

CHAPTER 13:

WHAT DO AUSTRALIAN REGULATORS HAVE TO SAY ABOUT UNDECLARED SULPHITES?

My journey with the ACCC including success and failure?

When looking at the food industry from seeds through to the dinner plate, I was quite shocked about what I found all along the way while researching sulphites in our food. One huge main part of the disastrous position we are in right now has been caused by the regulatory bodies that police, govern, and set policies around food production, manufacturing, labelling and food additives.

One such company playing a major role in all this is FSANZ. Another body whose role is more about policing the policies that FSANZ has put into place is the ACCC. I was curious to how I would be treated in raising the issue of deception and misleading labelling with regards to sulphites in our foods. The following is my journey.

I was interested as to how much of a deterrent these laws/codes set out by the FSANZ were to manufacturers and what sort of reprimand would be applied to those that were found guilty of failing to follow the food standards guidelines.

Pointing the finger.

First up, please let me point out that “everybody” is doing the same thing as the following two companies. I have chosen these companies because they are marketing their product to people who are trying to avoid sulphites. They are claiming there are NO sulphites in their product, and clearly, there are sulphites. I feel this is deception that carries a level of arrogance that hits my core values.

As a result, I decided to let the law be the judge on these companies. Keep in mind, I could send five of these a day to the ACCC and I still would have an endless pit of cases to file, so while these two companies were doing the wrong thing, they are not alone. “Everyone” is doing it right under our noses.

As you will see, it takes a lot of investigative skills to get a straight answer out of these people. In fact, I still have two conflicting messages from Food for Health. To this day, I still don't know if she is telling the truth or lying.

The following is a copy of the letter I sent to the ACCC to start my claim:

ACCC

23 Marcus Clarke Street
Canberra ACT 2601

To Whom It May Concern,

I write in regards to a deception in labelling claim for 2 companies.

My complaint is as follows. I am severely allergic, reactive or maybe just plain sensitive to sulphites. As such I have to avoid them in levels UNDER 10 part per million. If I consume foods that contain levels below 10 parts per million I spend hours in bed unable to lift my head from the pillow, in great fear I am going to die.

I search out products in effort to avoid such fate. While for the most part I know that the law states that levels of sulphur dioxide under 10 parts per million do not need to be declared. The food act states that levels OVER 10 parts per million have to be declared under "allergy advice".

My issue with the following 2 companies is they target people like myself (people trying to avoid sulphites) through advertising on their packing, website and promotional material stating/claiming that their products contain "NO preservatives" and or their products are "Sulphur FREE", yet according to the very same company they do in fact contain sulphites.

This to me is very misleading, deceptive and morally unethical and needs to be stopped.

Company 1:

Carman's Fine Foods Pty Ltd,
4 Bricker St,
Cheltenham,
VIC, 3192.

The first company is Carman's Fine Foods Pty Ltd. They have their products labelled with a BIG TICK
√ NO PRESERVATIVES.

Now when I queried the company on this they first said no there were NO preservatives. When I pressed the issue and explained that under 10 parts per million makes me very sick. They replied with an email stating there were in fact preservatives in them (see appendix 1).

The preservatives are present in the glucose syrup that they use in their product. Yet their packaging claims they contain NO preservatives.

This is misleading, deceptive and in the real world as far as I am concerned an outright lie. When a product reads NO preservatives I believe whole hearty that there are in fact NO preservatives. I never thought for one moment that NO could, would or should mean just a little bit, or in small amounts. I believed that NO is in fact NILL/ZERO/NONE.

Carman's Packaging: Example Deluxe Fruit Muesli Bars.

Carman's Home Enter Carman's

Carman's

Deluxe Fruit Muesli Bars

Lightly Toasted rice flakes, puffed rice, honey, cinnamon, gourmet nuts and dried fruit.

Based on Carman's popular gluten-free Deluxe Fruit Muesli, which uses a foundation of rice flakes rather than oats, the bars are perfect for coeliac disease sufferers or those who wish to enjoy the delicious lighter option in our muesli bar range. They are a much needed source in fibre and contain no preservatives.

Made in Australia from the best ingredients we can find in Australia and around the world.

