. On this basis, any adjustments to the current regulatory requirements would risk causing consumer confusion. They argued that any changes to the Code are unnecessary because the use of qualifier statements ensures the content of a plant-based protein product is understood by consumers. Food Frontier and the Alternative Proteins Council (APC) argued in favour of this approach, supported by the voluntary framework developed and implemented by the plant-based protein sector in consultation with governments and other industry stakeholders (further considered in this Chapter).

3.27 The APC clarified its position, arguing in favour of a ‘fact-based approach to decision-making, where plant-based protein products are embraced as part of Australia’s local and export food market’. Its representative, Mrs Kirsten Grinter spoke of APC’s support for the existing framework, the importance of clear labelling and the development of a voluntary framework:

I think the regulations are really solid, and we all abide by the same regulations. We need to give consumers information about a product and provide a true product description that enables consumer choice. This is the same whether you’ve got a meat product or an alternative protein product. Clear labelling is important for both those areas, and clear labelling is really important to us because it really drives that consumer credibility piece. We want consumers to purchase, whether it is an animal based product or an alternative product, with confidence and be satisfied in that. Otherwise, you lose your consumer in the end. The regulations are fit for purpose. I think the areas that you have touched on around descriptors, qualifiers, prominence and that type of thing could all be dealt with in labelling guidance—at least use labelling guidance first off, because it can be agile and we can get it in there quick and really drive consistency and the approach across this growing sector.<sup>31</sup>

---

<sup>30</sup> Answers to questions taken on notice by Alternative Proteins Council at a public hearing on 8 November 2021 (received 19 November 2021), document by Food Frontier, ‘Plant-based meat alternatives sold in Australia: an analysis of product labels’, July 2021, p. 2; Food Frontier, *Submission 159*, p. 4.

<sup>31</sup> Mrs Kirsten Grinter, Chair, Alternative Protein Council, *Committee Hansard*, 8 November 2021, pp. 15–16.

3.28 Regarding the use of animal imagery and animal descriptions (such as ‘chicken’ or ‘beef’) on plant-based protein products, Food Frontier emphasised that its analysis of plant-based protein products in Australian supermarkets found ‘only a handful of products that use the atypical approach’ of using ‘animal imagery or unmodified animal meat terms’. It concluded that the ‘vast majority of products in this category are [appropriately] labelled’. Food Frontier stated the analysis ‘dispels some of the misinformation that’s currently part of this [inquiry’s] conversation’.<sup>32</sup> Food Frontier’s Chief Executive Officer, Mr Thomas King, proceeded to explain the unintended consequence of amending the FSANZ Code:

Removing that section of the code could subsequently restrict the use of certain terms beyond the ones of concern like 'beef' or 'chicken'. This could include widely understood format terms like 'veggie sausage' or 'plant based burger' which are used to describe the majority of products in this category. They may not be permitted, based on how the definition of meat is currently structured and all of the terms that sit within that definition. This means, essentially, that Australian producers of these products would be forced to come up with contrived terminology like, I don't know, 'plant based discs', which I think would only cause greater confusion for consumers who are trying to figure out what types of meals these products are intended for. That change I described could also impact the ability for Australian companies to compete in other markets, considering there'd be the need for dual packaging for those places that allow the use of those format terms on plant based products, which is almost every market on earth.<sup>33</sup>

3.29 The committee sought clarification about the types of descriptors that would be deemed reasonable for the plant-based protein sector’s use. In reference to the use of specific livestock terms such as ‘Wagyu’,<sup>34</sup> the Australian Foodservice Advocacy Body considered it ‘would fall out of the best-practice scenario’ and questioned the benefit of using such a term.<sup>35</sup> The manufacturer of Deliciou explained that terms such as ‘beef’ or ‘bacon’ provided consumers with an understanding of a product’s flavour and texture.<sup>36</sup> Food Frontier emphasised that when used, such terms were marketed with qualifier statements (‘meat-

---

<sup>32</sup> Mr Thomas King, Chief Executive Officer, Food Fronter, *Committee Hansard*, 8 November 2021, p. 54.

<sup>33</sup> Mr Thomas King, Chief Executive Officer, Food Fronter, *Committee Hansard*, 8 November 2021, p. 56.

<sup>34</sup> This concern was raised by Mr Bryce Camm, President, Australian Lot Feeders’ Association, *Committee Hansard*, 16 September 2021, p. 10.

<sup>35</sup> Mr Tony Green, Chief Executive Officer, Australian Foodservice Advocacy Body, *Committee Hansard*, 8 November 2021, p. 13.

<sup>36</sup> Mr Kjetil Hansen, Founder and Chief Executive Officer, Deliciou, *Committee Hansard*, 6 December 2021, p. 30.

free' or 'plant-based') to meet both regulatory requirements and consumer understanding of the product's intended use and composition.<sup>37</sup>

- 3.30 Deliciou outlined the impact such a measure would have on its operation should it not be able to use descriptors such as 'chicken'. It questioned how the company would communicate with consumers about a product's flavour or texture, concluding that it would be 'impossible...to communicate the purpose of [its] products to consumers'. It determined that, should regulations prevent the use of such descriptors, it would ultimately lead to there being no market in Australia and Deliciou moving its operations abroad.<sup>38</sup>
- 3.31 The APC added that it supports 'clear, consistent labelling overall' and that the use of all terms, 'would need to be covered in labelling guidelines'. Most importantly, the development of labelling guidelines to address such matters would support consistency across the plant-based protein sector and 'get really good uptake across the industry'.<sup>39</sup> Food Frontier agreed that the use of animal meat terms should be discussed as part of the development of a voluntary framework.<sup>40</sup>

#### *Animal imagery*

- 3.32 The use of animal imagery for the labelling and marketing of plant-based products was widely discussed throughout the inquiry. Various stakeholders objected to its use and provided the committee with numerous examples of animal images being utilised on plant-based protein products.<sup>41</sup> Some stakeholders expressed concern for those people with low levels of literacy or those who spoke English as a second language,<sup>42</sup> as demonstrated by findings of the Pollinate survey.

---

<sup>37</sup> Mr Thomas King, Chief Executive Officer, Food Frontier, *Committee Hansard*, 8 November 2021, p. 57.

<sup>38</sup> Mr Kjetil Hansen, Founder and Chief Executive Officer, Delicious, *Committee Hansard*, 6 December 2021, p. 26.

<sup>39</sup> Mrs Kirsten Grinter, Chair, Alternative Protein Council, *Committee Hansard*, 8 November 2021, p. 13.

<sup>40</sup> Mr Thomas King, Chief Executive Officer, Food Frontier, *Committee Hansard*, 8 November 2021, p. 55.

<sup>41</sup> Mr Luke Bowen, Deputy Chief Executive Officer, Agriculture, Fisheries and Defence, Northern Territory Department of Industry, Tourism and Trade, *Committee Hansard*, 7 September 2021, p. 10; Mr Nicholas Goddard, National Public Affairs Manager, Australian Oilseeds Federation, *Committee Hansard*, 8 November 2021, p. 21.

<sup>42</sup> Mr John McKillop, Independent Chair, Red Meat Advisory Council, *Committee Hansard*, 7 December 2021, p. 21; Dr Vivien Kite, Executive Director, Australian Chicken Meat Federation, *Committee Hansard*, 16 September 2021, p. 20; Mr Andrew Curtis, Chief Executive Officer, Livestock SA, *Committee Hansard*, 16 September 2021, p. 29; Mr Paul da Silva, Marketing Director, Arcadian Organic and Natural Meat Company, *Committee Hansard*, 8 November 2021, p. 46.

- 3.33 In contrast, representatives from the plant-based protein sector claimed the use of such imagery was not common practice. The APC informed the committee that only a handful of products on the market used animal logos, and the continued use of such imagery should be a matter explored with the development of a voluntary framework.<sup>43</sup> This point was also made by Food Frontier, who commented that ‘there certainly seems to be a willingness amongst industry to have this conversation and to look to address those concerns’.<sup>44</sup>
- 3.34 Australian Pork Limited recommended that minimum regulated standards should be developed to prohibit ‘the use of livestock images or other inferences on labelling and marketing materials that implies that the product is made from meat’ for ‘products that are predominately made from manufactured plant-based proteins’.<sup>45</sup> A similar principle was supported by the NFF, but under a voluntary framework as a first step.<sup>46</sup> When reflecting upon the discussions that took place as part of the Industry Working Group, the NFF considered restricting the use of animal images was an easy first step in a voluntary framework because it ‘would send a good message to all parties’.<sup>47</sup>

#### *Utility terms*

- 3.35 The use of utility terms, such as ‘patty’, ‘burger’, ‘sausage’ or ‘mince’ were generally accepted by most stakeholders.<sup>48</sup> The plant-based protein sector made clear that the use of these terms assists consumers with understanding their products. v2Food pointed out that those terms were ‘not proprietary to any company or sector’.<sup>49</sup> Whereas Food Frontier believed any effort to restrict the use of such terms would result in enhanced consumer confusion.<sup>50</sup>

---

<sup>43</sup> Mrs Kirsten Grinter, Chair, Alternative Protein Council, *Committee Hansard*, 8 November 2021, p. 16.

<sup>44</sup> Mr Thomas King, Chief Executive Officer, Food Frontier, *Committee Hansard*, 8 November 2021, p. 55.

<sup>45</sup> Australian Pork Limited, *Submission 129*, p. 4.

<sup>46</sup> For further information see Chapter 4. National Farmers’ Federation, *Submission 103*, p. 4.

<sup>47</sup> Mr Tony Mahar, Chief Executive Officer, National Farmers’ Federation, *Committee Hansard*, 17 September 2021, p. 32.

<sup>48</sup> Mr Nicholas Goddard, National Public Affairs Manager, Australian Oilseeds Federation, *Committee Hansard*, 8 November 2021, p. 22; Tasmanian Farmers and Graziers Association, *Submission 142*, p. [2].

<sup>49</sup> v2food, *Submission 78*, p. 22. Also see: Simplot, *Submission 99*, p. [3]; Alternative Proteins Councils, *Submission 116*, p. 5.

<sup>50</sup> Mr Thomas King, Chief Executive Officer, Food Frontier, *Committee Hansard*, 8 November 2021, p. 56.

- 3.36 Seafood Industry Australia (SIA) was supportive of ongoing use of utility terms by plant-based protein producers because those ‘terms speak to the form of the product and how to use a product in terms of the cooking and dining experience’. However, it objected to those terms being used in conjunction with labels like ‘fish-free fingers’, which is ‘an obvious play on the popular “Fish Fingers”’.<sup>51</sup>
- 3.37 The RMAC clarified that it was ‘not seeking to prescribe additional definitions for utility terms such as burger, patty or mince’. To qualify its position, the RMAC submitted the following:

Aside from the deliberate piggyback marketing benefits enjoyed by MPBP companies, there is no additional consumer utility derived from describing a product as a “plant based beef burger” than simply a “plant based burger”. Red meat category brands in themselves do not describe how a product is consumed or cooked. As margarine did with butter, MPBP products should establish their own product categories and brands to relay specific sensory experiences rather than appropriating red meat category brands.<sup>52</sup>

### **FSANZ response to concerns**

- 3.38 The committee raised with FSANZ concerns about the suitability of the Code and its application to plant-based protein products. As part of this inquiry, the committee questioned whether the absence of specific definitions of certain meat terms (‘beef’, ‘chicken’ or ‘pork’) resulted in their use by the plant-based protein sector. In addition, the committee queried whether the issues raised by the animal protein sector was an unintended consequence of the 2016 amendment to the Code.
- 3.39 In response, FSANZ explained that those meat products would fall under the definition of meat, which ‘is quite broad’.<sup>53</sup> With regard to the amendment, FSANZ’s Interim Chief Executive Officer, Dr Sandra Cuthbert expressed confidence that the 2016 amendment was appropriate:

I believe the legislative phrasing that is being utilised provides provision to ensure that an appropriate description is used to ensure clarity is provided, so that consumers can make an informed choice as to what food it is they're purchasing. So I'm comfortable, based on the information that we've seen to date, that the code—and that portion of the code that was modified in 2016—provides the necessary framework to ensure that foods are labelled in accordance with their true nature or provided a description to ensure that consumers are aware of what it is that they're purchasing. If I can add, this is in addition to other information that's available on the packaging. For the packaged foods, for example, there are the labelling requirements of

---

<sup>51</sup> Seafood Industry Council, *Submission 143*, p. 6.

<sup>52</sup> Red Meat Advisory Council, *Submission 226*, p. 12.

<sup>53</sup> Ms Jenny Hazelton, Director, Labelling and Information Standards, Food Standards Australia New Zealand, *Committee Hansard*, 7 December 2021, p. 15.

ingredients lists and a nutritional information panel that goes in addition to the term used on a label for the name of the food itself.<sup>54</sup>

- 3.40 FSANZ also denied that its policy decisions were influenced by external pressure from major retailers or manufacturers. In response to this line of questioning, the committee was reassured by FSANZ of its independence as a statutory agency. It added that its decisions are guided by evidence and it is 'always open to more information to make sure' that it makes 'the best, most robust, scientific evidence-based decision possible'.<sup>55</sup>
- 3.41 On this basis, the committee referred to a plant-based protein product that utilised the term 'bull-free beef', 'raw prime mince' and in small text 'beefy clean plant protein'. In response, FSANZ suggested the first benchmark is for a determination on whether a product is 'misleading enough to warrant enforcement action' under ACL. For this to be achieved, FSANZ recommended that consumers issue complaints with enforcement bodies, which would help inform the need for a review of the Code and 'generate further guidance for industry'.<sup>56</sup>
- 3.42 The committee raised a further concern about illiteracy and people's capacity to comprehend product labels. FSANZ acknowledged that there may be higher risk of those people being misled by pictures and the general overall impression of a product. Suggested solutions, should this issue be explored further, may warrant FSANZ having to 'generate a new standard or produce some icons'.<sup>57</sup> However, it iterated the need for a further investigation into consumer confusion to explore the best solutions going forward because FSANZ does not 'jump to regulatory solutions early on if there is an easier non-regulatory option'.<sup>58</sup>

### **Proposed amendments to the FSANZ Code—section 1.1.1—13(4)**

- 3.43 As demonstrated by evidence in this chapter, a proposed pathway forward to resolve the concerns with existing labelling laws is to exempt section 1.1.1—13(4)'s application to terms used to describe animal protein products. This proposal would seek to prevent the use of terms such as 'meat', 'beef', 'chicken', 'goat', 'lamb', 'pork' or seafood descriptors being utilised on plant-based protein

---

<sup>54</sup> Dr Sandra Cuthbert, Interim Chief Executive Officer, Food Standards Australia New Zealand, *Committee Hansard*, 7 December 2021, pp. 15–16.

<sup>55</sup> Dr Sandra Cuthbert, Interim Chief Executive Officer, Food Standards Australia New Zealand, *Committee Hansard*, 7 December 2021, p. 16.

<sup>56</sup> Mr Glen Neal, General Manager, Risk Management and Intelligence, Food Standards Australia New Zealand, *Committee Hansard*, 7 December 2021, p. 18.

<sup>57</sup> Mr Glen Neal, General Manager, Risk Management and Intelligence, Food Standards Australia New Zealand, *Committee Hansard*, 7 December 2021, pp. 18–19.

<sup>58</sup> Ms Jenny Hazelton, Director, Labelling and Information Standards, Food Standards Australia New Zealand, *Committee Hansard*, 7 December 2021, p. 19.

products, with qualifier statements.<sup>59</sup> This approach, as described by SIA, would eliminate 'grey areas' facilitated through the existing exemption, address loopholes and allow all sectors to 'move on in a more refreshed and activated way'.<sup>60</sup> The dairy industry, whilst supportive of a voluntary framework as an initial first step, was also supportive of a similar exemption being made for dairy products.<sup>61</sup>

3.44 As outlined in Chapter 1, there are two pathways to amend the FSANZ Code. The first is for an interested party to make a submission to FSANZ that details the rationale and evidence that supports the proposed amendment. The second is for FSANZ to initiate a review of the Code. Any amendments to the Code are reviewed and subsequently made to the Food Ministers' Forum and agreed to by state and territory governments, as well as the New Zealand Government.<sup>62</sup>

3.45 Amending the FSANZ Code was considered by the Industry Working Group. Under this proposal, its discussion paper identified several benefits, such as:

- higher compliance;
- the development of a legislative standard that 'recognises and supports the growth of the plant-based industries as an independent food category';
- the supporting of consistent terminology across plant-based industries;
- the establishment of a long-term goal to clarify and develop consistent use of terms traditionally used for meat and dairy products;
- support for unique identification of all protein and dairy products;
- it builds upon Australia's reputation for food production by establishing clear parameters and the exportation of products that are clearly differentiated; and
- it would potentially support overall health and nutritional goals by supporting consumers to make informed choices to meet health needs.<sup>63</sup>

---

<sup>59</sup> Dr Vivien Kite, Executive Director, Australian Chicken Meat Federation, *Committee Hansard*, 16 September 2021, p 16; Ms Veronica Papacosta, Chief Executive Officer, Seafood Industry Australia, *Committee Hansard*, 16 September 2021, p. 26; Ms Margo Andrae, Chief Executive Officer, Australian Pork Limited, *Committee Hansard*, 16 September 2021, p. 30; Mr John McKillop, Independent Chair, Red Meat Advisory Council, *Committee Hansard*, 7 December 2021, p. 21.

<sup>60</sup> Ms Veronica Papacosta, Chief Executive Officer, Seafood Industry Australia, *Committee Hansard*, 16 September 2021, p. 26.

<sup>61</sup> Mr Rick Gladigau, President, Australian Dairy Industry Council, *Committee Hansard*, 6 December 2021, p. 9.

<sup>62</sup> See Chapter 1 for further details. Alternatively, see: Industry Working Group Discussion Paper, *The labelling and marketing of plant-based alternatives to meat and dairy products*, p. 57.

<sup>63</sup> Industry Working Group Discussion Paper, *The labelling and marketing of plant-based alternatives to meat and dairy products*, p. 57.

- 3.46 Notable detriments identified include regulatory costs on food manufacturers, enforcement costs on government and the need for agreement across governments (including New Zealand).<sup>64</sup>
- 3.47 The committee heard that discussions regarding the adequacy of the Code had already commenced within the Food Ministers' Meeting. The New South Wales (NSW) Government submitted that it had raised the matter of product labelling of plant-based protein products with the Food Ministers' Meeting in November 2019. During the meeting, the NSW Government argued the matter was an emerging market in Australia and 'considered it timely to act in order to provide consumers with transparent information to support an informed choice'. The NSW Government stated that it 'strongly supports the need for absolute truth in labelling and providing clear guidance to allow consumer to compare products like-for-like rather than assuming analogues are nutritionally comparable to animal-based products'.<sup>65</sup>
- 3.48 AgForce Queensland Farmers called for a regulatory framework that should 'expressly preclude non-levy-paying industries from misappropriating the branding, which includes meat terminology, reserved from the levy-paying red-meat and livestock industries'. It warned that a failure to regulate the plant-based protein sector would have 'potentially serious social, environmental and economic impacts across regional, rural and remote Australia'.<sup>66</sup>
- 3.49 This view was not only held by representatives of the animal protein sector. Mr Nicholas Goddard from the Australian Oilseeds Federation expressed support for an amendment to the FSANZ Code in light of the Industry Working Group's findings:
- Should the proposal that was in that paper be put forward, there would need to be a change to the Food Standards Code, first and foremost. I would see that as something that would be not managed by a voluntary code but, in fact, enshrined within the Food Standards Code. If it were a matter of font size, it would have to be of equal font size to the word 'meat' and quite prominent on the packaging.<sup>67</sup>
- 3.50 A broader principle for ongoing regulatory review of the labelling requirements under the Code to ensure regulations 'remain relevant and appropriate' was supported by the NFF. It called for the Australian Government to make this commitment due to likelihood of this policy area becoming 'more complex over

---

<sup>64</sup> Industry Working Group Discussion Paper, *The labelling and marketing of plant-based alternatives to meat and dairy products*, p. 57.

<sup>65</sup> NSW Government, *Submission 105*, p. 3.

<sup>66</sup> Mr Michael Guerin, Chief Executive Officer, AgForce Queensland Farmers, *Committee Hansard*, 8 November 2021, pp. 26–27.

