

Evolution of Winemaking Practices

Interactions between government
regulations, trade, consumer
demand and new technologies

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History of wine law in Australia

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Australian Background (1)

- development of food law in response to the unwitting and systematic adulteration of the food supply in the nineteenth century.
- difficult to detect until the advent of chemical analysis.
- examples include the addition of clay in flour and water in wine.

Australian Background (2)

- Australia had the world's first set of food regulations, the *Pure Food Act*, gazetted in the State of Victoria in 1905.
- Arose in response to the disclosure by chemical analysis of the stretching of foodstuffs, misrepresentation, addition of hazardous substances, such as lead chromate to boiled lollies, and other forms of adulteration.

Australian Background (3)

- The Act consolidated the earlier *Health Act* of 1890 and the *Adulteration of Wine Act* of 1900
- it provided for a Food Standards Committee to make regulations to cover the composition, strength and purity of foods, the materials used in food factories, and the methods of manufacture.
- The Committee could prescribe specific methods of analysis and had power over packages used for food and food labels and labelling.

Australian Background (4)

- This Act was soon followed by the other Australian states and set the pattern for the current food law.
- The Act, in effect, marked the transition from the 'buyer beware' to the 'seller beware'. Until 20 years ago, these state *Pure Food Acts* essentially codified good manufacturing practice.

Specific Australian wine laws and regulations

- There are Federal laws and regulations relating to food, but these laws are generally administered or enforced by the individual States.
- All the States introduce parallel legislation and regulations under, for example, the *Model Food Act* of 1980, which is the basis of food law in each State

Current Federal legislation relevant to the winemaking

- the *Wine and Brandy Corporation Act 1980 and Regulations*,
- the *Trade Practices Act 1974*,
- the *Model Food Act 1980*, and
- the *National Food Authority Act 1991*.
- Additionally, legislation that is relevant to viticulture includes the
 - *State Wine Grapes Industry Act 1991*,
 - *Federal Environmental Protection Authority Act 1993*, and
 - *The Phylloxera Act (SA)*.

Australian Wine and Brandy Corporation Act 1980 and Regulations

- Australian Wine Board was established under the provisions of the *Wine Overseas Marketing Act 1929* of the Commonwealth of Australia
- The Australian Wine and Brandy Corporation was established under the provisions of the *Australian Wine and Brandy Corporation Act 1980*

Australian Wine and Brandy Corporation Act 1980 and Regulations

- A response from a governmental review to modernize all the primary industry statutory authorities.
- Grape products, including wine, brandy and grape spirit come within the ambit of the Corporation
- Corporation has export regulatory, promotion and publicity functions.
- The Board is skill based and is obliged to behave as an independent entity; its members are appointed by the Minister.

Food Standards Code 1987

- The National Health and Medical Research Council (NH&MRC) Food Standards Code is incorporated into the South Australian (Model) Food Act 1985 and regulations ; each state has an equivalent Act.
- the Code covers the food composition, the use of additives, storage of food, maximum levels of environmental contaminants including heavy metal and pesticide residues, and labelling and packaging.
- these complement the ISO series of standards.

The South Australian (Model) Food Act 1985

- Is comprised of three elements: legislation or standards; labelling; and hygiene
- The State Health Commission, via Food Inspectors, is responsible for the enforcing and policing of these regulations ; their powers include to
 - enter premises connected with wine production at any reasonable time;
 - remove any books and records relevant to the enforcement of the Act; and
 - have any wine which does not fully comply with the Act removed from sale and impounded or destroyed.

A series of new arrangements
were developed in the last 15
years

- National Food Authority (NFA) 1991
- Australia New Zealand Food Authority (ANZFA) 1996
- July 2002 , Food Standards Australia New Zealand (FSANZ)

Primary function of FSANZ

- To draft and review (including existing) standards relating to food available in Australia and New Zealand; this includes
 - a process of assessment for standards by industry and the public
 - a function to harmonise food standards between Australia and New Zealand.
- Standards can be initiated by industry or the public and conversely they can recommend rejection or appeal against the adoption of standards.

Legislation states that

- 'no State shall by legislation or other means establish or amend a food standard other than in accordance with the agreement'

The objectives of the FSANZ regarding food standards are

- the protection of public health and safety;
- the provision of adequate information to enable consumers to make informed choices and prevention of fraud and deception in food;
- the promotion of fair trading in food;
- the promotion of trade and commerce in the food industry;
- the uniformity of food standards throughout Australia; and
- consistency between domestic and international food standards where these are a variance, providing that it does not lower the Australian standard.

Amending an existing standard or establishing a new standard

- Initial assessment of the application prior to seeking submissions from the public and relevant organizations
- Then, FSANZ will undertake a comprehensive scientific risk assessment, together with a regulatory impact analysis (incorporating a cost or risk benefit analysis), prior to drawing up a draft standard

The Draft Standard and Assessment

- Circulated to the Board
- FSANZ must ensure that its processes and decisions are consistent with its legislation, the Treaty with New Zealand, its policies list and other international obligations
 - in particular the World Trade Agreements, including the Sanitary and Phyto-Sanitary (SPS) Agreement and the Technical Barriers to Trade (TBT) Agreement
- If endorsed by the Board, is circulated for public comment.

Conclusion

- The Australia New Zealand Food Standards Code has been significantly amended since its adoption in 1987, and is currently divided into general food standards and food product standards.
- Therefore, winemakers should refer to all chapters of the Code to ensure that both compositional and labelling requirements are being met by the winery.