Ingredients (All GM Free): Carman's Deluxe Fruit Muesli [Rice Flakes (Rice Flour, Fructose, Salt, Emulsifier [471]) Puffed Rice, Dried Fruit 14% (Sultanas, Raisins, Diced Apricots, Diced Dates) Honey, Sunflower Seeds, Almonds, Pepitas, Canola (Rapeseed Oil), Hazelnuts, Psyllium Husks, Pecan Nuts, Cinnamon, Natural Vanilla], Glucose (Corn/Maize).

Size: 210g 6 pack bars

- GLUTEN FREE
- HIGH IN FIBRE
- NO PRESERVATIVES

« Back to Product Range

Glucose syrup – contains preservative 220 sulphur dioxide!

NO preservatives on label!

Company 2:

Food for Health,
PO Box 1150,
Hampton North,
VIC, 3188.

The second company is Food for Health. They label their foods claiming that “all fruit is sulphur free”. Implying that the product contains NO sulphur, yet an email from them says that the apples do contain sulphur (see appendix 2).

Furthermore the product contains rice bran syrup, I have emailed two major manufactures in Australia and New Zealand and they inform me that all types of syrup contain sulphites. It is part of the wet milling process. I am 99.9% sure that the rice bran syrup contains sulphites also but I am having a real hard time getting a response from her. It has taken two and a half months to get a response about the fruit.

Again this is misleading. Sulphur free fruit implies the product is sulphur free. It's clearly NOT.

Deception yet again!

Food for Health Packaging: Example Gluten free Bar with Fruit.

The Gluten Free Bar with Fruit

The Gluten Free Bar with Fruit are packed full of yummy fruit, including apples, currants and cranberries; all sulphur free of course! They also have heaps of whole grains like amaranth and brown rice, so you always feel healthy and full of life when you eat one! Enjoy!

Ingredients:

Puffed rice, rice bran syrup, honey, rice bran, sultanas, pepitas, sunflower seeds, amaranth, currants, apple, rice bran oil, cranberries, canola oil, natural flavour. All ingredients are GMO free and all fruit is sulphur free.

The Gluten Free Bar with Fruit is endorsed by the Coeliac Society of Australia

[Buy Online](#)

Nutritional Information		
Serving Size: 35g		
	Per Serve	Per 100g
Energy	507kj	1448kj
Calories	cal	cal
Protein	2.3g	6.5g
Fat		
- Total	4.1g	12.5g
- Saturated	0.4g	1.2g
Carbohydrate		
- Total	20.7g	59g
- Sugars	10.8g	30.8g
Dietary Fibre	1.8g	4.3g
Sodium	4.1mg	12.5mg



Label – all fruit is sulphur free

Label – Sulphur free fruit



While I am not asking that the world stop using sulphur, nor am I saying that the laws be changed because I have a reaction to sulphites. I am asking that if a product states that it contains “NO” or is labelled “FREE” that the product be in fact what is claimed on the labels – to do anything other is deception.

Please let me know the outcome of my claim.

Thanks
Paul Barratt-Hassett

...a few months earlier

All right, can I go back a couple of steps here? When I first contacted these companies I was just out looking for food that I could eat. I was terrified that sulphites were **hidden** and **undeclared** in our foods as I was playing Russian Roulette every time I ate. Some days were really bad and others pretty good. I was desperate and justifiably emotional about the whole situation.

It was after these two experiences that I decided to write a book and go to the ACCC to start taking action against this global pandemic that I had stumbled upon. So I want to share with you my journey leading up to writing the above letter to the ACCC. I must warn you, you might find some e-mails mind opening towards the attitude of these manufacturers. I know I did.

Carman's Foods:

The following is my first e-mail contact with Carman's Foods.

-----Original Message-----

From: no-reply@carmansfinefoods.com.au

Sent: Friday, 5 March 2010 6:33 PM

To: emails

Subject: An enquiry has been submitted through the Carmans Kitchen website

The enquiry's details are as follow:

Name: Paul Barratt-Hassett

Email: barratthassett

Message: I have a question.

Does any of your products contain sulphites.

Sulphites (220-228).

I am looking for trace amounts or any cross contamination potential due to shared equipment.

Legally you are only required to declare sulphites IF more than 10parts per million, but I react violently to less than 10parts per million.

