



Regulatory approaches to ensure the safety of pet food

AVA Submission

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Introduction

The Australian Veterinary Association (AVA) is the national organisation representing veterinarians in Australia. Our 9,500 members come from all fields within the veterinary profession. Clinical practitioners work with companion animals, horses, farm animals, such as cattle and sheep, and wildlife. Government veterinarians work with our animal health, public health and biosecurity systems while other members work in industry for pharmaceutical and other commercial enterprises. We have members who work in research and teaching in a range of scientific disciplines. Veterinary students are also members of the AVA.

Recommendations / Key Points

1. All pet foods sold in Australia, including pet meat and pet treats, should be compliant with Australian Standard AS5812 – *Manufacturing and Marketing of Pet Food*. This includes both domestically produced and imported pet foods.
2. The AVA strongly supports the use of the 'AS5812 Standard-compliant logo' by the PFIAA, or labelling which indicates international equivalent standards, to clearly identify compliant pet foods to consumers. This should be accompanied by a public campaign to educate consumers about the importance of this certification.
3. The AVA strongly supports the continued collaboration between the PFIAA, AVA, and RSPCA on the periodic revision of Standard AS5812, and proposes that the next revision should occur, as scheduled, in 5 years' time.
4. A broad working group of all stakeholders including the AVA should be created and supported by the Government to examine all potential regulatory models to ensure improved safety of pet food in Australia. This will include:
 - Examination of options for **regulating the Standards AS5812**; as well as
 - Examination of regulatory models for the **mandatory recall and investigation of adverse events** associated with pet foods, as this is critical to the success of any policy framework to ensure the safety of pet food.
 - It is recommended that this working group examine regulatory models in other parts of the world, such as the EU and USA, to inform the above process.
5. The PetFAST reporting system has proven to be an excellent alerting mechanism, to detect any trend or pattern of adverse event, and trigger an investigation when required. What is missing is a framework for investigating adverse events, as well as funding to support these investigations. The AVA strongly recommends that investigation of potential models for **managing and funding investigation of adverse events** should be part of the abovementioned working group's responsibilities.

Background

The Rural and Regional Affairs and Transport References Committee have been asked to consider regulatory approaches to ensure the safety of pet food in Australia. The AVA recommends that this complex issue should be addressed in two parts:

1. Regulation regarding the manufacture and marketing of pet foods
2. Regulation regarding the reporting, recall and investigation of adverse events associated with pet foods.

The AVA provides a number of recommendations below as to the best ways to ensure uptake and compliance with the relevant Australian Standard AS5812, as well as mechanisms to improve reporting, recall and investigation of adverse events associated with pet foods.

We have addressed these issues using the headings (a-h) provided within the inquiry framework.

[a. The uptake, compliance and efficacy of the Australian Standard for the Manufacturing and Marketing of Pet Food \(AS5812:2017\)](#)

The AVA strongly supports use of Australian Standard AS5812, *Manufacture and marketing of pet food* (the Standard) as a robust and evidence-based set of requirements for pet foods sold in Australia.

In 2011, a committee with members from the AVA, Pet Food Industry Association of Australia (PFIAA) and the Royal Society for the Prevention of Cruelty to Animals (RSPCA) developed AS5812 in response to a request by the government Standing Committee on Primary Industries (SCOPI). AS5812 rigorously and specifically deals with the manufacture and marketing of both locally produced and imported pet food.

Development of AS5812 represented a major advance in the area of pet food safety. The process was paid for by the PFIAA and administered by Standards Australia. Standard AS5812 was revised in 2017 and the updates included the incorporation of pet meat, which was an important and significant improvement. This substantial progress since the 2012 government inquiry into pet food is welcomed and applauded.

Standard AS5812 includes requirements for nutrition, manufacturing, labelling and marketing, and applies to all types of pet food including pet treats and pet meat. Although AS5812 is only voluntary and there is no legislation that mandates compliance, the AVA understands that some PFIAA members now have manufacturing facilities that are compliant with the Standard, and that the full content of the 2017 revision of AS5812 is available to all PFIAA members. The AVA also supports the third party quality assurance audit and accreditation program that all production facilities that are compliant with AS5812 are subject to.