<sup>67</sup> Mr Nicholas Goddard, Chief Executive Officer, Australian Oilseeds Federation, *Committee Hansard*, 8 November 2021, p. 20.

---

time with new products, new claims, and new technologies entering the market'.<sup>68</sup>

- 3.51 As noted in Chapter 1, FSANZ is currently undergoing an extensive review of the FSANZ Act, with the aim to modernise Australia's food regulatory system.<sup>69</sup>

### **Committee comment and recommendations**

- 3.52 The committee is supportive of proposals to amend the FSANZ Code, in particular, the application of section 1.1.1–13(4). At the time of its implementation, this section of the code appeared to be narrowly interpreted, with its application limited to the dairy sector. Since that time, the manufactured food landscape has evolved and will continue to do so as technologies advance. For this reason, it is imperative that the regulatory framework that governs naming conventions on all products keep pace with such changes. In the case of plant-based protein products, this has not taken place.
- 3.53 The committee understands that Australian food regulatory system is currently being reviewed and modernised, as part of a comprehensive examination of the FSANZ Act and its associated operations and responsibilities. Within this context, the committee considers it an optimal opportunity for FSANZ to initiate a review of the functionality and application of section 1.1.1–13(4), namely whether to exempt named meat, seafood and dairy category brands from their application to this section of the code.
- 3.54 With regard to utility terms, the committee acknowledges that some plant-based protein producers rely upon these descriptors to inform consumers about their products' intended use. As such, the committee does not recommend their prohibition for plant-based protein products.
- 3.55 This support does not extend to the use of animal imagery on labelling and marketing material of plant-based protein products. As shown in Chapter 2, the use of this imagery plays a significant part in causing consumer confusion. These images are associated with animal protein, and the committee objects to their continued use. However, the committee understands there is no avenue to address this matter under the FSANZ Code, and for this reason, this matter is further considered in Chapter 4.

---

<sup>68</sup> National Farmers' Federation, *Submission 103*, p. 7.

<sup>69</sup> Department of Health, *Submission 225*, p. 5.

**Recommendation 4**

- 3.56** The committee recommends that, as part of its current review and modernisation of the *Food Standards Australia New Zealand Act 1999*, Food Standards Australia New Zealand (FSANZ) initiate a review in consultation with industry, of section 1.1.1–13(4) of the FSANZ Code and recommend exempting its application to named meat, seafood and dairy category brands.
- 3.57 The committee considers it a mistake that guidelines were not produced when section 1.1.1–13(4) was initially introduced. The absence of appropriate guidelines may have contributed to its varied interpretation. Should any future changes be made to the FSANZ Code, it is imperative that appropriate guidelines are made available to manufacturers to ensure its application is clearly understood.

**Recommendation 5**

- 3.58** The committee recommends, on conclusion and application of the review of the *Food Standards Australia New Zealand Code*, that Food Standards Australia New Zealand develops guidelines to inform labelling and marketing practices for manufacturers of plant-based protein products.

## Chapter 4

# A voluntary or mandatory framework under Australian Consumer Law

- 4.1 In line with the work of the Industry Working Group’s discussion paper, the committee received various proposals for improving product labelling requirements. As discussed in Chapter 3, the primary focus involved amendments to the FSANZ Code. However, the committee also heard support for industry-led voluntary guidelines and regulatory measures to be implemented under Australian Consumer Law (ACL).
- 4.2 The first approach is the development of industry-led voluntary guidelines that support best-practice principles for the labelling and marketing of the plant-based protein sector. This voluntary framework would involve industry determining appropriate guidelines on text size, prominence of qualifier statements and potential agreement on the discontinuation of animal imagery on plant-based protein products.
- 4.3 The next approach is a co-regulatory framework, consisting of either a voluntary or mandatory code of conduct overseen by the Australian Competition and Consumer Commission (ACCC). This model would be similar to existing codes of conduct, such as the voluntary Food and Grocery Code of Conduct or the mandatory Dairy Code of Conduct.
- 4.4 Finally, a further suggested action is for the ACCC to issue a National Information Standard. This Information Standard would detail labelling requirements for plant-based protein products.
- 4.5 As noted in this report, the Industry Working Group considered all models suggested above. The majority of its participants concluded that a voluntary model, led and implemented by industry, was the preferred pathway forward. This conclusion was objected to by representatives of the red meat industry along with other animal protein sectors.<sup>1</sup>
- 4.6 This chapter considers these perspectives in more detail, and the range of regulatory and policy options available to strengthen product labelling requirements for plant-based protein products in Australia.

### Voluntary framework

- 4.7 A voluntary framework would see the development of industry-led standards and guidelines on best-practice labelling and marketing requirements across the

---

<sup>1</sup> Industry Working Group Discussion Paper, *The labelling and marketing of plant-based alternatives to meat and dairy products*, p. 61.

plant-based protein sector. Under this model, industry would be tasked with determining appropriate descriptors and naming conventions, the use of qualifiers, prominence of key terms on packaging, font size and the use of imagery.<sup>2</sup> This voluntary approach would be self-regulated and, as described by the Industry Working Group, would work toward a mutually agreeable solution across industries and potentially ‘consist of industry-written rules or codes enforced by industry itself’.<sup>3</sup>

- 4.8 The rationale behind a voluntary framework is to address the concerns of the animal protein sector and create consistency across plant-based products, without formalising such standards through a government approval process,<sup>4</sup> particularly when there is insufficient evidence of consumer confusion.<sup>5</sup> Should such measures fail to achieve their intended purpose, then a mandatory framework would then be pursued.<sup>6</sup>
- 4.9 The development of a voluntary framework was supported by a range of stakeholders, particularly those from the plant-based foods and dairy sectors.<sup>7</sup> The Alternative Protein Council (APC), which participated in the Industry Working Group, expressed its support for a voluntary framework because of their demonstrated success. Two examples were referenced, the first being cross-contact labelling of allergens, and the second framework, called ‘Be treatwise’, which supported a standardisation of confectionary serving sizes. The APC noted that these two voluntary frameworks had labelling and process outcomes, showed due diligence across the food sector and demonstrated strong adherence. The APC’s Chair, Mrs Kirsten Grinter, added that a voluntary framework could be quickly developed and have positive outcomes when guidelines are developed by industry:

Of course, we are all working in that food competitive space, but voluntary guidance can happen quickly. In a growing industry like the alternative

---

<sup>2</sup> Mrs Kirsten Grinter, Chair, Alternative Protein Council, *Committee Hansard*, 8 November 2021, p. 11; Mr Thomas King, Chief Executive Officer, Food Frontier, *Committee Hansard*, 8 November 2021, p. 57.

<sup>3</sup> Industry Working Group Discussion Paper, *The labelling and marketing of plant-based alternatives to meat and dairy products*, p. 49.

<sup>4</sup> Mr Nick Hazel, Chief Executive Officer, v2food, *Committee Hansard*, 6 December 2021, p. 32.

<sup>5</sup> Mr Tyson Cattle, National Public Affairs Manager, AUSVEG, *Committee Hansard*, 8 November 2021, p. 18.

<sup>6</sup> Mr Tony Green, Chief Executive Officer, Australian Foodservice Advocacy Body, *Committee Hansard*, 8 November 2021, p. 13.

<sup>7</sup> Dr Geoffrey Annison, Deputy Chief Executive, Australian Food and Grocery Council, *Committee Hansard*, 17 September 2021, p. 34; Mr Tony Green, Chief Executive Officer, Australian Foodservices Advocacy Body, *Committee Hansard*, 8 November 2021, p. 12; Mr Tyson Cattle, National Public Affairs Manager, AUSVEG, *Committee Hansard*, 8 November 2021, p. 18; Mr Nick Hazell, Chief Executive Officer, v2food, *Committee Hansard*, 6 December 2021, p. 28.

protein sector you can drive consistency and clarity really fast. It's really agile. Also, what I've found is that, if industry is part of the process, you are really invested in it—invested in providing clear guidance for the greater industry and the broader industry. It's really important to us that it's really clear—the plant based nature of these products is what is really important, and we are invested in that and really wanting to make sure that our labels are clear and consistent, and it will enable consumer choice in the end.<sup>8</sup>

- 4.10 This sentiment was echoed by Food Frontier's Chief Executive Officer, Mr Thomas King, who commented that 'code of practice or industry guidelines is a logical next step', and warned against imposing unnecessary red tape on the sector:

This approach would allow companies to work together to address the concerns that have been raised, particularly those few brands currently using the atypical approach I described. A consensus based, industry led approach is a sensible and effective next step. We would caution against imposing red tape that could unnecessarily restrict Australia's competitiveness in this rapidly growing global sector.<sup>9</sup>

- 4.11 A voluntary approach was determined to be the best pathway forward by the majority of the Industry Working Group's participants, excluding those from the red meat industry. The working group's report proposed that further work should be undertaken to explore this option. It was recommended that the voluntary approach incorporates a compliance and enforcement framework that is subject to review.<sup>10</sup> The National Farmers' Federation (NFF), which chaired the working group, explained that the chosen approach was to 'see if we can address the problem without the heavy hand of legislation in the first instance' and, should that not 'have the desired effect, then, of course, we could fall back to a legislative, regulatory approach'.<sup>11</sup> When asked whether it supported a voluntary framework, the NFF explained:

...we call for a minimum regulatory regime. If that's a voluntary code of conduct or voluntary arrangement and that fixes the problem, then most people would say that that's a good outcome.<sup>12</sup>

- 4.12 In addition to a voluntary framework, the Animal Justice Party pointed out that robust and effective refund mechanisms are already in place with retail outlets,

---

<sup>8</sup> Mrs Kirsten Grinter, Chair, Alternative Protein Council, *Committee Hansard*, 8 November 2021, p. 10.

<sup>9</sup> Mr Thomas King, Chief Executive Officer, Food Fronter, *Committee Hansard*, 8 November 2021, pp. 54–55.

<sup>10</sup> Industry Working Group Discussion Paper, *The labelling and marketing of plant-based alternatives to meat and dairy products*, p. 60.

<sup>11</sup> Mr Tony Maher, Chief Executive Officer, National Farmers' Federation, *Committee Hansard*, 17 September 2021, pp. 29–30.

<sup>12</sup> Mr Tony Maher, Chief Executive Officer, National Farmers' Federation, *Committee Hansard*, 17 September 2021, p. 30.

should a consumer unintentionally purchase a plant-based product. In addition, it suggested the use of a universal symbol, similar to the heart smart symbol, to be used on plant-based products to support the quick identification of these products.<sup>13</sup> The Pastoralists Association of the Darling Downs, The Green Shirts Movement Queensland and Property Rights Australia all agreed an easy to read logo would help reduce mistaken purchases by consumers, but further requirements of font size and prominence of certain information would be needed too.<sup>14</sup> Dr Rachel Cruwys made reference to the V-Label used in Switzerland to indicate a food item as vegan as a potential model.<sup>15</sup>

- 4.13 Australia's dairy industry also supported the voluntary approach agreed to by the Industry Working Group. The Australian Dairy Industry Council outlined its rationale for this decision with the committee:

In the spirit of this intent, and knowing the difficulty we have had previously in achieving regulatory change, we agreed to develop a voluntary industry guideline to resolve this issue. If this can be produced and is successful, we will be happy with that outcome. If not, then we call on all political parties to agree to a policy of changing the food standards code.<sup>16</sup>

- 4.14 The committee queried the nature of the Industry Working Group findings and the role of advocates for the plant-based protein sector. In response, Australian Dairy Farmers (ADF) explained that the voluntary framework was the middle ground between advocates of current status quo (Food Frontier and Australian Food and Grocery Council) and those in support of a regulatory model along with amendments to the FSANZ Code (representatives from the meat and dairy industries). The ADF's representative, Mr Craig Hough, added whilst both camps 'were almost at polar ends', participants had 'come in the spirit of consensus, which is what the intent of the group was...[t]hat's when we came up with that recommendation for the voluntary guideline'.<sup>17</sup> For the dairy industry, this proposal meant immediate action would take place, and lend to the sector's long term goal of reforming section 1.1.1 – 13 (4) of the FSANZ

---

<sup>13</sup> Mr Michael Fuery, Regional Group Leader, Animal Justice Party, *Committee Hansard*, 17 September 2021, pp. 15 and 18.

<sup>14</sup> Mr Matthew Jackson, President, Pastoralists Association of West Darling, *Committee Hansard*, 17 September 2021, p. 25; Mrs Joanne Rae, Chair, Property Rights Australia, *Committee Hansard*, 17 September 2021, p. 26; Dr Rachael Cruwys, Director, Green Shirts Movement Queensland, *Committee Hansard*, 17 September 2021, p. 26.

<sup>15</sup> Dr Rachael Cruwys, Director, Green Shirts Movement Queensland, *Committee Hansard*, 17 September 2021, p. 26.

<sup>16</sup> Mr Rick Gladigau, President, Australia Dairy Industry Council, *Committee Hansard*, 6 December 2021, p. 10.

<sup>17</sup> Mr Craig Hough, Director Strategy and Policy, Australian Dairy Farmers, *Committee Hansard*, 6 December 2021, pp. 11–12.

Code. Its support was also conditional on a ‘very clear compliance framework and an early review period’ as the ‘key parameters that would be associated with the voluntary framework’.<sup>18</sup>

### *Objections to a voluntary approach*

4.15 Representatives from across the animal protein sector largely objected to the voluntary framework. The committee heard a range of views on this matter, with some stakeholders questioning whether the plant-based protein sector could be trusted under a voluntary framework.<sup>19</sup> Some stakeholders warned that any delay could risk further normalisation of appropriated meat category brands.<sup>20</sup>

4.16 The Australian Meat Industry Council outlined its concerns with the approach. It expressed doubt that the voluntary guidelines would be followed by the plant-based protein sector and questioned the effectiveness of government bodies in ensuring the guidelines are applied.<sup>21</sup> Mr John McKillop of the Red Meat Advisory Council (RMAC) shared a similar sentiment, adding that there was a risk labelling practices would become normalised by delaying proper action, as experienced by the dairy industry:

We just felt that if we were to move to a voluntary code it would simply be ignored and pushed to the boundaries for the next five years, at the end of which, if we then moved towards legislation or a change to FSANZ, the plant-based-manufacturing industry is likely to say, 'Well, it's just part of the language now and everyone accepts it.' It's pretty much what they've done in dairy.<sup>22</sup>

4.17 The promotion of a voluntary framework as the agreed pathway forward was further challenged by representatives from across the animal protein sector. Sheep Producers Australia pointed out that whilst representatives from the red meat industry participated in the Industry Working Group, it did not include

---

<sup>18</sup> Ms Janine Waller, Executive Director, Australian Dairy Products Federation, *Committee Hansard*, 6 December 2021, pp. 13–14.

<sup>19</sup> Mr Markus Rathsmann, President, Cattle Council of Australia, *Committee Hansard*, 16 September 2021, p. 1; Mr Stephen Crisp, Chief Executive Officer, Sheep Producers Australia, *Committee Hansard*, 16 September 2021, p. 2; Mr Paul da Silva, Marketing Director, Acadian Organic and Natural Meat Company Pty Ltd, *Committee Hansard*, 8 November 2021, p. 52; Mr Patrick Hutchinson, Chief Executive Officer, Australian Meat Industry Council, *Committee Hansard*, 7 December 2021, p. 23.

<sup>20</sup> Mr John McKillop, Independent Chair, Red Meat Advisory Council, *Committee Hansard*, 7 December 2021, p. 25; Mr William Wilson, AgForce Cattle President, AgForce Queensland Farmers, *Committee Hansard*, 8 November 2021, p. 30.

<sup>21</sup> Mr Patrick Hutchinson, Chief Executive Officer, Australian Meat Industry Council, *Committee Hansard*, 7 December 2021, pp. 23–24.

<sup>22</sup> Mr John McKillop, Independent Chair, Red Meat Advisory Council, *Committee Hansard*, 7 December 2021, p. 25.

representatives from the poultry, pork and seafood industries. Its representative, Mr Stephen Crisp, commented that the red meat industry had been ‘drowned out by the make-up of the group’.<sup>23</sup>

- 4.18 The APC noted that, whilst not all animal protein representatives were present for the initial consultation process, further engagement with those sectors would take place as the industry progressed voluntary industry guidelines.<sup>24</sup> The NFF confirmed that it, as the national peak body for the agricultural sector, represented those industries.<sup>25</sup> However, Mr Tony Mahar of the NFF added that ‘in hindsight, we might have been able to get a little better representation on the group’.<sup>26</sup>
- 4.19 Stakeholders who participated in the Industry Working Group had not received advice on the status of the Minister for Agriculture’s consideration of the Industry Working Group’s findings and recommendations.<sup>27</sup> However, Food Frontier advised that the industry had ‘actively engaged in discussions around what those guidelines could look like’.<sup>28</sup> The committee was advised by the Minister for Agriculture that further work would commence once the committee’s findings and recommendations were tabled.<sup>29</sup>

### **Co-regulatory framework**

- 4.20 Alternative proposals included co-regulatory approaches, which can exist as either a voluntary (opt-in) or mandatory framework. Either of these approaches are centred upon the development of a code of conduct, negotiated and enforced under the *Competition and Consumer Act 2010* (Competition and Consumer Act).<sup>30</sup>

---

<sup>23</sup> Mr Stephen Crips, Chief Executive Officer, Sheep Producers Australia, *Committee Hansard*, 16 September 2021, p. 1–2.

<sup>24</sup> Mr Roger Bektash, Committee Member, Alternative Protein Council, *Committee Hansard*, 8 November 2021, p. 14.

<sup>25</sup> Ms Rosemary Deininger, Deputy Secretary, Department of Agriculture, Water and the Environment, *Committee Hansard*, 7 December 2021, p. 10.

<sup>26</sup> Mr Tony Mahar, Chief Executive Officer, National Farmers’ Federation, *Committee Hansard*, 17 September 2021, pp. 31–32.

<sup>27</sup> Mr Roger Bektash, Committee Member, Alternative Protein Council, *Committee Hansard*, 8 November 2021, p. 10.

<sup>28</sup> Mr Thomas King, Chief Executive Officer, Food Frontier, *Committee Hansard*, 8 November 2021, p. 56.

<sup>29</sup> Letter from the Hon David Little Proud, Minister for Agriculture and Northern Australia (received 17 December 2021).

<sup>30</sup> Ms Rosemary Deininger, Deputy Secretary, Department of Agriculture, Water and the Environment, *Committee Hansard*, 7 December 2021, p. 11.

- 4.21 A voluntary (opt-in) code of conduct, as described by the Industry Working Group, would formalise the development of voluntary standards through the *Food Standards Australia and New Zealand Act 1991*. To achieve an agreed outcome, the ACCC ‘encourages industry to develop voluntary codes that will deliver effective compliance with the *Competition and Consumer Act 2010*’. Anticipated benefits of such an approach include increased consumer protection without the added regulatory burden for businesses, as well as greater flexibility with capacity to ‘change in response to industry and consumer needs’.<sup>31</sup> A successful voluntary model referenced throughout this inquiry was the Food and Grocery Code of Conduct.<sup>32</sup>
- 4.22 The committee heard a range of views on the development of a code of conduct. Sheep Producers Australia did not support this approach, based on the view that plant-based protein manufacturers would circumnavigate the requirements established by the code.<sup>33</sup> As previously noted, the NFF would be supportive of a minimum regulated regime that involves a ‘voluntary code of conduct or voluntary arrangement’.<sup>34</sup>
- 4.23 When asked about the suitability of code of conducts, Dr Geoffrey Annison of the Australian Food and Grocery Council provided a summary of their success:

There is a supermarket code of conduct. We've had labelling codes in the past. Codes are used in the agricultural sector, for example. A code of practice on animal welfare is used by the animal sector. That's been very successful. There's a code of practice by Meat & Livestock Australia on the safe retailing of meat. I think they would argue that that's been successful. So codes of practice are well accepted as being, if you like, the light touch of regulation. They are at the lighter-touch end on the spectrum of regulation that goes from guides through to black-letter-law regulation. They are accepted as a legitimate intervention by the ACCC, and the ACCC has sophisticated guidelines on how codes of practice and guides can work.