Many companies never get back to me or simply avoid a firm answer, could you please find this answer out for me?

Thank you for understanding the danger of my allergies.

warmest regards

Paul

Here is their initial reply. Now if I was to trust the first response I get from a company I would be in some serious trouble because the first response is never the truth in fact I was guaranteed *100% of no sulphites* in the first response, yet as you will see later there is sulphites present & they admitted it – shame, shame.

----- Original Message -----

Subject: RE: An enquiry has been submitted through the Carmans Kitchen website

Date: Tue, 9 Mar 2010 11:04:24 +1100

From: Justine Flemming

To: barratthassett

Hello Paul,

Thank you for contacting us here at Carman's.

I am pleased to tell you that we do not use sulphites in our products at all. This can be 100% guaranteed to you.

This is the reason our apricots are of a darker colour as we do not use sulphur dioxide which is used to preserve the bright orange colour. Quite often we are questioned to whether there are any apricots in our product as customers sometimes think our apricots are sultana's. The apricots without sulphur dioxide are also more expensive which can make our product a little more expensive than our competitors.

However, I am passing on your email to our Quality Assurance Manager, Sue Matus, to ensure this is the case with the percentages you mentioned.

Sue is not in the office today, I will be able to get back to you tomorrow.

I hope this helps. If you have any further queries or comments, please do not hesitate to contact me.

Have a wonderful day.



Okay, you read, "I am pleased to tell you that we do not use sulphites in our products at all. This can be 100% guaranteed to you." Now, if I had trusted the first response that I have gotten from most, if not all manufacturers, I would still be trying to work out why I was sick all the time. Fair enough, she had taken the initiative to forward my e-mail on to the quality assurance manager and that's great. In the meantime, I decided to call her and let her know the extent on my allergic reactions and got a reply within hours.

Here it is.

----- Original Message -----

Subject: RE: An enquiry has been submitted through the Carmans Kitchen website

Date: Tue, 9 Mar 2010 15:14:24 +1100

From: Justine Flemming

To: barratthassett

Hi Paul,

I have found out the answer to one of the queries for you.

Unfortunately, I gave you the incorrect information – actually our glucose syrup specification states that it can contain up to 40mg/kg Sulphur Dioxide.

I am still waiting for the answer to your other queries.

Kind regards,



While every cell in my body was wishing there were no sulphites in this product, I was not surprised to find out that it did after having contacted so many companies beforehand. I soon started to realize that sulphites were in all products that contain glucose syrup and maize starch ingredients.

Here is my response.

From: Barratt-Hassett

Sent: Tuesday, 9 March 2010 3:39 PM

To: Justine Flemming

Subject: Re: An enquiry has been submitted through the Carmans Kitchen website

Hi Justine,

Yes, I am not surprised, I have spoken to many companies. Its a real shame.

Please be sure to check that the muesli is NOT cross contaminated as a result.

thanks for your prompt replys

Paul

----- Original Message -----

Subject: RE: An enquiry has been submitted through the Carmans Kitchen website

Date: Tue, 9 Mar 2010 15:51:47 +1100

From: Justine Flemming

To: Barratt-Hassett

Hi Paul,

Thank you so much for bringing this to our attention. Our Quality Control officer is going to carry out a full investigation. I would have loved to have sent you some product as a thankyou – but I know you can't eat it.

Would you like a Carman's shopping bag or Trolley Coin instead? If so, simply email me your postal address and I will get one or both out to you.

Thanks again Paul, you have really helped us a lot.

Kind regards,



A full investigation? Yeah, right; pigs might fly too! Well, I was going to see about that one and I made sure I would follow that claim up in the near future. In the meantime, I dropped this e-mail to FSANZ to try and get some clarity, because, at this point, I was very confused. While you now understand the ins and outs of sulphites, the loopholes, the tricks, clever wording, etc., at this point, I was just finding out about all this deception. Here is the e-mail I sent to Food Standards.

From: paul barratt-hassett [mailto:barratthassett@bigpond.com]

Sent: Wednesday, 7 April 2010 8:55 PM

To: Code Inquiry

Subject: Food Standards Code enquiries [SEC=UNCLASSIFIED]

Name: paul barratt-hassett

Organisation: private

Email: barratthassett

Sector: Consumer

cont...