The AVA understands that the PFIAA currently has a logo which can be added to the label of products compliant with AS5812 to alert and inform consumers of foods that meet this Standard. This is expected to facilitate public awareness about the Australian standard for pet foods.

However, it must be understood that making the Standard compulsory will not solve the problem if it is implemented as a single policy instrument. A suite of additional measures must also be implemented [similar to those used in human food safety, including testing and verification, and mandatory recall, outlined further below in section (g)].

It should also be noted that making the Standard compulsory will require careful consideration as to method and time frame of implementation, to ensure the pathway to compliance is achievable. It is likely to provide a market advantage for the larger pet food companies that are already compliant with AS5812 (the two largest pet food companies operating in Australia are both compliant and currently supply most of the Australian pet food market).

Smaller local companies may not have the financial capacity to comply within a short time-frame, and loss of these from the market could significantly reduce the pet food diversity available to pet owners. A loss of food diversity can be associated with increased toxicity risk. Some of these smaller companies provide specific prescription foods important for the health and welfare of Australian pets (such as specific elimination diets), so there needs to be careful consideration of how to prevent these types of unintended consequences of any new regulatory system. It is recommended that an appropriate period of time is allowed for certification of

compliance – typically 12 to 24 months, depending on the complexity of the change and compliance certification process.

Irrespective, no regulation can prevent a novel toxin or agent in pet food causing an adverse event. As an example, the recent cluster of cases of megaesophagus in over 100 dogs has been associated with an AS5812-compliant product. A new or novel agent is likely the cause of this recent event and, as at the date of submission, researchers still have not found the underlying causal factor or agent involved.

The AVA proposes that the collaborative work of the PFIAA, AVA, and RSPCA should continue, with the next revision of AS5812 occurring as scheduled in 5 years. A framework to support the use of a standards-compliant logo, and public education on its importance should be established.

b. The labelling and nutritional requirements for domestically manufactured pet food

The AVA strongly supports the use of the 'AS5812 standards-compliant logo' by the PFIAA, or labelling which indicates international equivalent standards, to clearly identify compliant pet foods to consumers. This should be accompanied by a public campaign to educate consumers about the importance of this certification.

Currently the Standard AS5812 covers production of pet food, including pet meat and treats from sourcing and receipt of ingredients to storage, processing, packing, storage and labelling of products. Importantly, this regulation applies to both imported and Australian-made products. It also includes instructions for the uniform application of information provided on labels. The focus of the Standard is on the safety of multi-ingredient, manufactured food for feeding to pets and on ensuring products are accurately labelled and do not mislead purchasers.

The Standard includes that all products in the supply chain either in bulk or packaged shall be identified by information relating to date, time and origin of production or packaging for the purpose of maintaining traceability.

A further advantage of an AS5812-compliant logo is that the producers of pet food who are making the effort to remain compliant with the Standard can be seen to be gaining a market tick of approval (like the Australian Heart Foundation 'Tick of Approval'). The use of a logo on a product label is a common and industry-supported way of indicating a standard or quality assured product that Australian consumers are familiar with.

The AVA recommends that there be a public education campaign regarding recognition and understanding of any logos or labelling indicating compliance with AS5812 or equivalent standards.

Further work is also recommended to ensure clarity of labelling – to enable easy distinction by the consumer of differences between nutritionally-complete and balanced foods, versus supplementary foods, and to ensure that labels are not misleading to the public.

c. The management, efficacy and promotion of the AVA-PFIAA administered PetFAST tracking system

The lack of ability to recall pet food, pet meat and treats in Australia in 2008 and 2009 highlighted the absence of a system in Australia to identify and investigate potential adverse pet food events. The veterinary profession and the pet food industry voluntarily responded to this need to help protect the health of Australia's dogs and cats by developing the Pet Food Adverse Event System of Tracking (PetFAST) reporting system.

PetFAST is a system for reporting of potential adverse events by veterinarians, to a central portal to track health problems in dogs and cats that are suspected of being associated with pet food, treats and pet meat. AVA and PFIAA monitor the information reported to PetFAST to identify any patterns or repetitions that may indicate a problem. When a pattern is identified, a joint committee will meet to discuss what action should be taken.