---

<sup>31</sup> Industry Working Group Discussion Paper, *The labelling and marketing of plant-based alternatives to meat and dairy products*, p. 52.

<sup>32</sup> The Food and Grocery Code of Conduct, prescribed under the *Competition and Consumer Act 2010*, establishes standards of business conduct in the food and grocery sector. This Code of Conduct offers certain protections for suppliers, as well as an avenue to raise a complaint or resolve a dispute. Signatories to this Code are Aldi, Coles, Woolworths and Metcash. For further information see: Australian Competition and Consumer Commission, *Protections for suppliers under the Food and Grocery Code*, available at: <https://www.accc.gov.au/business/industry-codes/food-and-grocery-code-of-conduct/protections-for-suppliers-under-the-food-and-grocery-code> (accessed 18 January 2021).

<sup>33</sup> Mr Stephen Crisp, Chief Executive Officer, Sheep Producers Australia, *Committee Hansard*, 16 September 2021, p. 5.

<sup>34</sup> Mr Tony Maher, Chief Executive Officer, National Farmers' Federation, *Committee Hansard*, 17 September 2021, p. 30.

Indeed, the FSANZ Act gives FSANZ the ability to recommend codes of practice as an alternative regulatory regime.<sup>35</sup>

- 4.24 The Industry Working Group’s detailed potential pathways forward with a voluntary code of conduct approach. The first was through the FSANZ Act, but would require there to be a ‘consumer health or safety concern’. Based on this threshold, this approach would be unlikely due to FSANZ not identifying any health or safety issues arising from the labelling and marketing of plant-based protein products.<sup>36</sup>
- 4.25 An alternative pathway is for a code of conduct to be prescribed under the *Competition and Consumer Act 2010*. This pathway would require a ‘clear rationale on what basis it would be formed’ based on ‘evidence that the current legal framework is deficient or leading to market failure’. The Industry Working Group noted that ‘[t]his process would involve significant work in policy development, as well as support from Treasury and the ACCC’. The discussion paper noted that research conducted by the ACCC has found ‘voluntary codes of conduct tend to be more effective when the self-regulatory body has widespread support of industry, comprises of representatives of the key stakeholders, and operates an effective system of compliance handling’.<sup>37</sup>

## **Mandatory framework**

- 4.26 The preferred pathway forward for many submitters and witnesses to the inquiry was the development of a mandatory regulatory framework.<sup>38</sup> As discussed in Chapter 3, reform to the FSANZ Code is one avenue to achieve this goal. Other proposals include the development of a mandatory code of conduct and/or creating a National Information Standard.

### *Mandatory code of conduct*

- 4.27 A suggested measure to strengthen the labelling and marketing of plant-based protein products is the implementation of a mandatory code of conduct.<sup>39</sup> This approach would require industry and government to develop, administer and

<sup>35</sup> Dr Geoffrey Anison, Deputy Chief Executive Officer, Australian Food and Grocery Council, *Committee Hansard*, 17 September 2021, p. 39.

<sup>36</sup> Industry Working Group Discussion Paper, *The labelling and marketing of plant-based alternatives to meat and dairy products*, p. 52.

<sup>37</sup> Industry Working Group Discussion Paper, *The labelling and marketing of plant-based alternatives to meat and dairy products*, pp. 52–53.

<sup>38</sup> Mr Markus Rathsmann, President, Cattle Council of Australia, *Committee Hansard*, 16 September 2021, p. 1; Mr Christian Mulders, Australian Lot Feeders’ Association, *Committee Hansard*, 16 September 2021, p. 10; Mrs Tess Herbert, Chair, Australian Beef Sustainability Framework, *Committee Hansard*, 16 September 2021, p. 14; Mrs Sarah Becker, private capacity, *Committee Hansard*, 8 November 2021, pp. 33, 35–36.

<sup>39</sup> Ms Veronica Papacosta, Chief Executive Officer, Seafood Industry Australia, *Committee Hansard*, 16 September 2021, p. 26.

regulate the code of conduct. Industry would seek to develop the code of conduct, whilst government would facilitate the legislative environment to ensure the arrangements are enforceable.<sup>40</sup>

- 4.28 This approach was adopted across the dairy industry with the Dairy Code of Conduct, which came into effect on 1 January 2020. This Code regulates the conduct of farmers and milk processes with one another, with milk supply agreements subject to the Code. This Code of Conduct commenced as a voluntary approach, but the ACCC determined a mandatory code was more appropriate after shortcomings were identified with the voluntary framework. Since the adoption of a mandatory framework, penalties provisions are in place that enable the ACCC to take legal action to seek financial penalty for a breach of the code, or the issuing of an infringement notice.<sup>41</sup>
- 4.29 Like a voluntary code, there are certain evidential benchmarks that need to be met to warrant a mandatory code of conduct. Should a mandatory code be established under the FSANZ Act, then sufficient evidence is required to show consumer health and safety is at risk. As previously noted, FSANZ has not identified any health or safety issues arising from current labelling and marketing practices of the plant-based protein sector.<sup>42</sup>
- 4.30 Alternatively, a code of conduct could be established under the Competition and Consumer Act. For this to occur, a clear rationale for the code would need to be established, with 'evidence that the current legal framework is deficient or leading to market failure'.<sup>43</sup> The Industry Working Group emphasised that issues arising from the current labelling and marketing of plant-based alternatives differs from the circumstances that led to the Dairy Code of Conduct, where there was 'a clear market failure that needed to be addressed'. Further investigation would need to be conducted to determine how a code of conduct could be developed and a suitable place for this code of conduct to sit within government.<sup>44</sup>
- 4.31 Finally, the Industry Working Group noted that an alternative non-government enforcement option could be the establishment of an independent facility that

---

<sup>40</sup> Industry Working Group Discussion Paper, *The labelling and marketing of plant-based alternatives to meat and dairy products*, p. 55.

<sup>41</sup> Australian Consumer and Competition Commission, Dairy Code of Conduct, <https://www.accc.gov.au/business/industry-codes/dairy-code-of-conduct> (accessed 18 January 2021).

<sup>42</sup> Industry Working Group Discussion Paper, *The labelling and marketing of plant-based alternatives to meat and dairy products*, p. 55.

<sup>43</sup> Industry Working Group Discussion Paper, *The labelling and marketing of plant-based alternatives to meat and dairy products*, p. 55.

<sup>44</sup> Industry Working Group Discussion Paper, *The labelling and marketing of plant-based alternatives to meat and dairy products*, p. 55.

could audit marketing and labelling of products against set standards. This approach has been taken with AUSMEAT and its capacity to administer labelling standards and application on behalf of the Australian Government.<sup>45</sup>

### *National Information Standard*

- 4.32 The committee also heard support for an issuing of a National Information Standard by the ACCC. Under this proposal, a standard would be issued on how particular animal protein descriptors can be used,<sup>46</sup> as well as livestock imagery.<sup>47</sup> The Industry Working Group's discussion paper noted that it 'could outline what plant-based alternatives labelling and marketing could include, and what they cannot include', with the plant-based sector responsible to ensure their products comply with the standard. Should they not comply, then penalties may be enforced.<sup>48</sup>
- 4.33 This proposal was advocated by RMAC, the Australian Chicken Meat Federation, Australia Pork Limited, AgForce Queensland Farmers, the Tasmanian Farmers and Graziers Association, the Australian Meat Advisory Council, and others.<sup>49</sup>
- 4.34 As described in Chapter 2, the RMAC proposed the ACCC could address the market failure by establishing an information standard for red meat category branding under section 134 of Schedule 2 to the *Competition and Consumer Act 2010*. Under this proposal, the information standard would define meat category brands ('meat', 'beef', 'lamb', and 'goat') and:
- ... deliver upon the intergovernmental agreement for the ACL to effectively protect and empower consumers, foster effective competition, and enable confident participation of consumers in markets by promoting fair trading.<sup>50</sup>
- 4.35 It was suggested that this proposal would be modelled off the Australian Consumer Law (Free Range Egg Labelling) Information Standard 2017,<sup>51</sup> which

---

<sup>45</sup> Industry Working Group Discussion Paper, *The labelling and marketing of plant-based alternatives to meat and dairy products*, p. 55.

<sup>46</sup> Dr Vivien Kite, Executive Director, Australian Chicken Meat Federation, *Committee Hansard*, 16 September 2021, p. 16.

<sup>47</sup> Australian Pork Limited, *Submission 129*, p. 16.

<sup>48</sup> Industry Working Group Discussion Paper, *The labelling and marketing of plant-based alternatives to meat and dairy products*, p. 59.

<sup>49</sup> Red Meat Advisory Council, *Submission 226*, p. 3; Dr Vivien Kite, Executive Director, Australian Chicken Meat Federation, *Committee Hansard*, 16 September 2021, p. 16; Australian Pork Limited, *Submission 129*, p. 16; AgForce Queensland Farmers, *Submission 139*, p. 8; Tasmanian Farmers and Graziers Association, *Submission 142*, p. [5].

<sup>50</sup> Red Meat Advisory Council, *Submission 226*, p. 11.

<sup>51</sup> Australian Competition and Consumer Commission, *ACCC releases guidance on free range egg standard*, <https://www.accc.gov.au/media-release/accc-releases-guidance-on-free-range-egg-standard> (accessed 27 January 2022). References were also made to the Country of Origin Food

was implemented to address ‘consumer confusion and misleading claims’ about egg products being labelled ‘free range’ when in fact they were in cages or pens. Similarly, the RMAC submitted that a:

... regulated information standard for meat category brands will provide clear guidance to prohibit [plant-based alternative protein producers] from making false or misleading representations or engaging in misleading or deceptive conduct about the origin of their products.<sup>52</sup>

4.36 Under this regulatory model, the Australian Chicken Meat Federation called for infringement penalties to be consistent with the penalties that apply to breach of the country-of-origin labelling laws. It also clarified it would remain supportive of flavour descriptors, such as ‘chicken’ being utilised for discretionary foods.<sup>53</sup>

4.37 The ACCC responded to criticisms for its lack of action against the labelling of plant-based protein manufacturers, in comparison to its decision to take action against poultry businesses under the Free Range Egg Labelling Standard. It informed the committee that each complaint is assessed on its own merits and in this case, the ACCC found that those poultry producers kept their produce in cages and pens. For this reason, it was ‘a much clearer case of creating a misrepresentation’. The ACCC’s Mr Rami Greiss proceeded to explain the role of qualifier statements alongside meat descriptors on plant-based protein products, and the totality of the representation made on the labelling. In these cases:

... it doesn't create the overall impression that it's clearly a beef or chicken product. At most, it creates a sense of confusion, which the courts have found not to breach our act.<sup>54</sup>

4.38 The Industry Working Group noted that should this pathway be implemented, then a proposal would need to be submitted with the Legislative and Governance Forum on Consumer Affairs. Before any decision is taken, ‘consultation with industry, consumer research and development of a regulatory impact statement (RIS) would have to be undertaken’.<sup>55</sup> Potential

---

Labelling Information Standard 2016. This standard requires most food products sold in Australia to indicate the percentage of its content that has originated from Australia. Australian Competition and Consumer Commission, Country of origin food labelling, <https://www.accc.gov.au/business/advertising-promoting-your-business/country-of-origin-claims/country-of-origin-food-labelling> (accessed 27 January 2022).

<sup>52</sup> Red Meat Advisory Council, *Submission 226*, p. 11.

<sup>53</sup> Dr Vivien Kite, Executive Director, Australian Chicken Meat Federation, *Committee Hansard*, 16 September 2021, pp. 17–18.

<sup>54</sup> Mr Rami Greiss, Executive General Manager Compliance and Fair Trading Division, Australia Competition and Consumer Commission, *Committee Hansard*, 6 December 2021, p. 35.

<sup>55</sup> Industry Working Group Discussion Paper, *The labelling and marketing of plant-based alternatives to meat and dairy products*, p. 59.

benefits of this approach include: enhanced distinguishability between plant-based and meat and dairy products; to promote consistency across products, including terminology; establishes clear parameters and supports export of clearly differentiated food; and reduces the likelihood of regulatory cost-shifting. Regulatory costs on food manufacturers would need to be considered as part of this approach.<sup>56</sup>

### **Committee comment and recommendations**

- 4.39 Whilst the committee has considered the merits of all the approaches detailed in this Chapter, it has ultimately resolved that a mandatory framework is the most suitable pathway forward. Whilst the voluntary framework was recommended by the Industry Working Group, the committee does not believe the composition of the group was reflective of all animal protein sectors. Had the poultry, pork and seafood industries participated in those discussions, then the claim of a majority report would be questionable.
- 4.40 The committee shares the concerns that a voluntary approach will fail to meet consumer expectations, nor result in any substantive change across the industry. As the meat industry has warned, any delay in progressing a mandatory framework will result in a further normalisation and entrenchment of existing practices across the plant-based protein sector. This outcome must be avoided.
- 4.41 The committee agrees with the animal protein sector that there is a clear market failure caused by current labelling and marketing practices of the plant-based protein sector. The committee believes the ACCC has failed to adequately appreciate the scale of this problem, and consumer sentiment on the matter. Of the approaches suggested as part of an ACL resolution, the committee is supportive of the development of a National Information Standard. This Information Standard should seek to define meat category brands (such as 'meat', 'beef', 'lamb', 'goat', 'pork', 'chicken' and seafood terminology). This approach would also assist with the development of guidelines on the use of livestock imagery, which is not currently regulated under existing measures.

### **Recommendation 6**

- 4.42 The committee recommends the Australian Competition and Consumer Commission develops a National Information Standard that defines and restricts the use of meat category brands to animal protein products. This standard should include guidance on the use of livestock imagery for labelling and marketing of plant-based protein products.**

---

<sup>56</sup> Industry Working Group Discussion Paper, *The labelling and marketing of plant-based alternatives to meat and dairy products*, p. 59.

# Chapter 5

## Economic impact and opportunities

- 5.1 One of the key areas of focus for this inquiry was the economic impact of plant-based proteins and opportunities for growth within the sector. The Australian Government has set a target for the value of the agricultural sector to grow to \$100 billion by 2030, a target that is shared by the broader agricultural industry.<sup>1</sup> Representatives from across the protein-producing sectors have shown that global demand for protein is increasing which, in turn, offers opportunities for Australian producers of both meat and plant-based proteins to expand. Plant-based producers have argued that meeting global demand for protein will provide Australian companies with opportunities in agriculture and manufacturing of plant-based protein products.
- 5.2 While acknowledging the opportunities that are afforded with increasing demand, the meat industry has expressed concern over the potential economic impact of plant-based operators using meat terminology. The meat industry has invested millions of dollars over the years into product branding, research, and marketing to ensure Australian meat is trusted throughout the world. Segments of the meat industry are concerned that the use of meat terminology by plant-based producers could potentially undermine that trust and that plant-based producers are reaping the rewards of the work paid for by levy-payers.
- 5.3 This chapter will examine the potential impacts of plant-based protein sources on the meat industries' investments, the opportunities available to all protein sectors to meet global protein demand, and domestic growth opportunities for the plant-based sector.

### **Growth of red meat and concerns over 'piggybacking'**

- 5.4 Australia's red meat industry comprises over 77 000 businesses including producers, manufacturers, retailers, exporters, and lot feeders. The bulk of support for the industry comes from rural and regional areas with over 90 per cent of the 434 000 strong workforce located in these regions. Although the industry recorded combined annual sales of over \$28.5 billion it is still growing. Industry turnover grew by seven per cent during 2019–20. The red meat industry provides safe and nutritious red meat to all Australians

---

<sup>1</sup> National Farmers' Federation, *Submission 103*, p. 2.

domestically and to over 100 countries internationally while serving as the economic backbone of regional Australia.<sup>2</sup>

- 5.5 Since 1997, approximately \$5 billion in revenue has been collected from red meat producers in the form of levies.<sup>3</sup> Businesses across the meat supply chain — including those transacting livestock, exporting livestock, or processing livestock—are required to pay compulsory levies. Levies are used to fund research, development, and marketing activities to promote Australian red meat as a safe and nutritious form of protein for consumption both domestically and internationally.
- 5.6 Australian crop producers, including plant-based protein producers, are also required to contribute to research and development via compulsory levies of approximately 1.02 per cent of the total sale value of their crop. These levies contribute to Plant Health Australia, research, development, and pest control. However, unlike the livestock sector, plant-based levies do not contribute to marketing.<sup>4</sup>
- 5.7 While the Commonwealth matches levy investment into research and development, the same is not the case for funds devoted to marketing. According to the National Farmers' Federation (NFF), the scale of investment into marketing—totalling over \$2 billion in the last decade—has given the red meat protein sector 'an intrinsic sense of ownership of the language associated with the marketing and labelling of meat products.'<sup>5</sup> This sense of ownership over language and messaging is reportedly shared by poultry, dairy, pork and seafood producers.

### *Concerns over 'piggybacking'*

- 5.8 Members of the red meat industry have expressed concerns that plant-based producers are leveraging the positive language and labelling established by levy-paid marketing to promote their own products. Under the *Australian Meat and Livestock Act 1997*, definitions are given for terms broadly described as 'meat'. Those producers fitting the descriptions are required to pay levies.<sup>6</sup>
- 5.9 The committee received evidence from producers and organisations accusing plant-based operators of free-riding or 'piggybacking' on the back of the red meat industries investments by using terms like 'meat', 'beef', and 'goat' without contributing levies towards marketing of those terms. According to the submission from the Red Meat Advisory Council (RMAC), the use of these

---

<sup>2</sup> Red Meat Advisory Council, *Submission 226*, p. 15.

<sup>3</sup> Red Meat Advisory Council, *Submission 226*, p. 4.

<sup>4</sup> National Farmers' Federation, *Submission 103*, p. 2.

<sup>5</sup> National Farmers' Federation, *Submission 103*, p. 2.

<sup>6</sup> Red Meat Advisory Council, *Submission 226*, p. 4.

terms without contributing to them is akin to tax avoidance and poses a risk to the reputation of the red meat industry:

The continued exploitation of Australian red meat category brands by companies who do not pay compulsory levies poses a risk to the long-term viability of the compulsory levy system. The value proposition for compulsory levies to invest in red meat category brands is quickly diminished if MPBP [manufactured plant-based protein] companies are able to use predatory piggyback marketing practices to sell non-animal protein products labelled as 'beef' or 'lamb'. The fact that non-levy paying supply chains are able to get a free ride off the Australian red meat and livestock industry's significant compulsory levy investment for commercial gain is a market failure that needs to be addressed.<sup>7</sup>

- 5.10 The RMAC believes that the motivation to appropriate meat terminology comes from the Australian meat industries' reputation for safe and nutritious products. They believe that the misuse of the red meat industries' terms is a clear marketing ploy to convince or trick meat eaters into purchasing plant-based protein products through deceptive and misleading tactics.<sup>8</sup> Ms Bonnie Skinner, General Manager, Policy and Advocacy, Sheep Producers Australia, cited the contribution that levies make towards industry research, safety and marketing that provide a public good to both sheep producers and consumers. Ms Skinner stated that the investments made by the industry should be protected against plant-based manufacturers aiming to 'free ride' on the work done by levy payers.<sup>9</sup>
- 5.11 Concerns over misleading terminology and 'piggybacking' on the work of levy paying producers were echoed by the Northern Territory government. Mr Luke Bowen, Deputy Chief Executive Officer of Agriculture, Fisheries and Defence in the Northern Territory Department of Industry, Tourism and Trade, described the importance of the beef industry to the Northern Territory and how misuse of terminology undermines the sector. Mr Bowen told the committee that the Northern Territory's current agricultural production is valued at \$1.3 billion, of which 65 per cent is attributed to the beef industry. The Northern Territory Government aims to increase total agricultural output to \$2 billion by 2030.<sup>10</sup>
- 5.12 Mr Bowen contended that the use of meat descriptors was a clear example of the plant-based protein industry intentionally misleading consumers and that manufacturers were piggybacking on the positive associations with red meat:

---

<sup>7</sup> Red Meat Advisory Council, *Submission 226*, p. 6.

<sup>8</sup> Red Meat Advisory Council, *Submission 226*, p. 8.

<sup>9</sup> Ms Bonnie Skinner, General Manager, Policy and Advocacy, Sheep Producers Australia, *Committee Hansard*, 16 September 2021, p. 7.