Question:

When a food is labeled “No preservatives” does this mean that there are “Zero” levels of preservatives or is there a minimal level allowed? For example, I have read that you can have upto 10parts per million of sulphites (220) and you are NOT required to label it. Is this law over ridden if a product is actually labeled “No preservatives”?

Also, if a product reads “sulphite free” does this mean it can still legally contain upto 10 parts per million of sulphites or does it in this case have to contain “Zero” levels? Thank you for the clarity on this as I am finding it very diffucult to understand and I am very, very alergic to sulphites. regards Paul

Time: 20:55 07/04/2010

Here is their reply.

----- Original Message -----

Subject: Allergen Code enquire [Sec: UNCLASSIFIED]

Date: Fri, 23 Apr 2010 10:55:47 +1000

From: Code Inquiry <CodeInquiry@foodstandards.gov.au>

To: 'paul barratt-hassett'

Dear Paul

Thank you for your email. Food Standards Australia New Zealand (FSANZ) is a Commonwealth statutory agency with the responsibility of developing and maintaining the Australia New Zealand Food Standards Code (the Code). The Code is enforced by State and Territory Health Departments and in relation to imports and exports by the Australian Quarantine Inspection Service (AQIS). Consequently, matters related to the enforcement of the Code should be taken up with the Health Department in the relevant jurisdiction, AQIS in relation to imports and exports or the New Zealand Food Safety Authority (NZFSA) in New Zealand.

“Free” and “no added” claims are not terms defined in the Food Standards Code. As such, these claims generally become representational issues for the Department of Fair Trading or the Australian Competition and Consumers Commission (ACCC) with regard to “false, misleading and deceptive conduct and/or representations”.

Standard 1.2.3 requires the labelling for certain substances in food, this covers common allergens (cereals containing gluten, crustacea, egg, fish, milk, nuts, sesame seeds, peanuts, soybeans, added sulphites in concentrations of 10mg/kg,) where they are in food as an ingredient, an ingredient of a compound ingredient, a food additive or component of a food additive, or a processing aid or component of a processing aid. This will require manufacturers to have a declaration of the presence of sulphites where they are at 10 mg/kg (10 parts per million) or more. Where a manufacturer/food business is exempt from labelling (ie the product is packaged in the presence of the purchaser) then there is a mandatory requirement to either display the information on or in

connection with the display of the food or provide it to the purchaser upon request.
You can access Standard 1.2.3 from the link below.
The Code is available on the FSANZ website at <http://www.foodstandards.gov.au/>

I hope this is of assistance.
Peter
Food Standards Australia New Zealand

Boy, I needed to read that slowly a few times to understand all that jargon. Basically, FSANZ sets the code and all those other organisations mentioned enforce it. Foods labeled “Free” or “NO added” are not covered in the code. It is up to the ACCC to determine if there is false and deceptive conduct. I decided then and there I would put in a claim to the ACCC and see what would be done about it. In the meantime, I “shot” another e-mail to Carman’s Fine Foods to see how their *full investigation* was going. Here it is:

From: Barratt-Hassett [mailto:barratthassett]
Sent: Friday, 21 May 2010 1:14 PM
To: Justine Flemming
Subject: Re: An enquiry has been submitted through the Carmans Kitchen website

Hi Justine,
Just wondering what were the result of your quality control officers full investigation returned?

thanks
Paul

Here is the reply.

----- Original Message -----
Subject: RE: An enquiry has been submitted through the Carmans Kitchen website
Date: Mon, 24 May 2010 14:58:23 +1000
From: Justine Flemming
To: Barratt-Hassett

Hi Paul,

Do you have any suggestions to what I can say? x

 Justine Flemming Customer Service Manager	Carman's Fine Foods Pty Ltd 4 Bricker Street, Cheltenham Victoria Australia 3192 T: +61 3 9553 5532 F: +61 3 9553 5534 www.carmansfinefoods.com.au
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Yes, I have plenty of suggestions but I will keep the rude ones to myself. Here is what I sent back though.