PetFAST is a voluntary joint initiative of the AVA and PFIAA (Australian Veterinary Association, 2018). Only veterinarians in Australia can make a report to PetFAST which is a key part of the system's integrity and efficiency.

Veterinarians report details of adverse events that they suspect are associated with pet food, treats or pet meat for dogs and cats. Pet owners can understandably believe pet food to be the problem of many or specific health problems. As only veterinarians can use this system, a pet owner who suspects a problem needs to engage a

veterinarian to first examine the pet, and then lodge a report if they suspect an adverse event associated with the food. In this way all, the data obtained is relatively “clean data” with reports that incorporate a veterinarian’s opinion before a report is made. Reports are forwarded to the pet food manufacturer where possible. The AVA can then facilitate contact with the reporting veterinarians to investigate the matter further if the veterinarian has granted approval for manufacturer contact. It is notable that other countries have recently indicated an interest in establishing similar reporting systems to PetFAST, due to the proven success of the scheme as an alerting tool.

PetFAST is a successful initiative that has identified a series of adverse events to date. Once a pattern or trend is identified, manufacturers can be rapidly notified of the suspected problem. However, we currently rely on manufacturers voluntarily recalling their food. In the megaesophagus incident the manufacturers, Mars, acted swiftly and responsibly to recall their product as a precaution while further investigation was done. However, not all manufacturers may necessarily act as responsibly, and voluntary recall could be problematic if, for example, the manufacturer is not compliant with AS5812 or perhaps not even a member of the PFIAA, especially if the manufacturer is based overseas.

For this reason, the AVA strongly recommends a regulatory mechanism be established for **mandatory recall** of pet foods when an adverse event is detected and considered legitimate by the PetFAST monitoring system.

What is also needed is a **framework and funding for investigation** of an issue once a problem is identified. Currently this has relied on the goodwill and financial support of the case-veterinarians or the volunteer veterinarians advising the AVA. Clearly this situation is inappropriate and unsustainable.

d. The feasibility of an independent body to regulate pet food standards, or an extension of Food Standards Australia New Zealand’s remit,

& e. the voluntary and/or mandatory recall framework of pet food products

The AVA recommends that a broad working group of all stakeholders should be created and supported by the Government to examine all potential regulatory models to ensure safety of pet food in Australia. This will include:

- Examination of options for regulating the Standards AS5812, such as self-regulation, co-regulation and comprehensive regulation; as well as
- Examination of regulatory models for the mandatory recall and investigation of adverse events associated with pet foods, as this is critical to the success of any policy framework to ensure the safety of pet food.

There is currently no structure in place nor responsible government authority with the power and funds to investigate product compliance with AS5812 or possible adverse events relating to pet food. Nor is there any legislation to penalize manufacturers that do not comply with regulation or to enforce mandatory recalls when needed. The AVA contends that these are the most important limitations of the current Australian regulatory system with respect to animal health and safety.

Establishing these frameworks will be a complex process. Hence the AVA recommends that the working group be tasked with the careful investigation and design of such a system.

The AVA highlights that it is imperative that the outcome should result in benefit for all pets, their owners, and their treating veterinarians. Simply making compliance with AS5812 mandatory for all pet food manufacturers and wholesalers may not achieve the desired policy objective unless there is also detailed planning for how this will be implemented and audited, and robust mechanisms in place to act swiftly when an adverse food event is suspected, including recall and investigation, if appropriate.

f. The interaction of state, territory and federal legislation

No existing Australian legislation covers pet food production. What exists are:

1. Legislation for the production of safe food for humans
2. Legislation preventing cruelty to animals Acts in each State and Territory.
3. Pet Meat (PISC88) – the handling of meats destined for pet food, to maintain separation from human grade meats

Legislation for the production of safe food for humans

Food Standards Australia New Zealand (FSANZ) is a statutory authority in the Australian Government Health portfolio. FSANZ develops food standards for Australia and New Zealand.

- FSANZ sets the national standards and these are adopted into respective state safe food legislation. The State/Territory Governments each have a system in place for enforcement.
- FSANZ coordinates and monitors human food recalls in Australia. However FSANZ cannot order or force a food recall, the states and territories have power to do this.