<sup>10</sup> Mr Luke Bowen, Deputy Chief Executive Officer of Agriculture, Fisheries and Defence in the Northern Territory Department of Industry, Tourism and Trade, *Committee Hansard*, 7 September 2021, p. 10.

The descriptors 'meat', 'beef', 'lamb' and 'goat', for example, or any other descriptor representing protein derived for the slaughter of live animals should not be used for synthetic protein and definitely not for plant based protein. The use of these descriptors is misleading and intentionally undermines the Australian red meat industry sector, and, potentially, the white meat—fish—milk and other animal production sectors.

Plant based and synthetic protein manufacturers do not contribute to the Australian meat and livestock industry levies and should not benefit from, or piggyback on, the funds used in marketing and insurance activities. The goal of replicating the taste, texture and aroma of meat derived from animals shows that the manufacturers of fake meat are intentionally trying to produce a product that imitates the natural, genuine product, including appropriation of the name 'meat'.<sup>11</sup>

- 5.13 Mr Bowen told the committee that, in the Northern Territory, beef production involves extensive natural grass-based, grain-fed production systems. The Northern Territory government and beef industry view the uniqueness of this production system as a point of difference in the protein market. In their view, the misuse of terminology potentially impairs that opportunity.<sup>12</sup>

### *Growth of the red meat industry*

- 5.14 Meat and Livestock Australia (MLA) has reported that total global consumption of meat has grown annually over each of the last 20 years by a factor of 1-4 per cent per annum. In Australia, plant-based protein consumption accounts for 0.3 per cent of fresh meat volume sales, while meat accounts for over one third of total sales.<sup>13</sup> Furthermore, demand for meat is growing at a faster rate than current meat production can sustain. The MLA believes that while meat will continue to dominate the protein market well into the future, the shortfall will be made up for by plant-based proteins.<sup>14</sup> Chicken consumption is also rising, with Dr Vivien Kite, Executive Director, Australian Chicken Meat Federation, acknowledged at a public hearing that chicken consumption has increased during the COVID pandemic. Dr Kite also noted that it is difficult to get reliable data on whether market share has, in fact, been lost due to the increase in plant-

---

<sup>11</sup> Mr Luke Bowen, Deputy Chief Executive Officer of Agriculture, Fisheries and Defence in the Northern Territory Department of Industry, Tourism and Trade, *Committee Hansard*, 7 September 2021, p. 11.

<sup>12</sup> Mr Luke Bowen, Deputy Chief Executive Officer of Agriculture, Fisheries and Defence in the Northern Territory Department of Industry, Tourism and Trade, *Committee Hansard*, 7 September 2021, p. 12.

<sup>13</sup> Meat and Livestock Australia, *State of the Industry Report*, p. 5, <https://www.mla.com.au/globalassets/mla-corporate/prices--markets/documents/trends--analysis/soti-report/mla-state-of-industry-report-2020.pdf> (accessed 24 January 2022).

<sup>14</sup> Meat and Livestock Australia, *Global Beef Snapshot*, January 2020, <https://www.mla.com.au/globalassets/mla-corporate/prices--markets/documents/os-markets/red-meat-market-snapshots/2020/global-beef-snapshot-jan2020.pdf> (accessed 24 January 2022).

based protein products. In asking consumers if they are moving away from meat, Dr Kite reported that while many people are lowering meat consumption, chicken meat is the least affected in that regard.<sup>15</sup>

- 5.15 In its submission, v2food—an Australian-owned and operated plant-protein producer—used the growth of the red meat sector as evidence that plant-based proteins offer no threat of impairment because these positive developments occurred for the red meat industry at the same time as plant-based protein products were growing in popularity. Further, the expected growth in global protein demand is new demand and provides room for both categories to grow from current levels. Rather than being a threat to animal protein production, plant-based production should be seen as a means to diversify choices for consumers.<sup>16</sup> Ms Katie McRobert, General Manager, Australian Farm Institute (AFI), also indicated that the AFI sees no evidence of a threat to the Australian livestock industry. The AFI's projections indicate that supply and demand are likely to increase for both animal and plant-based proteins.<sup>17</sup>
- 5.16 The committee also heard that global demand for livestock also benefits the cropping sector, with Graingrowers reporting that it has witnessed 'tremendous growth in [Australia's] livestock feed sector'. According to research from the Australian Export Grain Innovation Centre, it is forecast that domestic demand for feed grain in Australia will increase by 'almost 2 ½ million tonnes of grain per year by 2030'. This growth in grain production will provide 'opportunity for the Australian agriculture sector to value-add on our own shores and turn grain into animal based proteins both for Australian consumers and to export as well'.<sup>18</sup>

### **Global protein demand and opportunities for growth**

- 5.17 According to the Commonwealth Scientific and Industrial Research Organisation (CSIRO), total global population is expected to reach 9.7 billion by 2050.<sup>19</sup> To feed the rising population and meet global protein demand a diverse and sustainable protein supply is vital. Meeting demand provides ample opportunity for both the meat and plant-based protein industries to benefit economically from increased production.

---

<sup>15</sup> Dr Vivien Kite, Executive Director, Australian Chicken Meat Federation, *Committee Hansard*, 16 September 2021, p. 19.

<sup>16</sup> v2food, *Submission 78*, p. 4.

<sup>17</sup> Ms Katie McRobert, General Manager, Australian Farm Institute, *Committee Hansard*, 8 November 2021, p. 1.

<sup>18</sup> Mr David McKeon, Chief Executive Officer, GrainGrowers Ltd, *Committee Hansard*, 8 November 2021, p. 19.

<sup>19</sup> Commonwealth Scientific and Industrial Research Organisation, *Submission 29*, p. 4.

5.18 The NFF reported that in 2018–19 the value of the red meat industry stood at approximately \$17.6 billion with estimations that this figure will double by 2030. In comparison, the value of the plant-based protein sector was estimated at around \$140 million during the same period.<sup>20</sup>

5.19 For growth to continue, some submitters said that cooperation is required and that the meat and plant-based industries should refrain from competing with each other.<sup>21</sup> In *The Changing Landscape of Protein production: opportunities and challenges for Australian agriculture*, Agrifutures Australia (Agrifutures) reported that growth in demand can provide opportunity for all producers provided that:

Australian agriculture presents a united front in the aim of producing sufficient protein for the growing population [and that] the industry monitors the marketing language used by some alternative protein companies to ensure accurate representations of both plant- and animal-sourced proteins are presented to consumers.<sup>22</sup>

5.20 Agrifutures also reported that ‘while alternative protein substitution of animal protein will continue to increase in the next 10 years, the levels and rate of substitution will not present a material threat to the viability of animal agriculture by 2030.’<sup>23</sup> Further, Agrifutures believes that while plant-based producers will benefit from increased market share, this benefit will be small compared to new demand for animal protein from a rising population. To capitalise on these opportunities, it is important for all of Australia’s protein producers to present a united front, avoid competition that could harm both meat and plant producers, and embrace supportive policy measures.<sup>24</sup> The NFF agreed, stating:

Policies that support the growth of both animal and plant industries also provide immediate and long-term social and economic benefits to businesses, livestock producers and individuals across regional, rural and remote Australia.<sup>25</sup>

---

<sup>20</sup> National Farmers’ Federation, *Submission 103*, pp. 2–3.

<sup>21</sup> Mr David McKeon, Chief Executive Officer, GrainGrowers Ltd, *Committee Hansard*, 8 November 2021, p. 19; Mr Nicholas Goddard, Chief Executive Officer, Australian Oilseeds Federation, *Committee Hansard*, 8 November 2021, p. 20.

<sup>22</sup> Agrifutures Australia, *The Changing Landscape of Protein Production: Opportunities and Challenges for Australian Agriculture*, February 2020, p. 9, <https://www.agrifutures.com.au/wp-content/uploads/2020/02/20-001.pdf> (accessed 24 January 2022).

<sup>23</sup> Agrifutures Australia, *The Changing Landscape of Protein Production: Opportunities and Challenges for Australian Agriculture*, February 2020, p. 9.

<sup>24</sup> Agrifutures Australia, *The Changing Landscape of Protein Production: Opportunities and Challenges for Australian Agriculture*, February 2020, p. 9.

<sup>25</sup> National Farmers’ Federation, *Submission 103*, p. 6.

5.21 Ms Kirsten Grinter, Chair, Alternative Proteins Council, told the committee that many Australian farmers already know this. According to Ms Grinter, many farmers are already diversifying and branching into mixed farming practices to embrace the opportunity afforded to each sector. Among these are farmers who have recognised the potential growth of plant-based proteins and are growing crops specifically for plant-based protein supply chains. Ms Grinter suggested that manufacturers and producers want to be able to promote and grow both their plant and their meat-based protein products equally.<sup>26</sup>

### **Opportunities for the plant-based protein industry**

5.22 Studies have shown an increasing trend of values-based consumerism. Consumers are becoming more intent on purchasing products with high environmental and social values and will consider factors like animal welfare, sustainability, and climate change when shopping. With resources to produce meat becoming scarce, like land and water, there are opportunities for plant-based producers to expand as people look to consume plant-based proteins.<sup>27</sup> Ms Grinter told the committee that an estimated 6 000 full time jobs will be created over the next decade because of plant-protein growth. In particular, Australia's advanced agricultural sector puts the nation in a good position to lead the development, production, and supply of plant-based protein products in the Asia-Pacific region.<sup>28</sup>

5.23 The submission from the CSIRO details the agency's collaboration with industry and the government to form the Future Protein Mission. The Future Protein Mission aims to capitalise on the increased demand for protein that a growing population will require, and will work to capture high value and high margin export opportunities while also building domestic manufacturing capabilities.<sup>29</sup> v2food indicates that investment is already picking up with over \$122 million combined investment in the Australian plant-based protein sector during the 2020-21 year to support business development and regional processing facilities.<sup>30</sup>

5.24 In evidence given at a public hearing, Mr Brendan McKeegan, Co-founder and Director, Australian Plant Proteins Pty Ltd (APP), explained how APP identified a gap in the Australian market that they could fill. APP recognised that there was a lack of facilities available to turn raw materials into a powder form that could be used in food and beverage products. In 2020, APP built a full-scale

---

<sup>26</sup> Ms Kirsten Grinter, Chair, Alternative Proteins Council, *Committee Hansard*, 8 November 2021, p. 9.

<sup>27</sup> v2food, *Submission 78*, p. 14.

<sup>28</sup> Ms Kirsten Grinter, Chair, Alternative Proteins Council, *Committee Hansard*, 8 November 2021, p. 9.

<sup>29</sup> Commonwealth Scientific and Industrial Research Organisation, *Submission 29*, p. 4.

<sup>30</sup> v2food, *Submission 78*, p. 5.

large facility in Horsham, Victoria. The facility is the only one of its kind in the Southern hemisphere. APP chose this location for two reasons:

- to embrace the opportunity to add regional jobs in the area; and
- the area is a strong pulse growing area in the state.<sup>31</sup>

5.25 The APP example shows how there is scope to expand operations in Australia and bridge the gaps along the supply chain between growers and consumers. Further illustrating ways in which the Australian plant-based sector can grow, Mr Nick Hazell, Chief Executive Officer, v2food, showed that although Australian farmers grow a range of plant proteins, producers must still rely on imported proteins because Australia does not have the infrastructure to process raw plant commodities into products at scale:

None of the products—the protein extracts, the concentrates, the isolates, which are the building blocks of alternative protein—are made in Australia. We do grow great legumes, we grow great pulses and we have an amazing agricultural sector, but no-one has felt the need to invest in manufacturing in Australia up to now. This is deeply concerning, and we want to do something about it... We are forming consortia and partnerships so that we can grow the soy in Australia and process it in Australia, and that involves hundreds of millions of dollars of investment. But, without that, Australia is going to be dependent on the US or Europe or, heaven forbid, Brazil for the sources of protein.<sup>32</sup>

5.26 Despite this, Australian producers still produce more than is required for domestic consumption, thereby opening a potentially lucrative export market worth \$3-6 billion should further domestic capabilities be enhanced.<sup>33</sup> Ms Jessica O'Connell, Counsel, Beyond Meat, reiterated the need to increase capability within Australia. Ms O'Connell stated that Beyond Meat has a goal to produce and manufacture locally, but that facilities in Australia are not yet capable:

Right now, there's a supply chain that sources mostly from the US, which is where our product is manufactured as well. That's the most efficient place to get it from where we're manufacturing. As I said, as the company grows, the idea would be to manufacture regionally and locally and source from those areas as well but there are limited facilities that produce the product right now. It's not big enough to have different supply chains, unfortunately.<sup>34</sup>

---

<sup>31</sup> Mr Brendan McKeegan, Co-founder and Director, Australian Plant Proteins Pty Ltd, *Committee Hansard*, 8 November 2021, p. 2.

<sup>32</sup> Mr Nick Hazell, Chief Executive Officer, v2food, *Committee Hansard*, 6 December 2021, p. 31.

<sup>33</sup> v2food, *Submission 78*, p. 21.

<sup>34</sup> Ms Jessica O'Connell, Counsel, Beyond Meat, *Committee Hansard*, 6 December 2021, p. 3.

- 5.27 Ms O’Connell also confirmed that the company hoped to open a factory in Australia when they are large enough to do so.<sup>35</sup> The need for expansion was also voiced by Mr David McKeon, Chief Executive Officer, GrainGrowers Ltd. Mr McKeon told the committee that grain producers have grown in recent years but still have further room to expand into other areas:

We recently released a report looking at changes in growth in the Australian agriculture sector, and, over the last five years, we've seen the volume of pulses in Australia—we're talking largely about chickpeas, lentils and lupins, Australian pulses—increase by 20 per cent, but we've seen the value of pulses increase by 70 per cent. That really shows that Australian farmers on the ground are doing as much as they can with a limited amount of land and a limited amount of rainfall to add value and deliver really high-value products, so we are seeing growth in the value of those pulse based products in Australia. In Australia, we don't grow many soybeans, which are the basis of a lot of our plant based protein industries, but we are seeing continued growth in the pulse sector.<sup>36</sup>

- 5.28 Soy production is a relatively small industry in Australia, meaning most soy products must be primarily sourced from global markets. However, the CSIRO in partnership with industry and the NSW Government, is seeking to increase soy production within Australia. The CSIRO advised the committee that soy is a highly competitive market globally, with Australia’s market share being eroded since the 1980s. However, it’s representative Dr Michael Robertson spoke of the CSIRO hosting the National Soybean Breeding Program and the potential for soybean production to grow in northern NSW and southern Queensland:

In short, with the market cues we're receiving from companies like v2food and others, we believe there could be an opportunity to quadruple the area of soybean in northern New South Wales and Southern Queensland. That's the main area where the crop would be grown, under irrigation, probably complementary to crops like cotton and others—grown in rotation with those. Of course, there are benefits there because it's a legume. It brings some nitrogen into the system and has some other sustainability benefits. So, in summary, there are huge opportunities for growing that little industry into something much more significant and bringing benefits to regional Australia as a consequence.<sup>37</sup>

- 5.29 Enhancing production capability would result in greater employment opportunities in manufacturing, as well as also providing soy growers with greater certainty and premium prices for what is usually an opportunistic and

---

<sup>35</sup> Ms Jessica O’Connell, Counsel, Beyond Meat, *Committee Hansard*, 6 December 2021, p. 3.

<sup>36</sup> Mr David McKeon, Chief Executive Officer, GrainGrowers Ltd, *Committee Hansard*, 8 November 2021, p. 19.

<sup>37</sup> Dr Michael Robertson, Director, Health & Biosecurity, Commonwealth Scientific and Industrial Research Organisation, *Committee Hansard*, 6 December 2021, pp. 21–22.

seasonal crop.<sup>38</sup> A similar benefit was identified for the oilseed sector, with the advancement of manufacturing technology that enables the extraction of plant protein from canola meal that is suitable for the human food chain. However, the Australian Oilseeds Federation noted that this technology is yet to be deployed in Australia.<sup>39</sup>

- 5.30 v2foods warned that any prospective regulatory changes may work to restrict future investment and business development in the sector by indicating a lack of support from authorities.<sup>40</sup>

*Balanced support to all sectors*

- 5.31 Whilst research and technology investment by the Australian Government plays a vital role in the development of Australia's plant-based industry, the committee heard it should not come at the expense of the animal protein sector.<sup>41</sup> The RMAC expressed concern about the connection between the CSIRO and Food Frontier, demonstrated by email 'conversations between those two organisation and how that's shaped both the dietary recommendations and the research that's been conducted by CSIRO'.<sup>42</sup>
- 5.32 The committee raised these concerns with the CSIRO, noting its health recommendations for children's lunch and Main Sequence Ventures (MSV) investment into v2food. In response, the CSIRO clarified that dietary advice does not preference one form of protein above another, rather it provides dietary options for parents. Regarding the investment decisions of MSV, the CSIRO emphasised MSV's independence, maintaining that the agency is not a shareholder of v2food. The CSIRO's Chief Operating Officer, Ms Judi Zielke proceeded to explain the rationale for MSV's investment into v2food, the broader benefits to the Australian economy and the agency's management of conflict of interests:

V2food is one of around, I think, 37 firms we have an equity investment in at the moment. We've done that because we believe that they have commercial potential and that the research is exciting and of great benefit to the country, not just to that firm. What we're trying to do is get a good outcome that benefits the country as a whole by growing both a great product and jobs, and a better outcome across the economy in that regard. We have very strict arrangements in place in relation to conflicts of

---

<sup>38</sup> v2food, *Submission 78*, p. 25.

<sup>39</sup> Mr Nicholas Goddard, Chief Executive Officer, Australian Oilseeds Federation, *Committee Hansard*, 8 November 2021, pp. 20–21.

<sup>40</sup> v2food, *Submission 78*, p. 6.

<sup>41</sup> Mr Adam Davey, Owner and Director, Coffey Cattle Company, *Committee Hansard*, 8 November 2021, pp. 51–52.

<sup>42</sup> Mr John McKillop, Independent Chair, Red Meat Advisory Council, *Committee Hansard*, 7 December 2021, p. 27.

---

interest—the way in which we deal with projects—right through to competitor arrangements et cetera and how we manage those as well. I think we do a good job of managing that effectively.<sup>43</sup>

### **Committee comment and recommendations**

- 5.33 The committee acknowledges the economic contribution and importance of the red meat industry to rural and regional areas. The red meat industry has long been the backbone of the regional economy and continues to support the community. The committee shares the concerns of the red meat industry regarding plant-based protein producers ‘piggybacking’ on the investment made by levy payers. The red meat industry has worked hard to create a reputation for safe and nutritious products and this hard-won standing must not be taken advantage of. The establishment of a mandatory marketing and labelling framework for plant-based protein products will strengthen brand integrity for both sectors.
- 5.34 The committee recognises that a growing world population necessarily has greater protein needs. This provides an opportunity for all Australian protein-producers to fill the demand and grow. The committee believes there is room and opportunity for all industries to grow without impairing others, and encourages the cooperation of all agricultural sectors towards the common goal of a \$100 billion agricultural sector by 2030.
- 5.35 In particular, the committee believes that more support and investment is required in the plant-based protein sector. Although currently small, plant-based protein production is an important emerging market for both agricultural producers and consumers at large. The committee believes that with support and investment the plant-based protein sector will be better served to source and manufacture their products locally, thereby further supporting rural and regional employment.
- 5.36 This support, however, should not come at the cost of one sector over another. It is vital that the Australian Government’s investment in new and emerging technologies is equitable across all sectors striving to invest in Australia’s future food production.

---

<sup>43</sup> Ms Judi Zielke, Chief Operating Officer, Commonwealth Science and Industrial Research Organisation, *Committee Hansard*, 6 December 2021, pp. 23–24.

