

Mr Ben Janover  
Australian Competition and Consumer Commission  
GPO Box 3131  
Canberra ACT 2601  
Ph: (03) 9290 1813

**Dear Mr Janover,**

Thank you for the opportunity to provide comments on the revisions to Certification Trade Mark (CTM) Application Nos. 2079575 & 2097432 from the Gluten Intolerance Group (North America).

FSANZ considers the revision made to the CTM rules by the Gluten Intolerance Group (North America) has captured part of the information we provided in our previous letter dated 28 October 2021. However the following comment has not been captured:

*The applications also refer to a second criterion, which is for the CTMs to apply only for foods with 'whole grains, beans, seeds, pulses or legumes that contain less than 0.25 gluten-containing grains per kilogram'. This criterion would capture oats/oat products and malted grains, and so is inconsistent with b) and c) of Schedule 4 requirements for a food claiming to be gluten-free.*

The definition of 'gluten-free' in the CTM rules still refers to 'whole grains, beans, seeds, pulses or legumes that contain less than 0.25 gluten-containing grains per kilogram'. The inclusion of 'whole grains' would mean that oats/oat products and malted grains could be considered 'gluten free' under the CTM rules, which is inconsistent with Australian and New Zealand food regulations as described in our previous letter. FSANZ therefore recommends the definition of 'gluten free' in the CTM rules is revised to be consistent with the conditions for a gluten free claim in Australia and New Zealand.

Please contact Derek Castles if you wish to discuss further (email:

ph: [REDACTED]

Yours sincerely,

[REDACTED]  
**Jenny Hazelton**  
A/g General Manager  
Risk Management and Intelligence Branch

28 November 2023