



“Adding value through Quality Management Partnerships”

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Elizabeth Batten
ACCC
GPO Box 3131
CANBERRA ACT 2601

By EMAIL

Re: **CTM 1784876 – PASTURED PROOF - SUBMISSION**

Dear Elizabeth

Thank you for the opportunity to provide a submission regarding the Certification Trade Mark Application No. 1784876. The CTM application from Kevin McCosker and Lee McCosker has raised several concerns from the various industry bodies which were discussed at the recent AMILSC meeting – Wednesday 10 May 2017. The AMILSC accordingly provides the following submission opposing the CTM Application 1784876 lodged by the McCoskers referred to as PROOF.

Please Note this submission is relevant to the Cattle Standard Version 1.3.

AUS-MEAT has been requested to respond to this application on behalf of the Australian Meat Industry Language and Standards Committee ([AMILSC](#)).

EXECUTIVE SUMMARY

AUS-MEAT Limited is an industry owned company operating as a joint venture between Meat & Livestock Australia (MLA) and the Australian Meat Processor Corporation (AMPC). In 1998, AUS-MEAT was corporatized as a separate entity as part of a major restructure of industry bodies. AUS-MEAT now operates as a non-profit company limited by guarantee that is wholly owned by its member bodies, MLA and AMPC.

AUS-MEAT Limited is cited as the 'Standards Body; responsible for setting standards for meat for export under Regulation 3(1) of the Australian Meat and Live-stock Industry (Export Licensing) Regulations 1998.

The AMILSC is the industry standards body which is responsible for the development, approval and maintenance of standards for trade description through the Australian Meat Industry Classification System (AUS-MEAT Language) and the AUS-MEAT National Accreditation Standards for AUS-MEAT Accredited Enterprises. Under these arrangements, the AMILSC sits in its capacity as an Advisory Committee for the AUS-MEAT Board.

REGULATORY REQUIREMENTS (EXPORT)

Export Control Act 1982

Export Control (Meat and Meat Products) Orders 2005

Australian Meat and Live-stock Industry (Export Licensing) Regulations 1998

Meat Notice: [MN16-02](#) Reminder of AUS-MEAT's responsibilities for accuracy of trade descriptions as they relate to export meat.

Meat Notice: [MN 15-06](#) Establishments sourcing of livestock to comply with importing country Hormonal Growth Promotant Free requirements (HGP Free)
[Approved Arrangement Guidelines](#) – Department of Agriculture and Water Resources

Industry Standards

National Accreditation Standards

Australian Meat Industry Classification System Manual 1

[Livestock Production Assurance Program](#)

[National Feedlot Accreditation Scheme](#)

[Pasturefed Cattle Assurance System](#)

TRADE DESCRIPTION – LEGAL BASIS

The legal basis for trade descriptions are contained within the *Export Control Act 1982*, the *Export Control (Meat and Meat Products) Orders 2005* and any relevant importing country requirement (Manual for Importing Country Requirements – MICOR). The Australian Meat Industry Classification System Manual 1 is referenced in the *Export Control (Meat and Meat Product) Orders 2005*.

The requirements of trade descriptions under the Orders are to ensure meat and meat products intended for export for food:

- Are wholesome or are identified for export for further processing for food
- Meet requirements to have an accurate trade description
- Meet the importing country requirements necessary to maintain market eligibility; and
- Are traceable, can be recalled if required and their integrity is assured.

Trade Description is defined in the Export Control Act 1982 as follows:

Trade description: in relation to prescribed goods, means any description or statement (whether in English or any other language), or pictorial representation, indication or suggestion direct or indirect:

- a) as to the nature, number, quantity, quality, purity, class, grade, breed, measure, gauge, size, mass, colour, strength, sex, species or age of the goods;
- b) as to the country or place in or at which the goods were made or produced;
- c) as to the exporter, manufacturer or producer of the goods or the person by whom they were selected, packed or in any way prepared for the market;
- d) as to the mode, time or place of manufacturing, producing, selecting, packing or otherwise preparing or treating the goods;
- e) as to the time before which, or period within which, the goods are to be used;
- f) as to the batch, lot or other grouping in which the goods are included;
- g) as to the material or ingredients of which the goods are composed or from which they are derived; or
- h) as to the goods being the subject of an existing patent or privilege;

and includes any label or mark that, according to the customer of the trade or common repute, is commonly taken to be an indication of any of the above matters.

false trade description: means a trade description that, by reason of anything contained in or omitted from the description, is false or likely to mislead in a material respect as regards the goods to which it relates, and includes every alteration of a trade description, whether by way of addition, effacement or otherwise, which makes the description false or likely to mislead

ANIMAL RAISING CLAIMS (ARC)

Raising claims relate to claims made in the trade description or export documentation about the animal or supply chain specifically relating to animal husbandry conditions, feeding, handling, drug treatments and /or geographical reference which is specifically required by an importing country.

The AMILSC has established three core components of an Animal Raising Claim:

- 1. Program Approval:** Approval by AUS-MEAT Limited for the Livestock Sourcing through to the application of final Trade Description, incorporated within the AUS-MEAT approved Quality Management System (QMS).
- 2. Approved Arrangement:** Approval by the Department of Agriculture based on Program Approval by AUS-MEAT under the MOU between the Parties
- 3. Market Access:** Pre-conditions for market access or specific operational requirements to meet importing country requirements including label approval (where applicable).

AMILSC - INDUSTRY WORKING GROUP

The AMILSC is currently working on establishing a range of Animal Raising Claim definitions including Free Range and animal feeding systems that sit between grassfed/pasturefed and grain fed definitions – (supplementary feeding). Whilst some existing Free Range definitions currently exist, which can be used to define Free Range production systems, the AMILSC is currently working on a Fodder Fed program which incorporates all the components of the Pastured Proof Certification submission:

- All relevant Animal welfare standards and guidelines
- Free Range (open fields or paddock)
- Pasture / Grass diet with access to additional fodder diet
- Supplementary grain feeding (paddock feeding)

BEEF LANGUAGE WHITE PAPER

The [Beef Language Review White paper](#) recently released by Meat and Livestock Australia provides information on further enhancements to the Beef Language. Recommendations made in section 3 are relevant to this submission:

3. RECOMMENDATIONS

- 3.1** That industry continues to develop standards for generic definitions that will underpin principal 'raising' or 'provenance' claims used by brands. Individual brands will be the responsibility of the brand owner. These standards should be developed by industry and held by AUS-MEAT. The cost of defending these standards in any raising claims dispute should be the responsibility of the brand owner.
- 3.2** That a suitable mechanism be developed for use in conjunction with principal raising and provenance claims that comply with agreed national (and where applicable global standards) to enable clear distinction between these and alternative individual programs.
- 3.3** That industry developed standards focus on high-level, well differentiated raising and provenance claims to provide clear national definitions and endorsement in conjunction with the legislative structure for welfare and animal health standards. Industry should not seek to develop standards for minor variations which should be the provenance of individual brand owners (e.g. a definition of 'eco-friendly').
- 3.4** That efforts to rationalise auditing of industry and purchaser standards, and in particular on-farm audits, be aggressively pursued.

The AMILSC supports the recommendations in the Beef Language White Paper and suggest to the ACCC there are already existing Programs in place that adequately cover the various components of the PROOF standard relevant to Cattle production systems.

I trust this submission has provided you with adequate information in your assessment of the CTM trade mark application.

Yours faithfully



Allan Bloxsom
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