**Recommendation 7**

**5.37 The committee recommends the Department of Agriculture, Water and the Environment, in partnership with the Commonwealth Scientific and Industrial Research Organisation, examines measures to:**

- **strengthen the plant-based protein product sector's capacity to source its products from Australian grown produce; and**
- **support investment opportunities into the Australian plant-based alternative product sector's manufacturing infrastructure to foster competitiveness and market opportunities on the international market.**

**Recommendation 8**

**5.38 The committee recommends the Department of Agriculture, Water and the Environment ensures that the plant-based protein product sector is supported to contribute to the Ag2030 goal of achieving a \$100 billion agricultural sector by 2030.**

# Chapter 6

## Nutritional, environmental and animal welfare statements

- 6.1 Further matters raised during the inquiry related to nutritional, environmental and animal welfare statements found on the packaging of plant-based products. The committee heard concerns that the information found on the packaging of these products was inaccurate, or was not supported by sound evidence.<sup>1</sup> References were made to a study by the University of Melbourne that found plant-based protein companies made a range of claims about the benefits of their products, which included nutritional, environmental, animal welfare and food security claims. Overall, the study found '[f]ew companies provided evidence or data to support their claims'. The Alternative Meat Co and v2food were noted exceptions, with references made to source material.<sup>2</sup>
- 6.2 This chapter considers the nutritional information available on plant-based protein products, including broader discussions about the definition of plant-based protein products under the Food Standards Australia New Zealand Code (FSANZ Code, the Code) and minimum compositional requirements. This chapter then considers arguments about environmental outcomes and animal welfare statements made by plant-based protein companies in the labelling and marketing of their products.

### Nutritional information

- 6.3 A concern shared with the committee related to plant-based protein companies marketing their products as either nutritionally equivalent or superior to traditional protein products. The Australian Chicken Meat Federation (ACMF) argued that plant-based products did not contain complete proteins, and that some nutrients would be missing unless fortified with amino acids and vitamin

---

<sup>1</sup> Mr Ben Antenucci, Policy Director, Agricultural Industries, NSW Farmers Association, *Committee Hansard*, 16 September 2021, p. 36; Mrs Joanne Rae, Chair, Property Rights Australia, *Committee Hansard*, 17 September 2021, p. 20; Ms Miriam Blythe, Export Manager, Western Meat Exporters, *Committee Hansard*, 6 December 2021, p. 16; Dr Gary Fettke, private capacity, *Committee Hansard*, 7 December 2021, p. 1.

<sup>2</sup> Lacy-Nichols, Scrinis & Moodie, *The Australian Alternative Protein Industry: A report for the Future Food Hallmark Research Initiative*, University of Melbourne, 21 May 2020, pp. 4–5, <https://research.unimelb.edu.au/research-at-melbourne/multidisciplinary-research/hallmark-research-initiatives/future-food/news/report-on-the-australian-alternative-protein-industry> (accessed 31 January 2022).

B12.<sup>3</sup> With reference to the findings of an AgriFutures report,<sup>4</sup> the ACMF commented that plant-based products failed to meet the same ‘energy requirement that would place them in the same category as meat in the food classification system’.<sup>5</sup>

- 6.4 The Red Meat Advisory Council (RMAC) described meat as a ‘nutrient dense, highly bioavailable protein...[with] critical macro and micronutrients’ that ‘allows essential amino-acids and nutrients’ to be efficiently absorbed into healthy bodies. Concerning claims of nutritional equivalency, the RMAC referenced a Duke University study that found there to be nutritional difference between plant-based foods and grass-fed beef, despite similarities being communicated on nutritional information panels. This study cautioned against ‘categorising foods as equivalent for consumers based on their protein content’. The RMAC warned that this categorisation posed health concerns for vulnerable populations.<sup>6</sup>
- 6.5 Claims of nutritional equivalency have been a longstanding matter of concern for the dairy industry.
- 6.6 The Australian Dairy Industry Council (ADIC) criticised the findings of the Food Regulation Standing Committee that found no evidence of Australian and New Zealand consumers being misled by the ‘nutritional differences between meat and dairy and plant based alternatives when choosing a product’. It cited the Australia Trust Tracker, a consumer study in place since 2018, that found ‘between 45 and 55 per cent of respondents’ are of the view that plant-based dairy products are healthier than milk. The ADIC also cited research in the *Food Science of Animal Resources* journal that found ‘natural milk possesses more beneficial nutrients and bioactive components than artificially manufactured plant-based milks’.<sup>7</sup>
- 6.7 Dr Paul Wood AO, of the Australian Sustainable Animal Protein Production, criticised nutritional claims made by the plant-based protein sector. He accused the sector of appropriating ‘well-recognised nutritional value of nutrient-dense animal products’. He was of the view that the primary issue causing confusion was not product labelling; rather, it is ‘one of nutrition’ because ‘[t]he data is

---

<sup>3</sup> Dr Vivien Kite, Executive Director, Australian Chicken Meat Federation, *Committee Hansard*, 16 September 2021, p. 20.

<sup>4</sup> AgriFutures Chicken Meat, *Nutritional and environmental comparison of chicken and plant protein*, October 2020, provided by Australia Chicken Meat Federation (received 5 October 2021).

<sup>5</sup> Dr Vivien Kite, Executive Director, Australian Chicken Meat Federation, *Committee Hansard*, 16 September 2021, p. 20.

<sup>6</sup> Red Meat Advisory Council, *Submission 226*, p. 13.

<sup>7</sup> Mr Rick Gladigau, President, Australian Dairy Industry Council, *Committee Hansard*, 6 December 2021, p. 10.

quite clear: plant based products do not have the same composition or nutritional profile of animal based products'.<sup>8</sup>

- 6.8 Similarly, Dr Garry Fettke, a critic of national dietary guidelines and the consumption of highly processed foods, spoke of the misconceptions about meat intake. He argued there was an overemphasis on the health (and environmental) benefits of plant-based protein products, which he argued have 'not been established'.<sup>9</sup>
- 6.9 A further criticism directed at the plant-based protein sector was the composition of their products. These witnesses and submitters referred to those products being highly processed and containing additives and a high salt content. They claimed these products could result in adverse health impacts for consumers.<sup>10</sup>
- 6.10 These views were widely dismissed by advocates for the plant-based protein sector.<sup>11</sup> Nestle submitted that the 'nutrition of plant-based foods is already appropriately addressed by existing regulations', which 'includes ingredients and on-pack nutrition claims'.<sup>12</sup>
- 6.11 Regarding the nutritional qualities of plant-based proteins, v2food advised the committee that it 'deliberately formulated [its] products to be comparable to beef' through research. For this reason, v2food products have the 'same in terms of protein, iron, zinc and vitamin B3, B12 and B6'.<sup>13</sup> Sanitarium submitted that the fortification of its plant-based protein products with iron and vitamin B12 meant people who wished to avoid animal-based foods would not compromise their nutritional requirements. It referenced an audit of plant-based products that found them to be lower in energy content, total fat and saturated fat, lower levels of protein and similar iron content to traditional protein products. The use

---

<sup>8</sup> Dr Paul Wood AO, Independent Chair, Australian Sustainable Animal Protein Production, *Committee Hansard*, 7 December 2021, p. 2.

<sup>9</sup> Dr Gary Fettke, private capacity, *Committee Hansard*, 7 December 2021, pp. 1–2.

<sup>10</sup> Ms Elisha Parker, private capacity, *Committee Hansard*, 8 November 2021, p. 33; Mr Mark Davie, Director, Keppel Brand, *Committee Hansard*, 8 November 2021, pp. 48–49; Ms Miriam Blythe, Export Manager, Western Meat Exporters, *Committee Hansard*, 6 December 2021, p. 16; Mr Paul Wood AO, Independent Chair, Australian Sustainable Animal Protein Production, *Committee Hansard*, 7 December 2021, p. 2.

<sup>11</sup> Mr Ryan Alexander, Co-Founder and Managing Director, No Meat May, *Committee Hansard*, 17 September 2021, p. 7; Mr Tyler Jameson, Vice President, Government Relations, Impossible Foods Inc, *Committee Hansard*, 6 December 2021, p. 8; Alternative Proteins Council, *Submission 116*, p. 8.

<sup>12</sup> Nestle, *Submission 119*, p. 4.

<sup>13</sup> Mr Nick Hazell, Chief Executive Officer, v2food, *Committee Hansard*, 6 December 2021, p. 27.

of legumes, grains, plant fibres and starches meant plant-based products were high in carbohydrates, sugars and dietary fibre.<sup>14</sup>

- 6.12 A study conducted by Food Frontier found plant-based protein products to be 'on average nutritionally comparable or superior' to 'conventional meat sausages, burgers and bacon'.<sup>15</sup> The Alternative Proteins Council (APC) submitted that plant-based products have an 'added benefit of dietary fibre and in most cases considerably lower saturated fat than their conventional meat counterparts'.<sup>16</sup>
- 6.13 In terms of comparing nutritional attributes of protein products, the CSIRO referred to the importance of a 'like-for-like' comparison. The CSIRO also made clear that any product on sale for human consumption was deemed safe under FSANZ Guidelines,<sup>17</sup> a point made by the plant-based protein sector. These stakeholders contended that any food product available on the Australian market is subject to the same level of oversight and scrutiny through FSANZ. Further, any additives used in the production of plant-based protein products has been approved for human consumption, with many of those additives also being used in traditional protein foods.<sup>18</sup>
- 6.14 The Australian Food and Grocery Council expressed concern with the framing of plant-based protein products as unsafe because it threatens both 'the reputation of Australia's food and agricultural sector but also denigrates Australia's food regulatory system'.<sup>19</sup> Its representative, Dr Geoffrey Annison raised concern with the singling out of a single category of food:
- Our concern is that one particular category of food is being singled out, and it's being done in a way that suggests that the food regulatory system is not working well, when it's our contention that it's working extremely well and it does assure the safety of food products and it does ensure that those products are safe for consumption by consumers.<sup>20</sup>
- 6.15 The committee questioned FSANZ about how it reviews claims of nutritional adequacy and equivalency of food products sold in Australia. FSANZ advised

---

<sup>14</sup> Sanitarium Health Food Company, *Submission 113*, pp. 2–3.

<sup>15</sup> Food Frontier, *Submission 159*, p. 6.

<sup>16</sup> Alternative Proteins Council, *Submission 116*, p. 2.

<sup>17</sup> Dr Michael Robertson, Director, Health and Biosecurity, Commonwealth Scientific and Industrial Research Organisation, *Committee Hansard*, 6 December 2021, p. 20.

<sup>18</sup> Mr Ryan Alexander, Co-Founder and Managing Director, No Meat May, *Committee Hansard*, 17 September 2021, p. 7; Mr Tyler Jameson, Vice President, Government Relations, Impossible Foods Inc, *Committee Hansard*, 6 December 2021, p. 8; Alternative Proteins Council, *Submission 116*, p. 8.

<sup>19</sup> Dr Geoffrey Annison, Deputy Chief Executive, Australian Food and Grocery Council, *Committee Hansard*, 17 September 2021, p. 34.

<sup>20</sup> Dr Geoffrey Annison, Deputy Chief Executive, Australian Food and Grocery Council, *Committee Hansard*, 17 September 2021, p. 37.

the committee that it leverages data from the Australian Bureau of Statistics' national nutrition survey. Its representative, Mr Glen Neal explained this process in the context of FSANZ's consideration of soy leghemoglobin used by Impossible Foods:

With regard to any new application for a new food, we have to have regard to not only its safety but also, in many cases, its nutritional adequacy or its nutritional equivalence. If I can, I will perhaps give an example. Last year and a bit before that, we started work on and completed the assessment of the Impossible burger soy leghemoglobin product. The key issue for us there was not only the safety aspects but the bioavailability of the iron that's delivered in that product, particularly because the product has been positioned to be nutritionally equivalent, in terms of iron intake, to meat counterparts. We do have experts and capability in performing those assessments, and our particular assessment of that application was certainly made part of the process.<sup>21</sup>

- 6.16 FSANZ proceeded to iterate that its primary purpose is to 'ensure that everything anybody purchases on the shelves is safe and is okay in regard to public health and safety—that all the ingredients that get looked at and assessed and all the additives...used are okay'. Dr Sandra Cutherbert expressed her confidence in the food regulatory system, but acknowledged that consumers are also required to put in effort to understand nutritional information on product packaging:

I'm very comfortable and confident to say that the food that's available for people to purchase is safe. Then it's a matter of ensuring that consumers have all of the necessary information that they need to be able to ensure that they can make their choices based on their individual needs, their allergy situation or whatnot. So we do want to ensure that the label is sufficiently clear and that there be additional information that supports that. You've referred to the health star rating. We've spoken about the ingredients listed in it. I understand that there's a bit of effort needed to look at the package.<sup>22</sup>

#### *Research into health impacts of traditional and plant-based protein products*

- 6.17 The committee received evidence about the health implications of both traditional protein and plant-based protein products, and the need for further research. Whilst the potential adverse health impacts of processed meats have been established,<sup>23</sup> questions remained about the health impacts of plant-based protein products, with calls for further research.

---

<sup>21</sup> Mr Glen Neal, General Manager, Risk Management and Intelligence, Food Standards Australia New Zealand, *Committee Hansard*, 7 December 2021, p. 17.

<sup>22</sup> Dr Sandra Cutherbert, Interim Chief Executive Officer, Food Standards Australia New Zealand, *Committee Hansard*, 7 December 2021, pp. 17–18.

<sup>23</sup> The George Institute for Global Health, *Submission 28*, p. [3]; CSIRO, *Submission 29*, p. 5; Doctors for Nutrition, *Submission 77*, pp. 1–2.

- 6.18 The George Institute submitted that research has found that plant-based protein products ‘can be high in sodium, albeit comparable to their animal-sourced processed meat counterparts’. But overall, there was ‘little research that has looked at the specific links between manufactured protein products and health outcomes’.<sup>24</sup>
- 6.19 The CSIRO commented that further research is warranted, but emphasised that any research comparing processed products should be made from ‘within a category (i.e. a traditional burger patty with an alternative burger patty)’.<sup>25</sup>
- 6.20 The George Institute added that unprocessed meats are a core food product under Australia’s Dietary Guidelines, with important nutrients such as iron and B12. Yet despite these nutritional benefits, it concluded that Australia’s overall consumption of meat should be reduced for both ‘personal health and planetary health reasons’. It suggested plant-based protein products could supplement some of the nutritional benefits of meat.<sup>26</sup>
- 6.21 Arguments in favour of reducing Australia’s overall meat consumption (at approximately 100kg per person per year) were shared by representatives from across vegan, animal welfare groups and the plant-based sector.<sup>27</sup> No Meat May referenced Australia’s high consumption of meat being triple the global average, with Australians ‘effectively eating twice the upper limit of red meat that’s advised in the Australian dietary guidelines and recommended by independent public health authorities such as the Cancer Council and Diabetes Australia’.<sup>28</sup>

### *Definitions and compositional requirements under the FSANZ Code*

- 6.22 The FSANZ Code does not have a standard to ‘define plant-based alternatives and their minimum compositional requirements’.<sup>29</sup> As noted in Chapter 1, the Code defines dairy analogues as ‘derived from legumes, cereals, nuts, seeds, or a combination of those ingredients’, which is grouped under the food group that consists of dairy products named under the Code. Plant-based protein products

---

<sup>24</sup> The George Institute for Global Health, *Submission 28*, p. [3].

<sup>25</sup> CSIRO, *Submission 29*, p. 5.

<sup>26</sup> The George Institute for Global Health, *Submission 28*, p. [3].

<sup>27</sup> Mr Katherine Divine, Founder and Editor, Australian Vegans, *Committee Hansard*, 17 September 2021, p. 3; Dr Tamasin Ramsay, Policy Advisor, Animal Justice Party, *Committee Hansard*, 17 September 2021, p. 11; Mr Nick Hazel, Chief Executive Officer, v2food, *Committee Hansard*, 6 December 2021, p. 27.

<sup>28</sup> Mr Ryan Alexander, Co-Founder and Managing Director, No Meat May, *Committee Hansard*, 17 September 2021, p. 2.

<sup>29</sup> Industry Working Group Discussion Paper, *The labelling and marketing of plant-based alternatives to meat and dairy products*, p. 60.

- (meat analogues) are not named under the food group that consists of ‘meat, fish, eggs, nuts, seeds and dried legumes’, nor defined under particular foods.<sup>30</sup>
- 6.23 This point was raised by Seafood Industry Australia, who recommended ‘the development of a FSANZ Code for the application to, and identification of synthetic, manufactured, cellular and plant-based proteins’ referred to as ‘meat analogues’.<sup>31</sup>
- 6.24 Similarly, Australian Pork Limited suggested that the FSANZ Code is amended to introduce a standard ‘that specifically deals with plant-based manufactured protein products, and which defines what they are, what minimum compositional standards they should meet and labelling requirements apply to them’.<sup>32</sup>
- 6.25 The Green Shirts Movement and Property Rights Australia agreed that establishing a definition and minimum requirements for plant-based protein products was needed, similar to existing meat products defined under the FSANZ Code such as a meat pie. Dr Rachel Cruwys from the Green Shirts Movement added that ‘[t]he meat industry has had to abide by these standards for a long time’.<sup>33</sup>
- 6.26 The Industry Working Group considered amendments to the Code, which consisted of two parts:
- the introduction of Standards under the FSANZ Code that define plant-based protein products and their minimum compositional requirements; and
  - to revise the fortification permissions for plant-based products, to provide better alignment to and meat and dairy products.<sup>34</sup>
- 6.27 Regarding minimum compositional requirements, the Industry Working Group’s report noted that the absence of those requirements meant that ‘plant-

---

<sup>30</sup> Food Standards Australia New Zealand Code, s. 1.1.2–2 & 1.1.2–3.

<sup>31</sup> Seafood Industry Australia, *Submission 143*, p. 9.

<sup>32</sup> Australian Pork Limited, *Submission 129*, p. 16.

<sup>33</sup> Dr Rachael Cruwys, Director, Green Shirts Movement Queensland, *Committee Hansard*, 17 September 2021, p. 25; Mrs Joanne Rae, Chair, Property Rights Australia, *Committee Hansard*, 17 September 2021, p. 25.

<sup>34</sup> Industry Working Group Discussion Paper, *The labelling and marketing of plant-based alternatives to meat and dairy products*, p. 60.

For the second option, the discussion paper referenced that this approach ‘would mean increasing the fortification permissions for dairy products to the same levels as for plant-based alternatives’.

based alternatives are permitted to add a number of vitamins and minerals at levels greater than dairy'.<sup>35</sup>

- 6.28 Industry Working Group's report found the meat and dairy industries were supportive of amending the FSANZ Code to establish both a definition for plant-based protein products and minimal compositional requirements. However, this action was objected to by the plant-based sector on grounds that consideration of this matter was outside the scope of the Industry Working Group's task, which was to consider current labelling requirements.<sup>36</sup>
- 6.29 The Industry Working Group's report explained that should this approach be pursued, the normal submission process to FSANZ would be required. The report noted that potential benefits of establishing a definition and minimum compositional requirements for plant-based products include: nutritional consistency across products, clarity about bioavailability and fortification, and the potential development of additional products for the meat, dairy and plant-based sectors. Whereas detriments include: increased costs on manufacturers (that may impact on a return on investment), potential increased consumer confusion,<sup>37</sup> long implementation period, may not attain approval and contradicts arguments that existing regulatory settings are fit-for-purpose.<sup>38</sup>

### **Environmental outcomes and animal welfare**

- 6.30 The committee heard evidence about the purported positive environmental outcomes resulting from increased consumption of plant-based foods. Stakeholders spoke of animal meat products' impact on biodiversity loss, ecosystem decline and climate change.<sup>39</sup> The livestock sector expressed concern about these 'dishonest and misrepresenting' claims made about the environmental impacts of livestock production, whether it be on the local environments or the broader debate concerning climate change and methane production.<sup>40</sup>

---

<sup>35</sup> Industry Working Group Discussion Paper, *The labelling and marketing of plant-based alternatives to meat and dairy products*, p. 60.

<sup>36</sup> Industry Working Group Discussion Paper, *The labelling and marketing of plant-based alternatives to meat and dairy products*, p. 60.

<sup>37</sup> With regard to fortification versus actual bioavailability.

<sup>38</sup> Industry Working Group Discussion Paper, *The labelling and marketing of plant-based alternatives to meat and dairy products*, p. 60.

<sup>39</sup> Dr Tamasin Ramsay, Executive Director, Animal Justice party, *Committee Hansard*, 17 September 2021, p. 11; Mr Neal Chay, Executive Director, Animal Liberation Queensland, *Committee Hansard*, 17 September 2021, p. 12; Mr Nick Hazel, Chief Executive Officer, v2food, *Committee Hansard*, 6 December 2021, p. 27.