The working group going forward must assess the various options - it is not clear whether extending the remit of FSANZ to include pet food regulation would necessarily be the best option, not whether the respective states' and territories safe food legislation would have a head of power to also enforce the Australian Standard AS5812 for pet food, as the intent of this current legislation is primarily the protection of humans.

However it is noted that Queensland at least includes requirements around provenance and quality of pet meat in their safe food legislation, so it is recommended that the working group explore this option in consultation with the relevant departments.

Legislation for the prevention of cruelty to animals

Animal welfare is in the responsibility of state and territory governments. State animal welfare legislation may be a logical home for the inclusion of pet food standards, but work is required to investigate this option. Currently there is no overarching national body or recognised area of government with the power to enforce the Standard if made mandatory, and so the option of a national independent regulatory body should also be carefully considered by the working group.

g. Comparisons with international approaches to the regulation of pet food

As previously mentioned, the AVA recommends that a broad working group of all stakeholders should be created and supported by the Government to establish a regulatory framework for pet food in Australia. As part of their remit, they should closely examine the pros and cons of relevant regulatory models in other parts of the world, such as the EU and USA, to inform the process, including consideration of how investigation and recall of food safety issues can be sustainably funded.

The Australian pet food industry has some helpful parallels with the European industry, so we are able to draw some insight from the experience of our European colleagues.

The following summarizes the principles of European Union regulation of pet food, with regard pet food safety and recalls:

1. In each EU country, pet food companies are legally required to inform the government authority of any adverse events.
2. The pet food companies are legally required to do their own product quality assurance and testing.
3. The government authority then informs the European authority so that the information becomes available for all countries in which the issue has relevance.
4. In each individual country, the government authority that monitors human foods, pet foods, and stock feeds routinely checks these products for compliance with regulation.
5. Note that the number of samples tested is typically not very large.
6. If non-compliance is discovered, the government authority again informs the European authority so that the information becomes available for all countries in which the issue has relevance.
7. The government authority of each country (typically the department of agriculture) can force mandatory product recalls. The European authority cannot enforce a mandatory recall.

Whilst this system is useful, it is still reliant on both individual manufacturers and countries obeying the law. It should be noted that food recalls did not occur when there was an outbreak of canine megaesophagus in Latvia.

Many of the above principles should be considered for incorporation into an Australian pet food regulatory framework. Specifically:

- Pet food companies required to undertake compulsory product quality assurance and testing
- The Australian Government system for human food testing to be expanded to include pet foods (random audits)
- Pet food companies legally required to inform the government of any potential or proven adverse events or significant audit finding.
- Government empowered to enact mandatory recalls
- PetFAST to continue as a veterinary reporting and alerting mechanism. This provides a safety net for reporting, for instances where manufacturers fail to report.

Once an adverse event is detected, it is essential that Australia has a framework in place to manage and fund the investigation into the cause.

h. Any other related matters

As mentioned previously, the AVA strongly recommends that a broad working group of all stakeholders be created and supported by the Government to develop an appropriate and workable regulatory model for improved safety of pet food in Australia. Members of this working group should include representatives of the following organisations:

- The relevant state, territory, and federal government departments
- Veterinary nutritionists with expertise and experience with pet food regulation in the EU and the USA (AVA can supply the names of contacts on request)
- The AVA, including the PetFAST veterinary experts
- The PFIAA
- The RSPCA

Finally, consideration should be given to development of standards for foods for avian and exotic pets (including birds, rabbits, fish, Guinea pigs, rats, mice, ferrets and reptiles) as part of the working group remit, as currently there are no minimum safety, nutritional or labelling requirements for foods intended for these species. This should include adverse event reporting, recall and investigation mechanisms as proposed for other pet foods.

References

Australian Veterinary Association . (2018, July 5). *PetFAST - Pet Food Adverse Event System of Tracking*. Retrieved from Australian Veterinary Association: <https://www.ava.com.au/petfast>

The European Pet Food Industry . (2018, July 5). *The Regulation of pet food - a warranty for hygiene, safety and quality*. Retrieved from The European Pet Food Industry: <http://www.fediaf.org/self-regulation/legislation.html>

Contact:

Dr Melanie Latter
Head of Policy and Advocacy

Melanie.latter@ava.com.au