<sup>40</sup> Mr David Connolly, President, Northern Territory Cattleman's Association, *Committee Hansard*, 7 September 2021, p. 5; Mrs Joanne Rae, Chair, Property Rights Australia, *Committee Hansard*, 17 September 2021, p. 20; Dr Rachael Cruwys, Director, Green Shirts Movement Queensland,

- 6.31 Various stakeholders spoke of ‘reputational loss’ as a result of the unsubstantiated claims made in the marketing of plant-based protein products.<sup>41</sup> The Victorian Farmers Federation made clear that ‘no food is without environmental impact, and when one is able to claim that it’s better than another, in an unregulated fashion, it’s dangerous for so many reasons’.<sup>42</sup>
- 6.32 Representatives of the livestock industry sought to emphasise the environmental credentials of the sector, and the significant investment made by the livestock sector to reduce its environmental impact and maintain its reputable image both in Australia and abroad. Examples provided included GPS tracking to manage cattle grazing and improve groundcover, vegetation management, carbon abatement programs, cessation of hormone and chemical inputs, methane reduction programs and organic farming practices.<sup>43</sup>
- 6.33 The livestock industry objected to claims that growth in demand for plant-based protein products would facilitate better farming practices by replacing livestock production with cropping agriculture. Farmers from across Australia, along with the RMAC, expressed dismay at such beliefs with many pointing out that the land in which cattle is farmed on is often unsuitable for crops.<sup>44</sup> Others pointed out that various landholders simultaneously operate both livestock and crop enterprises,<sup>45</sup> with the RMAC making clear that cropping too has unavoidable environmental impacts caused by land clearing, and the use of

---

*Committee Hansard*, 17 September 2021, pp. 20–21; Mr Patrick Hutchinson, Chief Executive Officer, Australian Meat Industry Council, *Committee Hansard*, 7 December 2021, pp. 20–21.

<sup>41</sup> Mr David Connolly, President, Northern Territory Cattleman’s Association, *Committee Hansard*, 7 September 2021, p. 9; Mrs Tess Herbert, Chair, Australian Beef Sustainability Framework, *Committee Hansard*, 16 September 2021, pp. 8 and 11; Mr John McKillop, Independent Chair, Red Meat Advisory Council, *Committee Hansard*, 7 December 2021, p. 21.

<sup>42</sup> Ms Emma Germano, President, Victorian Farmers Federation, *Committee Hansard*, 16 September 2021, p. 39.

<sup>43</sup> Dr Rebecca Mohr-Bell, private capacity, *Committee Hansard*, 7 September 2021, p. 2; Mr Will Evans, Chief Executive Officer, Northern Territory Cattleman’s Association, *Committee Hansard*, 7 September 2021, p. 7; Mr Ben Somerset, Property Manager, Somerset Trading Company, *Committee Hansard*, 8 November 2021, p. 36; Mr Adam Coffey, Owner and Director, Coffey Cattle Company, *Committee Hansard*, 8 November 2021, p. 50; Mr Patrick Hutchinson, Chief Executive Officer, Australian Meat Industry Council, *Committee Hansard*, 7 December 2021, p. 24.

<sup>44</sup> Dr Rebecca Mohr-Bell, private capacity, *Committee Hansard*, 7 September 2021, p. 2; Mrs Joanne Rae, Chair, Property Rights Australia, *Committee Hansard*, 17 September 2021, p. 26; Mr Ben Somerset, Property Manager, Somerset Trading Company, *Committee Hansard*, 8 November 2021, p. 33; Mr John McKillop, Independent Chair, Red Meat Advisory Council, *Committee Hansard*, 7 December 2021, p. 22.

<sup>45</sup> Mr Stephen Crisp, Chief Executive Officer, Sheep Producers Australia, *Committee Hansard*, 16 September 2021, p. 3; Mr Markus Rathsmann, President, Cattle Council of Australia, *Committee Hansard*, 16 September 2021, p. 3;

fertiliser and insecticide.<sup>46</sup> However, v2food objected to the suggestion that the plant-based protein sector was seeking to displace livestock farming, stating that '[a]nyone with a basic understanding of agriculture knows that [the transfer of land use] is ridiculous'.<sup>47</sup>

- 6.34 Whilst not a central matter considered as part of this inquiry, animal welfare concerns were also discussed. Vegan and animal welfare groups referred to the positive impact plant-based products have on reducing the demand for animal products, thus improving animal welfare.<sup>48</sup> However, advocates from the animal protein sector emphasised that these views failed to acknowledge the Australian livestock farming has some of highest standards of animal welfare as part of the sector's quality assurance programs, partly funded by industry levies.<sup>49</sup>

*Matters raised with the ACCC*

- 6.35 A criticism directed at the ACCC was its lack of action to investigate misleading labelling of plant-based protein products, particularly those that make unsubstantiated claims about health and environmental benefits, both in favour of plant-based foods and against the animal protein. The RMAC criticised the ACCC for not investigating such 'credence' claims despite its own compliance and enforcement policy that empowers it to investigate a 'new or emerging market issue or where their action is likely to have an educative or deterrent effect'.<sup>50</sup>
- 6.36 In response to this concern, the ACCC outlined the difficulty for a court to make a determination on credence claims, especially claims pertaining to environmental benefit:

...it is particularly difficult, within the court system, to establish, for example, that a claim that a product is more environmentally conscious than another is actually false. It would involve a great deal of expert evidence,

---

<sup>46</sup> Mr John McKillop, Independent Chair, Red Meat Advisory Council, *Committee Hansard*, 7 December 2021, p. 22.

<sup>47</sup> Mr Nick Hazel, Chief Executive Officer, v2food, *Committee Hansard*, 6 December 2021, p. 28.

<sup>48</sup> Mr Bobby Ratnarajah, Columnist, Australian Vegans, *Committee Hansard*, 17 September 2021, p. 3; Mr Greg McFarlane, Director, Vegan Australia, *Committee Hansard*, 17 September 2021, p. 4; Ms Tara Ward, Managing Solicitor, Animal Defenders Office, *Committee Hansard*, 17 September 2021, p. 10.

<sup>49</sup> Ms Margo Andrae, Chief Executive Officer, Australian Pork Limited, *Committee Hansard*, 16 September 2021, p. 33; Mr David Connolly, President, Northern Territory Cattleman's Association, *Committee Hansard*, 7 September 2021, pp. 7–8; Mr Stephen Crisp, Chief Executive Officer, Sheep Producers Australia, *Committee Hansard*, 16 September 2021, p. 7.

<sup>50</sup> Red Meat Advisory Council, *Submission 226*, p. 10.

---

and there are a lot of competing bodies of evidence about such matters that would make an extremely challenging court case.<sup>51</sup>

### **Zero-sum marketing**

- 6.37 Whilst the language and marketing strategies used by the plant-based protein sector may promote a product's health, ethical and environmental credentials, the Australian Farm Institute (AFI) warned of 'the implications for consumer trust of a continued dichotomous framing of meat versus alternatives as a zero-sum market'.<sup>52</sup> It noted that some marketing language used by the plant-based protein sector 'portrayed animal proteins in a negative manner, using misleading and inaccurate information'. Further, '[g]eneralised statements on environmental stewardship issues such as water-use and greenhouse gas emissions do not consider or portray the wide range of farming management practices utilised in the animal protein sector'.<sup>53</sup>
- 6.38 AFI explained that '[w]hile consumer law cannot prevent the expression of a negative opinion, it is incumbent on law-makers to ensure any public claims made about a company's or competitor's products are truthful and accurate'. It described the sustainability of the food system as a 'wickedly complex issue' and that '[w]arring factions do not engender trust in a community, nor in a marketplace'.<sup>54</sup>
- 6.39 The AFI's General Manager, Ms Katie McRobert emphasised the risks associated with the 'war of words' between the traditional and plant-based protein sectors and that both parties are accountable for any claims they make:

We are concerned that a war of words could engender mistrust, which would have the opposite effect of what was intended and could backfire on either market or both markets.

We also would like to note that any threat we see to the livelihood of Australian livestock producers is much more likely to come from regulatory change, and this community pressure is often driven by misinformation or disinformation. We think it's absolutely vital that all protein producers, both animal and alternative, are accountable for any claims so that consumers can make informed choices and producers can make evidence based sustainable production decisions.<sup>55</sup>

---

<sup>51</sup> Mr Rami Greiss, Executive General Manager Compliance and Fair Trading Division, Australia Competition and Consumer Commission, *Committee Hansard*, 6 December 2021, p. 36.

<sup>52</sup> Also see: Mr Nicholas Goddard, National Public Affairs Manager, Australian Oilseeds Federation, *Committee Hansard*, 8 November 2021, p. 20.

<sup>53</sup> Australian Farm Institute, *Submission 136*, pp. 1–2.

<sup>54</sup> Australian Farm Institute, *Submission 136*, p. 3.

<sup>55</sup> Ms Katie McRobert, General Manager, Australian Farm Institute, *Committee Hansard*, 8 November 2021, p. 1.

- 6.40 In response to changing dynamics in the protein market, AgriFutures's *Changing Landscape of Protein Production* report recommended that '[p]rotein producers should be proactive in differentiating their products, particularly in promotion of health or environmental benefits, rather than reactive against a competitor's perceived threat'.<sup>56</sup>

### **Committee comment and recommendation**

- 6.41 The committee is concerned by reports of unverified nutritional claims being made by the plant-based sector. The committee does not believe that a manufactured product is nutritionally equivalent or superior to a 100 per cent natural, animal-sourced meat product. These claims fail to acknowledge the nutritional value of Australia's meat products and the vital role meat plays in supporting a healthy, balanced diet.
- 6.42 More broadly, the committee is supportive of the food regulatory system and recognises that food goods and additives consumed by consumers are thoroughly reviewed prior to their introduction to the Australian market. However, consumers are within their right to question manufacturing processes, with clear nutritional difference between a manufactured meat product and its plant-based replica. Overall, the committee agrees with those stakeholders who emphasise the importance of establishing 'like-for-like' comparisons between products when making a nutritional analysis.
- 6.43 With respect to the FSANZ Code, the committee is concerned by the absence of a specific definition for plant-based protein products and sees benefit in establishing a definition for these products under the Code. The need for a clear understanding of what constitutes a plant-based protein product under the Code will become vital as the sector continues to evolve and grow in the decades ahead.
- 6.44 An additional gap under the Code is the absence of minimum compositional requirements for plant-based products. The committee questions why certain compositional requirements for meat products (for example meat pie and sausage) are accepted, yet the proposition for similar compositional requirements to plant-based products is opposed. Whilst the committee has not received sufficient evidence to make a clear determination on these matters, it agrees a review is required. The committee notes that these concerns are longstanding and were raised as part of the Industry Working Group's discussion paper.

---

<sup>56</sup> AgriFutures, *The changing landscape of protein products: Opportunities and challenges for Australian agriculture*, February 2020, p. 65, <https://www.agrifutures.com.au/wp-content/uploads/2020/02/20-001.pdf> (accessed 24 January 2022).

- 6.45 The committee considers the current review being undertaken by FSANZ into the *Food Standards Australia New Zealand Act 1999* provides an ideal opportunity for further consultation with stakeholders about amending the FSANZ Code.
- 6.46 Whilst not considered in detail within this report, this review may also include the revision of fortification permissions for plant-based products, as discussed in the Industry Working Group's discussion paper.

### **Recommendation 9**

**6.47 The committee recommends that, as part of its review of the *Food Standards Australia New Zealand Act 1999*, Food Standards Australia New Zealand (FSANZ), initiates consultations with stakeholders about amending the FSANZ Code to include:**

- **a definition of plant-based protein products; and**
- **minimum compositional requirements for plant-based protein products.**

- 6.48 Concerning environmental and animal welfare statements, the committee remains concerned by the misinformation produced by current labelling and marketing practices for some products. Australia's livestock sector has some of the best environmental and animal welfare standards in the world. Broad, overarching generalisations fail to acknowledge the livestock sector's commitment and substantial investment into improving environmental and animal welfare standards in Australia. The committee considers it unfortunate that unsubstantiated credence claims are difficult to address under ACL and raises the question whether the regulatory system as it stands is fit for purpose.
- 6.49 The committee heeds warnings by the Australian Farm Institute that a zero-sum market is detrimental to both the traditional protein and plant-based protein sectors. The committee emphasises that a national protein market, driven by healthy competition, guided by honest marketing and labelling practices is a key to both sectors' success.

**Senator Susan McDonald**  
**Chair**



# Dissenting report by the Australian Greens

- 1.1 The Australian Greens largely rejects the recommendations of this inquiry, and significantly question its validity as an appropriate use of public service time, resource and money.
- 1.2 The Australian Greens acknowledge the work of the secretariat in undertaking this onerous inquiry, reflected in the professional presentation of the report, and their efforts in coordinating the public hearings, submissions and other work involved.
- 1.3 We acknowledge the many contributors to this inquiry, thanking them for their input and willingness to enter into honest debate on this matter, even if we query the validity of the inquiry basis to begin with.
- 1.4 We would also like to acknowledge the genuine concern of many beef industry witnesses that they feel under siege, and that through this inquiry they are “fighting back”, whilst also expressing the view that the Nationals have not managed expectations and have used the industry as a political football in a game they are unlikely to win.
- 1.5 It is worth noting that this inquiry was a significant departure from Senate protocol, with the use of a legislation committee chaired and dominated by the government, for an inquiry that should have gone through a references committee. This suggests the Nationals had a predetermined outcome planned for the inquiry from the outset, no matter what evidence was provided to the committee. The Greens dissenting report will set this out in detail.
- 1.6 We note that this inquiry has been so named to encourage us to not mince our words. It is the one recommendation of the inquiry we are happy to embrace.

## Introduction

- 1.7 Trumpian-like in their endeavour, the Nationals have delivered an analysis of this inquiry with the eloquence and intellectual vacuity of John Belushi yelling “food fight” in Animal House.
- 1.8 This inquiry takes place against a backdrop of an animal, or traditional, protein based industry that sees red meat exports worth \$18.4 billion, domestic red meat sales worth \$13.4 billion, smallgoods market \$4 billion, supporting 3540 Australian businesses and 195 800 jobs (directly or indirectly).<sup>1</sup>

---

<sup>1</sup> Meat and Livestock Australia, *State of the industry report*, [https://www.mla.com.au/globalassets/mla-corporate/prices--markets/documents/trends--analysis/soti-report/2789-mla-state-of-industry-report-2021\\_d11\\_single.pdf](https://www.mla.com.au/globalassets/mla-corporate/prices--markets/documents/trends--analysis/soti-report/2789-mla-state-of-industry-report-2021_d11_single.pdf) (accessed 23 February 2022).

- 1.9 This illustrates that we start with a traditional meat industry operating, at least in the short and medium term, from a position of considerable strength, and without observable threat to the industry in terms of domestic competition. It should also be noted the level of exports in comparison to imports. This inquiry has at no point established even the most tenuous link to implications for meat exports; from its outset the inquiry covers, at best, less than half of all sales of the traditional meat sector in Australia.
- 1.10 This inquiry also takes place against the backdrop of the most severe and significant challenges to the meat, and wider agriculture industry arising from anthropogenic climate change. Observable phenomena such as drought, bushfires, and floods have already had a significant detrimental impact on the agriculture industry, farmers, and regional communities.
- 1.11 Yet it would seem odd to any objective observer, that the hill the Nationals are pushing the traditional meat industry to die on is not this existential threat to the industry, but instead a peripheral and barely registerable issue of labelling. Furthermore, the way the Nationals have decided to steamroll rationality, and engage in some good, old-fashioned ultra-conservative science bashing, reinforces the frankly bizarre use of taxpayer money in this endeavour.
- 1.12 Farmers of all types deserve better elected representation than to be drawn into a political culture war. Concerns may be had in the traditional meat industry that the reputation of their products is at risk from the rising, but still relatively nascent, plant-based protein industry. Yet, any consideration of the evidence finds this not to be the case. It is a betrayal of farmers to prioritise this issue while actively ignoring and gaslighting on the wider threat to the entire agriculture industry that is climate change.
- 1.13 Consumers themselves lead the way, as demonstrated by Woolworths evidence that the sales of traditional meat outweigh plant-based protein at a scale of 60:1.<sup>2</sup> This simple statistic alone would be enough to dissuade most people from placing too much emphasis on dragging public service time, effort and resources into investigating this matter further. However, for the Nationals, no sense of fact is adequate enough to dissuade them from their belligerent and mystifying anti-truth approach to politics. This might be good neo-liberal conservatism, but it is poor public policy.

### **Definitions of meat and other animal products**

- 1.14 The Inquiry was presented evidence that there has been no 'appropriation' of Australian meat category branding.
- 1.15 The first operative word is "Australian". This is the crux of the inquiry: to consider whether the Australian meat category is being impaired by the

---

<sup>2</sup> Woolworths Group, *Submission 127*.

---

presence of plant-based protein products. In a comprehensive review of plant-based meat alternative products on Australian supermarket shelves, not a single product has a name or brand name that implies it is an “Australian” meat product.

- 1.16 Plant-based meat alternative products use meat terminology that is commonly used in every English-speaking country on earth: ‘beef’ ‘sausage’ ‘lamb’ ‘burger’ - along with a clear qualifier that indicates its contents are made from plants, not animals. No product calls itself a “plant-based ‘Australian’ beef burger”.
- 1.17 The second operative word is ‘meat’. Concerns were raised that the intellectual property of Australian livestock farmers is being leveraged by plant-based protein companies - yet ‘meat’, ‘beef’, ‘lamb’, etc. are not brands, or trademarked terms.
- 1.18 While both the Department of Agriculture, Water and Environment and Australian farmers invest significantly in the marketing of their products, none of this investment can be categorically defined as an investment in ownership of common meat terminology that is used freely in countries all over the world: that claim would be impossible to defend globally. The domestic sector has no more claim to provenance over these terms, than do British farmers over the word ‘chicken’ or American farmers own the word ‘beef’. Even without these controls, the traditional meat industry enjoys a vibrant sales market.

### **Consumer understanding**

- 1.19 Throughout the course of the inquiry, no reliable quantitative evidence was presented that demonstrates a systemic problem with the current labelling of plant-based products.
- 1.20 Plant-based product sales are increasing as consumers deliberately seek them out as a response to environmental, welfare or health concerns. Woolworths’s submission demonstrated that the vast majority of consumers had not made mistaken purchases, consistent with earlier nationally representative research cited, and showing that consumers were savvy shoppers.<sup>3</sup>
- 1.21 Australia’s competition regulator the Australian Competition and Consumer Commission (ACCC) - in its submission clearly stated that ‘the ACCC has not received information that demonstrates that the labelling of plant-based substitute products is an issue causing consumer detriment’.<sup>4</sup>

---

<sup>3</sup> Woolworths Group, *Submission 127*.

<sup>4</sup> Australian Competition and Consumer Commission, *Submission 19*.

- 1.22 The ACCC also indicated that the very few complaints received were from ‘consumers and industry stakeholders in sectors that produce meat or dairy products’.<sup>5</sup>
- 1.23 Similarly, Australia’s food safety regulator FSANZ said in its submission that plant-based products are not being sold or intended to be sold as meat from animal sources.<sup>6</sup>
- 1.24 There is no credible, objective evidence of consumers being misled by existing labelling of plant-based meat products. The only peer-reviewed study concluded the use of animal-associated descriptors or images for plant protein products does not result in consumers mistakenly believing these products contain animal protein.<sup>7</sup> Omitting functional descriptors such as ‘meat’, ‘burger’ and ‘sausage’ creates confusion, because these terms help consumers understand how a product will taste and be used.
- 1.25 Rather than using this compelling evidence to reassure the traditional meat industry, it is disappointing that the findings of this inquiry have been directed elsewhere. Relying on anecdotal evidence to circumnavigate peer-reviewed research, however inconvenient it may be, is not simply bad practice. It is an act of bad faith by the Nationals to permit this faulty assertion to continue, and to mislead farmers in this manner.
- 1.26 Furthermore, it should be noted that many of the anecdotal representations were primarily focused on issues within major supermarkets. Small business butchers are not known for selling plant-based meat products, and their representation was poorly presented in terms of consumer choice in this matter. This reinforces the way in which the current government has failed to adequately support small businesses against large corporations.

## **Regulatory framework**

- 1.27 The labelling of products is regulated by Australian Consumer Law and the Food Standards Code, providing competent mechanisms should issues be identified. As the Alternative Proteins Council stated in its submission:
- what one food sector can and cannot say on packaging should be determined by evidence, consistent with regulation, recognising the importance of business innovation and consumer choice.
- 1.28 Government intervention should be a last-resort to address failures within the market. In this case, there is no evidence of systemic failure which requires

---

<sup>5</sup> Australian Competition and Consumer Commission, *Submission 19*.

<sup>6</sup> Food Standards Australia New Zealand, *Submission 15*.

<sup>7</sup> Social Science Research Network, *Are consumers really confused by plant-based food labels? An empirical study*, Jareb A. Gleckel, November 2020, available at: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3727710](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3727710) (accessed 22 February 2022).

intervention. Definitive evidence from regulators demonstrates regulatory change is not required.

- 1.29 It is important to note that heavy-handed regulatory changes may have unintended consequences across this young sector and other food categories. For example, 'chicken chips', 'strawberry cream' lollies or 'peanut butter' could also be deemed misleading if qualifiers, as currently allowed under the Food Standards Code, are restricted.
- 1.30 Far from restricting alternative proteins, other nations are actively promoting the growth of the sectors within their markets. The European Union and many American states in which this same issue has been ultimately rejected restrictions on the use of terminology by plant-based products.
- 1.31 The EU's Horizon Europe programme is investing €32 million in funding for areas including sustainable protein research while the United States announced US\$10m to establish the National Institute for Cellular Agriculture, as part of a US\$146m investment in sustainable agricultural research projects.<sup>8</sup>
- 1.32 Australia should not impose unnecessary red tape that could restrict the domestic and export growth of the emerging alternative proteins industry, and potentially deter foreign investment and partnerships in a high-growth global sector. Almost nowhere else in the world are there restrictions on the use of terms for plant-based alternative products – Australia would become an international outlier.

### **Australian Consumer Law**

- 1.33 The labelling of plant-based products has earlier been considered by the Food Ministers Meeting, most recently in 2019. Ministers decided that the current provisions of the Food Standards Code, in conjunction with Australian Consumer Law are sufficient to prevent the misleading labelling and marketing of plant-based foods.
- 1.34 The Minister for Agriculture subsequently convened a working group in September 2020 comprising a broad cross section of agri-food sector participants including dairy, red meat, grains, horticulture, retailers and industry groups, in

---

<sup>8</sup> GFI Europe, *Horizon Europe announces €32 million for sustainable proteins*, 16 June 2021, <https://gfieurope.org/blog/horizon-europe-announces-e32-million-for-sustainable-proteins/> (accessed 23 February 2022); TuftsNow, *Tufts receives \$10 million grant to help develop cultivated meat*, 23 February 2022, <https://now.tufts.edu/articles/tufts-receives-10-million-grant-help-develop-cultivated-meat> (accessed 23 February 2022).

addition to alternative protein representatives. This working group recommended to the Minister in a discussion paper March 2021 that:

the majority of working group members [agreed] that a voluntary approach is the preferred way forward noting further work should be undertaken to explore this option.<sup>9</sup>

- 1.35 This report notes that both the National Farmers' Federation in its verbal presentation to the committee and the Australian Food and Grocery Council in both its written submission and verbal evidence, called for the development of voluntary industry guidelines.<sup>10</sup>
- 1.36 The representative group for the alternative proteins sector, the Alternative Proteins Council, stated in its submission that it was 'actively engaging in discussions regarding voluntary guidelines'.<sup>11</sup> The alternative protein sector should be supported in its endeavours to develop appropriate voluntary guidelines.
- 1.37 The Senate Inquiry has unearthed no additional evidence that would contradict earlier examinations of this issue, or associated recommendations.
- 1.38 As several stakeholders to the Senate Inquiry have noted, while cellular agriculture products were included within the scope of this Inquiry, it is too early to consider appropriate regulations for a sector that is not near commercial reality.
- 1.39 Products derived from cellular agriculture should not be included within the recommendations of this Inquiry, but rather FSANZ, as the competent regulator should engage with companies seeking to bring products to market through the normal safety assessment and approvals process.

### **Opportunities from the protein sector**

- 1.40 The growth of domestic plant protein sector benefits Australian economy, farmers and businesses.
- 1.41 Stifling growth contradicts intent of government's Modern Manufacturing Strategy, threatens investment, and lessens the agriculture sector's ability to reach its \$100B by 2030 goal.
- 1.42 There is no evidence of impairment, or threat of future impairment. In 2019, alternative (including plant) proteins held just \$2.2 billion of the overall

---

<sup>9</sup> Industry Working Group Discussion Paper, *The labelling and marketing of plant-based alternatives to meat and meat-based and dairy products*, 2021.

<sup>10</sup> Industry Working Group Discussion Paper, *The labelling and marketing of plant-based alternatives to meat and meat-based and dairy products*, 2021.

<sup>11</sup> Alternative Protein Council, *Submission 116*.

\$1.7 trillion global meat market.<sup>12</sup> Plant proteins represent just 0.6% of the domestic red meat market.

- 1.43 AgriFutures says the new demand for animal protein created by the rising global population is expected to outweigh any additional market share that alternative proteins may gain in the near future (i.e. there is no threat, now, or in the foreseeable future).
- 1.44 Global protein consumption has risen 40% since 2000, predominantly driven by population growth.<sup>13</sup>
- 1.45 In 2020 the Food and Agricultural Organization of the United Nations estimated there were 1 billion people deficient in protein.<sup>14</sup> With a population forecast of nearly 10 billion by 2050, more protein is needed. It is not clear that traditional meat can meet this increased demand on its own.<sup>15</sup>
- 1.46 Australia is well-placed to lead the world in the plant protein boom – capitalising on our strong, reliable grain production industry with its reputation for clean, green agricultural products and sustainable growing practices.
- 1.47 The projected value of Australia’s plant and alternative protein industry is predicted to reach \$4 billion and create 6000 jobs by 2030.
- 1.48 Australian grain growers deserve the opportunity to benefit from new market opportunities that will provide more competition in the market, security of an ongoing customer, and value-add premiums for their product.

## Nutritional qualities

- 1.49 It is critical to note that all food products making health claims must meet regulations and be FSANZ-approved.
- 1.50 The production of plant protein products allows products to be specifically formulated to be comparable to beef on a gram for gram basis for key nutrients

---

<sup>12</sup> AgriFutures, *The changing landscape of protein product: opportunities and challenges for Australian agriculture*, February 2020, <https://www.agrifutures.com.au/wp-content/uploads/2020/02/20-001.pdf> (accessed 23 February 2022).

<sup>13</sup> Mirjana Price, ‘There’s room on the table: Fostering innovation in the protein industry’, *Smartcompany*, <https://www.smartcompany.com.au/business-advice/innovation/fostering-innovation-in-the-protein-industry/#:~:text=Global%20protein%20consumption%20has%20risen,reaching%2010%20billion%20by%202050> (accessed 23 February 2022).

<sup>14</sup> Food and Agriculture Organization of the United Nations, *Food Outlook: Biannual report on Global Food Markets*, June 2020, <https://www.fao.org/3/ca9509en/CA9509EN.pdf> (accessed 23 February 2022).

<sup>15</sup> Department of Agriculture, Water and the Environment, *Meat consumption*, <https://www.awe.gov.au/abares/research-topics/agricultural-outlook/meat-consumption> (accessed 23 February 2022).

including protein, Iron, Zinc, Vitamin B3, Vitamin B6 and Vitamin B12. This fortification is not unusual in food products.

- 1.51 Animal proteins require processing before being consumed, and depending on the product can include the addition of various ingredients (seasonings, marinades, preservatives and the mandatory cooking that changes the proteins and can generate carcinogens).
- 1.52 Plant proteins need a certain degree of processing to create the form, function and taste that consumers demand. The additives and flavourings used to do this are all approved by FSANZ as safe, and many are also used in the manufacturing of processed red meat products such as sausages.

## **Recommendations of the inquiry**

### **Recommendation 1 – Reject**

- 1.53 The process and work of prior bodies, most notably the industry working group in 2021, had already made progress in agreeing a voluntary code of conduct. Whilst acknowledging that this was not to the liking of some sectors of the traditional meat industry, the case has not been made that a mandatory framework is necessary.

### **Recommendation 2 – Reject**

- 1.54 This recommendation illustrates the significant politicisation and overreach of this inquiry. It is notable that in the Chair’s foreword, reference is made to the Department of Health lacking “policing or investigative powers.” We believe this demonstrates the motivation behind this inquiry, in being a political instrument to wield burdensome and near-authoritarian-like regulatory control as a weapon against a particular industry. Worse still, this signifies a much greater threat to vital cornerstone of food regulation in this country, undermining the public health ethos in favour of a narrow, industry-run system.

### **Recommendation 3 – Reject**

- 1.55 It has never been clear how a regulatory instrument could be suitably designed for a technology that is still in its infancy. This inquiry has failed in any measure to make a coherent case for this recommendation, and it illustrates the over-reach and effective scare-mongering inherent in the motivations of the inquiry.

### **Recommendation 4 – Reject**

- 1.56 This recommendation is unnecessary over-reach into existing regulatory controls.

### **Recommendation 5 – Reject**

- 1.57 By agreeing to voluntary labelling guidelines, this recommendation is unnecessary.

---

**Recommendation 6 – Reject**

1.58 This recommendation represents overreach, is lacking in evidence base, and significantly politicises ACCC.

**Recommendation 7 – Agree****Recommendation 8 – Agree****Recommendation 9 – Reject**

1.59 This would be unnecessarily burdensome, there is a lack of evidence to support need.

**The Australian Greens recommendations**

1.60 We know that the global food system is resource intensive and a big contributor to environmental degradation. Yet our growing global population means we will need to produce more food - in particular, protein - than ever before.

1.61 Reducing food waste, combined with advancements in agricultural technology and new food production innovations, are important ways to reduce the environmental impact of our food systems. Amidst these innovations, foods like alternative proteins offer a significant opportunity to address climate and biodiversity crises while simultaneously improving food security for the world's growing population.

1.62 We recommend that there should be the development of a voluntary framework, which might include an industry-led voluntary labelling standard, and that further consultation be undertaken through a separate industry group to develop what the voluntary framework involves.

1.63 The inquiry should recommend greater industry development of alternative proteins in Australia, in line with other policies prioritising the agri-food sector. There should also be examination by the government of improved ways to support local business, like butchers, and encourage consumers to shop local.

1.64 Alternative proteins are a growing and innovative food sector that provides significant opportunity for Australian farmers-food businesses. It also offers consumers greater choice and new, sustainable food options. The sector includes plant-based meat and dairy alternatives, and the emerging field of cellular agriculture (growing meat or other animal products from cells, with fewer resources and risks to public health). Research from the Australian Farm Institute, CSIRO and Deloitte Access Economics shows that by 2030, alternative proteins can contribute billions of dollars in economic value and thousands of new jobs in Australia.<sup>16</sup>

---

<sup>16</sup> AgriFutures, The changing landscape of protein product: opportunities and challenges for Australian agriculture, February 2020, <https://www.agrifutures.com.au/wp-content/uploads/2020/02/20-001.pdf> (accessed 23 February 2022); CSIRO, *Alternative protein sources*,

- 1.65 Australia is a proud farming nation with an ambition to realise a \$100 billion food and fibre sector by 2030, and the infrastructure and skills to become a world leader in emerging fields of protein innovation.<sup>17</sup> Australia can provide new protein-rich foods to the world while contributing to a greener and future-proof food system.
- 1.66 The government should:
- Encourage and assist collaboration between research institutions and Australian farmers to identify and facilitate the planting of region-specific high-protein, climate-resilient crops for sale into the domestic plant protein supply chain.
  - Support companies to expand their operational capacity and/or establish more local facilities to process Australian grown plant proteins into high-quality ingredients for products in demand by a growing domestic and global market. And,
  - Ensure our tertiary institutions are connected with industry and its future demands so they can deliver the best courses and pathways for the next generation employed in the alternative protein sector. This includes specialised food technologists, scientists, researchers, and machine operators.
- 1.67 Furthermore, Australian scientists and research institutions are world-leaders in the scientific fields most relevant to cellular agriculture innovation, such as tissue engineering, cellular biology, and food technology. To position Australia as a global leader in this fast-growing industry, by harnessing our existing research infrastructure and intellectual capital, the government should enable the establishment of cellular agriculture centres of excellence at research institutions, similar to those in the U.S., Netherlands and Singapore.
- 1.68 Australia's international competitiveness shouldn't be restricted. The Australian government should form a task-force to coordinate existing research programs such as the CSIRO's Future Protein Mission, with other research institutions, to accelerate local cellular agriculture research, and consider new dedicated research programmes.
- 1.69 The government should hold an Inquiry into introducing sustainability labelling requirements, or a similar consumer education tool, on fresh and

---

<https://research.csiro.au/foodag/sustainable-solutions/alternative-protein-sources/>

(accessed 23 February 2022); Food Frontier, *Latest reports*, <http://www.foodfrontier.org/reports/> (accessed 23 February 2022).

<sup>17</sup> National Farmers' Federation, *2030 Roadmap: Australian Agriculture's Plan for a \$100 billion industry*, [https://nff.org.au/wp-content/uploads/2020/02/NFF\\_Roadmap\\_2030\\_FINAL.pdf](https://nff.org.au/wp-content/uploads/2020/02/NFF_Roadmap_2030_FINAL.pdf) (accessed 23 February 2022).

packaged foods, to enable consumers to make informed purchasing decisions about the environmental footprint of different food types.

- 1.70 In addition to identifying a framework to inform Australian consumers about sustainable food choices, the inquiry will also explore avenues to: better understand barriers to supporting sustainable food choices; provide greater education to students about climate-friendly foods, and; incorporate food sustainability into institutional dietary recommendations.
- 1.71 Distribute the outcomes of the inquiry to better enable public relevant public-facing authorities to educate consumers about the environmental impact of different food types and how to make sustainable food choices.
- 1.72 Support existing regulation enabling plant-based products to use appropriate qualifiers on-pack, as detailed in the Food Standards Code.
- 1.73 Provide support to the alternative proteins sector through advice and active collaboration to implement voluntary industry labelling guidelines based on the work of the sector.
- 1.74 Examine definitions within the Food Standards Code to ensure they facilitate the labelling of alternative proteins (including plant-based meat and dairy alternatives, and products of cellular agriculture technology) with commonly used food terminology.
- 1.75 Products derived from cellular agriculture are not proximate to the consumer market. The government, through FSANZ as regulator, should facilitate a permissive and enabling evidence-based regulatory framework with the sector as it approaches commercial reality in the future.

**Senator Peter Whish-Wilson**  
**Member**



# Appendix 1

## Submissions and Additional Information

### *Submissions*

- 1 Mr David McKenna
- 2 *Name Withheld*
- 3 Mr Gregor Riese
- 4 World Animal Protection
- 5 Mr Robin Thompson
  - Additional Information 1
- 6 Mr Andrew Benskin
- 7 Dairy Connect
- 8 Mr David Allen
- 9 Mr Simon Winter
- 10 Abbieglassie Glazing Company
- 11 Livestock SA
- 12 Lloyd Pastoral Company
- 13 Ms Jan Kendall
- 14 Smithfield Cattle Company
- 15 Food Standards
- 16 Western Meat Exporters
- 17 Ms Gillian Kidd
- 18 *Name Withheld*
- 19 Australian Competition & Consumer Commission
- 20 Evan & Glenys Flint
- 21 3R Livestock Group
- 22 *Name Withheld*
- 23 Cunningham Cattle Company
- 24 Pairtree
- 25 Impossible Foods
- 26 Dr Aletha Ward, Centre for Health and Research, University of Queensland
- 27 Western Australian Broiler Growers Association
- 28 The George Institute for Global Health
- 29 CSIRO
- 30 Australian Prawn Farmers Association Inc
- 31 Burdekin River Pastures
- 32 Ms Sue Dowling
- 33 *Name Withheld*
- 34 Tangarna Family Trust
- 35 OBE Organic
- 36 Arcadian Organic & Natural Meat Co. Pty Ltd

- 37 MDH Pty Ltd
- 38 Boorook Partners
- 39 Australian Dairy Industry Council
- 40 Deliciou
- 41 Paradigm Foods Pty Ltd
- 42 *Name Withheld*
- 43 AAA Livestock Services
- 44 DA & PM Gretton
- 45 Sutcliffe Meats
- 46 Wickford Cattle Company
- 47 Agricircle
- 48 Mr Richard Rains
- 49 Mrs Paula Gilbard
- 50 Mr Patrick Murphy
- 51 konchu food
- 52 Goodwood Pastoral Company Pty Ltd
- 53 Mick's Meat Barn
- 54 All Quotes Direct
- 55 Mr William Wilson
- 56 agInfo
- 57 Australian Duck Meat Association
- 58 Burrinjuck Pastoral Co
- 59 Daintree Livestock
- 60 Ms Emily Pullen
  - Additional Information 1
- 61 Clean Green Local Beef
- 62 Thring Pastoral Company
- 63 Mr Kiel Haeusler
- 64 Cr Julie Talty
- 65 Australian Organic Limited
- 66 Mr Matt Bennetto
- 67 Tarramba Red Brahams
- 68 RW & R Pierce
- 69 Mr/Ms Darren & Julie Skerman
- 70 Norfolk Foods
- 71 Australian Chicken Growers' Council
- 72 Eurombah Pastoral Company
- 73 Coffey Cattle Co
- 74 Golden Grazing Pty Ltd
- 75 Mr Malcolm Harvey
- 76 Endeavour Meats
- 77 Doctors For Nutrition
- 78 v2food

- 
- 79 Australian Meat Industry Council  
80 Australian Oilseeds Federation  
81 Dr Peter Barnard  
82 Australian Foodservice Advocacy Body  
83 Rangeland Quality Meats  
84 Cleveland Agriculture  
85 Banchory Grazing  
86 Edwards Livestock Company  
87 Mr Alex Stubbs  
88 Fortuna Pastoral Company  
89 *Confidential*  
90 Mr Declan Davis  
91 Becker & Co  
92 Vow  
93 The Livekindly Collective  
94 Big Owl Foods  
95 Hewitt Cattle Australia  
96 *Name Withheld*  
97 Ms Dessa Ragudo  
98 Somerset Trading  
99 Simplot Australia  
100 HRG Sullivan Pastoral Company  
101 MH Premium Farms  
102 BTD Pastoral  
103 National Farmers' Federation  
104 *Confidential*  
105 NSW Government  
106 Professor Nick Enfield  
107 HW Greenham & Sons Pty Ltd  
108 Australian Chicken Meat Federation Inc  
109 Australian Food & Grocery Council  
110 A/Prof Andrew McGregor  
111 Beyond Meat  
112 Pancho Beef  
113 Sanitarium Health Food Company  
114 Dr Julie Martyn  
115 Mrs Kathryn Hawkins  
116 Alternative Proteins Council  
117 Mr Allen Zelden  
118 Rennylea Pastoral Company Pty Ltd  
119 Nestlé Australia Ltd  
120 The Good Food Institute  
121 VF Grazing

- 122 Mr Dale Stiller
- 123 NSW Farmers Association
- 124 GrainCorp
- 125 *Name Withheld*
- 126 Ms Lisa Paulson
- 127 Woolworths Group
- 128 GrainGrowers
- 129 Australian Pork Limited
- 130 Victorian Farmers Federation
- 131 Australian Beef Group
- 132 Sheep Producers Australia
- 133 Australian Beef Sustainability Framework
- 134 WoolProducers Australia
- 135 Animal Defenders Office Inc.
- 136 Australian Farm Institute
- 137 Green Shirts Movement Queensland
- 138 Ms Elisha Parker
- 139 AgForce Queensland Farmers Limited
- 140 Cattle Council of Australia
- 141 Tasmanian Farmers and Graziers Association (TFGA) - Dairy Council
- 142 Tasmanian Farmers and Graziers Association (TFGA)
- 143 Seafood Industry Australia Ltd
- 144 Kilara Capital
- 145 Burwood Cattle Company
- 146 Mr Hugh Cooke
- 147 No Meat May
- 148 Menindee Valley Pty Ltd
- 149 Gylanda Pastoral Co.
- 150 Gipsy Plains Cattle Co
- 151 Ms Sarah Bridgeman
- 152 Koolomurt Pastoral Pty Ltd
- 153 Ms Sharyn Lidster
- 154 *Name Withheld*
- 155 Australian Vegans
- 156 Keppel Brand
- 157 Vegan NSW Inc
- 158 Property Rights Australia
- 159 Food Frontier
- 160 Animal Justice Party
- 161 Animal Liberation Queensland
- 162 MNK Kucks Pastoral Trust
- 163 Animal Liberation
- 164 Australian Sustainable Animal Protein Production (ASAPP)

- 
- 165 Dr Jeffrey Soar  
166 Greenup  
167 Dr Hope Johnson, Professor Christine Parker, Kate Sievert, Cherie Russel,  
Sarah Dickie, Associate Professor Gary Sacks and Dr Jennifer Lacy-Nichols.  
168 Ms Gabrielle Raiz  
169 Vegan Australia  
170 *Name Withheld*  
171 Future Farm Co  
172 Purpose With Profit Pty Ltd  
173 Mr John Toth  
174 *Name Withheld*  
175 Wilmot Cattle Co  
176 Australian Lamb Colac  
177 Ms Jenny Underwood  
178 Australian Meat Group Pty Ltd  
179 Australian Plant Proteins  
180 Consolidated Pastoral Company Ltd  
181 The North Australian Pastoral Company  
182 Ms Carol Richards  
183 Northern Territory Cattlemen's Association  
184 West Talgai Feedlot  
185 Jac Wagyu Farms  
186 Saxby Feedlot Pty Ltd  
187 Stockyard Lot Feeders Pty Ltd  
188 Camm Agricultural Group  
189 Waterfall Feedlot Pty Ltd  
190 Mr Duncan Leadbitter, Dr Anna Farmery and Ms Alexandra Patience  
191 Mr Roscoe Howell  
192 *Confidential*  
193 *Confidential*  
194 *Confidential*  
195 *Confidential*  
196 Beverleigh Pty Ltd  
197 PK Enterprises  
198 Harmony Operations Australia  
199 Coggan Farms  
200 Teys Australia - Charlton Feedlot  
201 Teys Australia - Condamine Feedlot  
202 Mt Hercules Pastoral Co Pty Ltd  
203 Mr Stan Allen  
204 Mr Paul Ibbotson  
205 Ms Edwina V  
206 Mr John Maher

- 207 GDL Rural
- 208 Pastoralists & Graziers Association of WA (Inc.)
- 209 Mr Nick Burton Taylor
- 210 Bottlejac Trading Company
- 211 Australian Livestock & Property Agents Association Ltd (ALPA)
- 212 The Pastoralists' Association of West Darling
- 213 AUSVEG
- 214 Australian Food Sovereignty Alliance
- 215 Dr Gary Fettke
- 216 Mr James Inglis
- 217 Mr Charles de Fegely
- 218 Mr Robin Coffey
- 219 Berger Ingredients
- 220 Ms Cheryl Forrest-Smith
- 221 *Name Withheld*
- 222 WA Farmers
- 223 Australian Lot Feeders' Association
- 224 Department of Agriculture, Water and the Environment
- 225 Department of Health
- 226 Red Meat Advisory Council

#### *Additional Information*

- 1 AgriFutures Chicken Meat, Nutritional and environmental comparison of chicken and plant protein, October 2020 provided by Australia Chicken Meat Federation (received 5 October 2021)
- 2 Meat and Livestock Australia, Investment Plan 2020-21 provided by Sheep Producers Australia (received 6 October 2021)
- 3 Submission 226 - Red Meat Advisory Council (received 23 August 2021)
- 4 Food Frontier's response to adverse comments by the Red Meat Advisory Council in Submission 226 (received 21 October 2021)
- 5 Additional information with attachments provided by Australian Sustainable Animal Protein Production, following a public hearing on 7 December 2021 (received 21 December 2021)

#### *Answers to Questions on Notice*

- 1 Answers to questions taken on notice by NSW Farmers at a public hearing on 17 September 2021 (received 12 October 2021)
- 2 Answers to questions taken on notice by Sheep Producers Australia during the 16 September public hearing in Canberra (received 6 October 2021)
- 3 Answers to questions taken on notice by the Australian Chicken Meat Federation during the 16 September public hearing in Canberra (received 17 September 2021)
- 4 Answers to written questions on notice, Australian Chicken Meat Federation (received 5 October 2021)

- 5 Answers to written and verbal questions taken on notice from public hearing in Canberra on 16 September 2021, Cattle Council of Australia (received 19 October 2021)
- 6 Answers to questions taken on notice by Alternative Proteins Council at a public hearing on 8 November 2021 (received 19 November 2021)
- 7 Answers to questions taken on notice by the Department of Agriculture, Water and the Environment at a virtual public hearing on 7 December 2021 (received 17 December 2021)
- 8 Answers to questions taken on notice by the Department of Agriculture, Water and the Environment at a virtual public hearing on 7 December 2021 (received 17 December 2021)
- 10 Answer to question taken on notice by Food Standards Australia New Zealand at a virtual public hearing on 7 December 2021 (received 21 December 2021)
- 11 Answers with attachments to questions taken on notice by Food Standards Australia New Zealand at a virtual public hearing on 7 December 2021 (received 21 December 2021)
- 12 Answers with attachments to questions taken on notice by Beyond Meat at a virtual public hearing on 6 December 2021 (received 20 December 2021)
- 13 Answers with attachments to questions taken on notice by Impossible Foods at a virtual public hearing on 6 December 2021 (received 4 January 2022)

### *Correspondence*

- 1 Letter from Food Frontier correcting evidence provided at a public hearing held virtually on 8 November 2021 (received 23 November 2021)
- 2 Letter from Food Standards Australia New Zealand correcting evidence provided at a public hearing held virtually on 7 December 2021 (received 21 December 2021)
- 3 Letter from the Hon. David Littleproud, Minister for Agriculture and Northern Australia (received 17 December 2021)
- 4 Industry Working Group Discussion Paper, provided by the Hon. David Littleproud, Minister for Agriculture and Northern Australia (received 17 December 2021)

### *Tabled Documents*

- 1 Images tabled by Senator McDonald in a public hearing in Canberra on 8 November 2021
- 2 Article tabled by Senator McDonald in a public hearing in Canberra on 8 November 2021
- 3 Images tabled by Senator McDonald in a public hearing in Canberra on 7 December 2021



# Appendix 2

## Public Hearings

*Tuesday, 7 September 2021*

Northern Territory

*Pancho Beef*

- Dr Rebecca Mohr-Bell

*Northern Territory Cattlemen's Association*

- Mr David Connolly, President
- Mr Will Evans, Chief Executive Officer

*Northern Territory Department of Primary Industries and Resources*

- Mr Luke Bowen, Chief Executive Officer – Agriculture, Fisheries and Defence

*Thursday, 16 September 2021*

Videoconference/Australian Parliament House, Canberra

*Cattle Council of Australia*

- Mr Markus Rathsmann, President
- Ms Corrine Dooley, Senior Policy Officer

*Sheep Producers Australia*

- Mr Stephen Crisp, Chief Executive Officer
- Ms Bonnie Skinner, General Manager – Policy and Advocacy

*Australian Beef Sustainability Framework*

- Mrs Tess Herbert, Chair

*Australian Lot Feeders' Association*

- Mr Christian Mulders, Chief Executive Officer
- Ms Barbara Madden, Treasurer
- Mr Bryce Camm, President

*Australian Duck Meat Association*

- Dr Greg Parkinson, Chief Executive Officer

*Australian Chicken Meat Federation Inc*

- Dr Vivien Kite, Executive Director

*Seafood Industry Australia Ltd*

- Ms Veronica Papacosta, Chief Executive Officer

*Livestock SA*

- Mr Andrew Curtis, Chief Executive Officer

*Australian Pork Limited*

- Ms Margo Andrae, Chief Executive Officer
- Ms Heidi Reid, Policy Director

*NSW Farmers Association*

- Dr James Jackson, President
- Mr Ben Antenucci, Policy Director – Agricultural Studies

*Victorian Farmers Association*

- Ms Emma Germano, President

*WA Farmers*

- Mr Geoff Pearson, Livestock President
- Mrs Jessica Wallace, Executive Manager – Policy, Advocacy and Engagement

*Friday, 17 September 2021*

Videoconference/Australian Parliament House, Canberra

*No Meat May*

- Mr Ryan Alexander, Co-Founder/Managing Director

*Australian Vegans*

- Ms Katherine Divine, Founder/Editor
- Mr Bobby Ratmarjah, Columnist

*Vegan Australia*

- Mr Greg McFarlane, Director

*Vegan NSW Inc*

- Ms Michelle Gravolin, Chief Executive Officer

*Animal Defenders Office Inc.*

- Ms Tara Ward, Managing Solicitor

*Animal Justice Party*

- Dr Tamasin Ramsay, Policy Advisor
- Mr Mike Fuery, Regional Group Leader – Albury Wodonga

---

*Animal Liberation Queensland*

- Mr Chay Neal, Executive Director

*Property Rights Australia*

- Ms Joanne Rea, Chair

*The Pastoralists' Association of West Darling*

- Mr Matt Jackson, President

*Green Shirts Movement Queensland*

- Dr Rachel Cruwys, Director

*National Farmers' Federation*

- Mr Tony Mahar, Chief Executive Officer
- Mrs Erin Lukey, Senior Policy Officer
- Mr Mike Darby, General Manager – Rural Affairs

*Australian Food & Grocery Council*

- Dr Geoffrey Annison, Deputy Chief Executive
- Ms Anne-Marie Mackintosh, Policy Manager – Nutrition and Regulation

*Mick's Meat Barn*

- Mr Liam Richards, Owner

*Sutcliffe Meats*

- Mr Stephen Kelly, Managing Director

*Monday, 8 November 2021*

Videoconference/Australian Parliament House, Canberra

*Australian Farm Institute*

- Ms Katie McRobert, General Manager

*Australian Plant Proteins*

- Mr Brendan McKeegan, Director and Co-Founder

*Australian Foodservice Advocacy Body*

- Mr Tony Green, Chief Executive Officer
- Mr Rod Fowler, Board Adviser

*Alternative Proteins Council*

- Ms Kirstin Grinter, Chair
- Mr Roger Bektash, Committee Member

*Australian Oilseed Federation*

- Mr Nicholas Goddard, Chief Executive Officer

*Graingrowers*

- Mr David McKwon, Chief Executive Officer

*AUSVEG*

- Mr Tyson Cattle, National Public Affairs Manager

*AgForce Queensland Farmers Limited*

- Mr Michael Geurin, Chief Executive Officer
- Mr William Wilson, Cattle President

*Becker and Co.*

- Ms Sarah Becker, Director

*Somerset Trading*

- Mr Ben Somerset, Property Manager

*Producer Representatives*

- Ms Emily Pullen
- Mr Dale Stiller
- Ms Elisha Parker
- Mr Troy Setter

*Arcadian Organic and Natural Meat Co Pty Ltd*

- Mr Paul da Silva, Marketing Director

*Coffey Cattle Co.*

- Mr Adam Coffey, Owner and Director
- Mrs Jacyntha Coffey, Owner and Director

*Keppel Brand*

- Mr Mark Davie, Director

*Food Frontier*

- Mr Thomas King, Chief Executive Officer and Founder

*Monday, 6 December 2021*

Videoconference/Australian Parliament House, Canberra

*Impossible Foods*

- Mr Tyler Jameson, Vice President – Government Relations

*Beyond Meat*

- Ms Jessica O'Connell, Counsel

*Australian Dairy Industry Council*

- Mr Craig Hough, Director – Strategy and Policy, Australian Dairy Farmers
- Ms Janine Waller, Executive Director, Australian Dairy Products Federation
- Ms Melissa Cameron, Manager – Human Health and Nutrition Policy, Dairy Australia
- Mr Rick Gladigau, President, Australian Dairy Industry Council

*Western Meat Exporters*

- Ms Miriam Blythe, Export Manager

*CSIRO*

- Ms Judi Zielke, Chief Operating Officer
- Dr Michael Robertson, Director – Health and Biosecurity
- Ms Kirsten Rose, Executive Director – Future Industries

*Deliciou*

- Mr Kjetil Hansen, Founder and Chief Executive Officer

*V2Food*

- Mr Nick Hazell, Chief Executive Officer
- Mr Andrew May, Chief Growth Officer

*Australian Competition & Consumer Commission*

- Mr Mick Keogh, Deputy Chair
- Mr Rami Greiss, Executive Manager – Consumer and Fair Trading Division

*Tuesday, 7 December 2021*

Videoconference – Australian Parliament House, Canberra

*Australian Sustainable Animal Protein Production*

- Dr Paul Wood AO, Independent Chair
- Dr Rodney Polkinghorne OAM, Lead Facilitator
- *Private Capacity*
- Dr Gary Fettke

*Department of Agriculture, Water and the Environment*

- Ms Rosemary Deininger, Deputy Secretary
- Ms Joanna Stanion, First Assistant Secretary
- Mr Paul Denny, Assistant Secretary

*Food Standards Australia New Zealand*

- Dr Sandra Cuthbert, Interim Chief Executive Officer
- Ms Jenny Hazelton, Director – Labelling and Information Standards
- Mr Glen Neal, General Manager, Risk Management and Intelligence (New Zealand)

*Australian Meat Industry Council*

- Mr Patrick Hutchinson, Chief Executive Officer

*Red Meat Advisory Council*

- Mr Alastair James, Chief Executive Officer
- Mr John McKillop, Independent Chair

## Appendix 3

### Images of plant-based protein products

Appendix 3 includes a selection of product images and the placement of plant-based protein products.<sup>1</sup>

Figure 3.1



Source: Image tabled by Senator McDonald in a public hearing on 8 November 2021

<sup>1</sup> For additional images, see: Images tabled by Senator McDonald during a public hearing in Canberra, 8 November 2021. Available at: [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Rural and Regional Affairs and Transport/DefinitionsofMeat/Additional Documents?docType=Tabled%20Documents](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Rural_and_Regional_Affairs_and_Transport/DefinitionsofMeat/Additional_Documents?docType=Tabled%20Documents) (accessed 21 February 2022).

Figure 3.2



Source: Image provided by the Australian Meat Industry Council, Submission 79.

Figure 3.3



Source: Image provided by the Australian Meat Industry Council, Submission 79.

Figure 3.4



Source: Image provided by Australian Pork Limited, Submission 129.

Figure 3.5



Source: Image provided by Australian Pork Limited, Submission 129.

Figure 3.6



Source: Image provided by Beyond Meat, Answer to question on notice, 20 December 2021.

Figure 3.7



Source: Image tabled by Senator McDonald in a public hearing on 8 November 2021

Figure 3.8



Source: Image tabled by Senator McDonald in a public hearing on 8 November 2021

Figure 3.9



Source: Image tabled by Senator McDonald in a public hearing on 8 November 2021

Figure 3.10



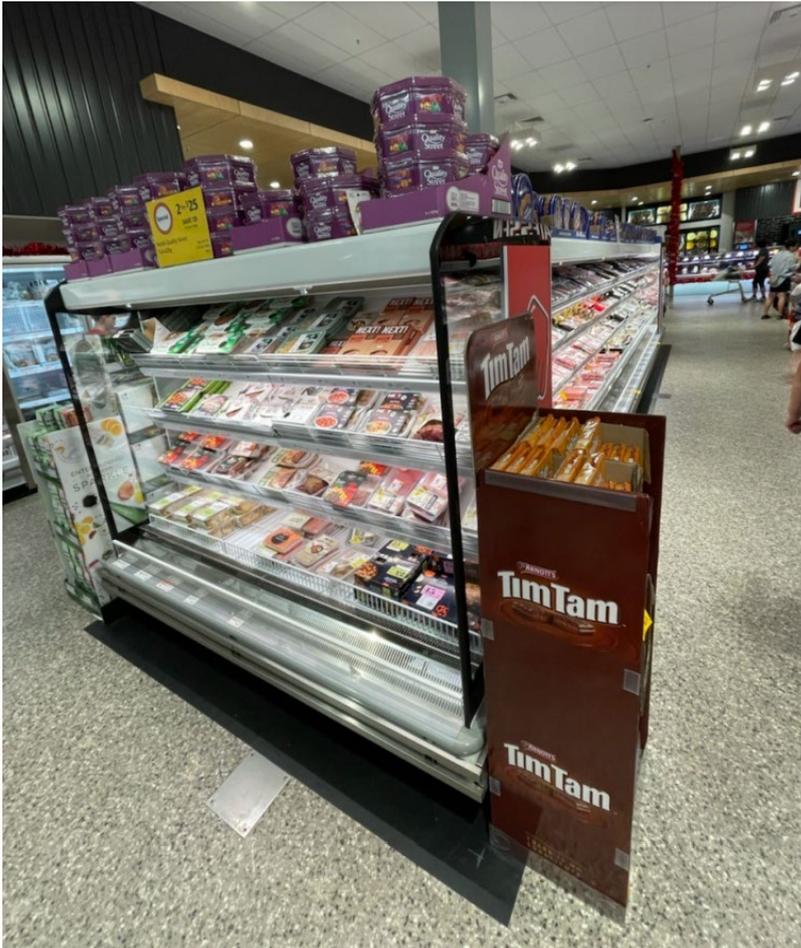
Source: Image tabled by Senator McDonald in a public hearing on 8 November 2021

Figure 3.11



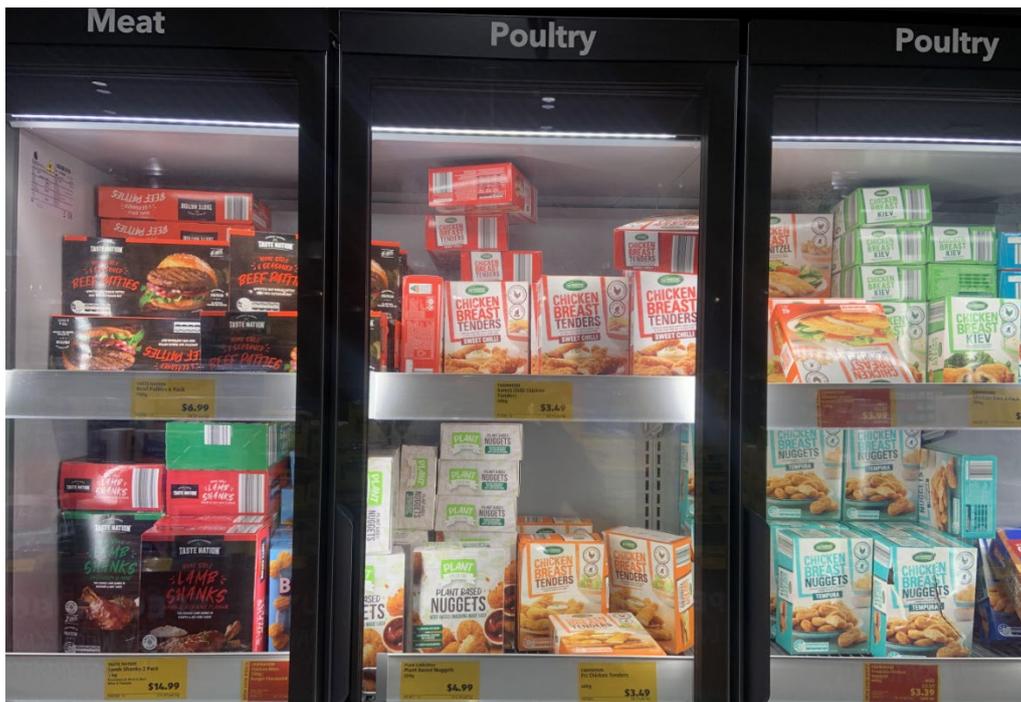
Source: Image tabled by Senator McDonald in a public hearing on 8 November 2021

Figure 3.12



Source: Image tabled by Senator McDonald in a public hearing on 8 November 2021

Figure 3.13



Source: Image tabled by Senator McDonald in a public hearing on 8 November 2021

Figure 3.14



Source: Image tabled by Senator McDonald in a public hearing on 8 November 2021