From: Barratt-Hassett [mailto:barratthassett]
Sent: Monday, 24 May 2010 3:29 PM
To: Justine Flemming
Subject: Re: An enquiry has been submitted through the Carmans Kitchen website

How about the truth.
Has there been no “full investigation”?

Is this what you are saying. I really am interested to know. I want to know what companies such as yours have to say about the labeling of your product claiming “No Preservatives” yet clearly they do contain them.

I want to know what action you have taken given I have bought this to light.
Please reply with what has been done thus far?

cheers
Paul

I must say things get a little weird from now on. It is a bit of a distraction from my outcome here, but stay with me and we get back on track again soon. Here is the weird reply.

----- Original Message -----

Subject: RE: An enquiry has been submitted through the Carmans Kitchen website
Date: Mon, 24 May 2010 15:36:05 +1000
From: Justine Flemming
To: Barratt-Hassett

Hi Paul,

I am so sorry – we have a child in the office today – I had my emails open and she has typed into it and sent it to you. I am very embarrassed.

Our Quality Assurance Manager, who will be answering you queries is away from the office today and will be responding to you tomorrow.

I really am so sorry – we are a family friendly workplace at Carman’s – the emails should never have been sent and we will be taking much better care where the kids are concerned from here on, and I am so sorry this has happened.

cont...

Kind regards,



This reply I find weird. It doesn't look like a response from a child to me, it looks more like an emotional reaction from someone who really doesn't understand the seriousness of negative/allergic reactions to foodstuffs. Yet, it gets even more weird. I got this e-mail about a minute later.

----- Original Message -----

Subject: RE: An enquiry has been submitted through the Carmans Kitchen website

Date: Mon, 24 May 2010 15:37:21 +1000

From: Justine Flemming

To: Barratt-Hassett

Hi Sue,

This guy is pretty agro now – can we send him something tomorrow? I am so sorry – but I said he would be hearing back from you.....



Now, that looks like Justine meant to e-mail Sue, but sent an e-mail me instead, how embarrassing. Well, at least we know how they talk internally about customers! Then, two minutes later comes this one.

----- Original Message -----

Subject: Carman's

Date: Mon, 24 May 2010 15:39:48 +1000

From: Justine Flemming

To: barratthassett

Hi Paul,

I emailed Sue and let her know you are pretty 'agro' (a term we use in the office so she knows it's high priority) – she should be back to you tomorrow.

I am sorry once again – I can understand how you are losing patience with us and I just ask you to wait a little longer.

Kind regards,



What can I say? I guess my questions have sent her into a bit of a tizzy. It is quite funny, really. Well, that's it for the weird stuff. We are back on track now. Here is the reply from Sue. I guess Justine finally e-mailed the right person.

----- Original Message -----

Subject: Sulphur Query

Date: Tue, 25 May 2010 10:53:52 +1000

From: Susan Matus

To: barratthassett

CC: Justine Flemming

Hi Barrett,

Thank you for your query about the presence of sulphur in our products.

As our muesli's do not contain glucose syrup and are produced and packed on a separate line to our muesli bars, therefore there is no opportunity for cross contamination between them and the muesli bars.

Our muesli bars do contain glucose syrup which in combination with the honey binds the muesli

cont...

together to form the bar. As Justine had recently informed you there is a minute amount of sulphur dioxide added to the glucose syrup which is added to the glucose syrup to enable it to last its own shelf life as a single ingredient. However, once added to our product and mixed in with all other raw materials which are all sulphur free, we've calculated that the very minute amount is further reduced to less than 0.2mg/kg which is below the 10mg/kg as legally required for allergen listing.

I can also confirm that no preservatives are added to either the bars or muesli during their production and packing processes.

Unfortunately, from your original email you mention that you are extremely sensitive to sulphur and its derivatives. Knowing this, I would like to recommend that despite our confidence in the almost non-existent levels of residual sulphur in the bars and as we are concerned about your health and your possible reactions to the product, that you do try to avoid eating our bars.

If you have any further questions, please do not hesitate to contact me.

Kind Regards,



As you can see from this e-mail (which I mentioned in an earlier chapter), the loophole of under 10 parts per million (10mg/kg) being brought to my attention for the first time. At that point I was a little annoyed, because as to me, this is deceptive. I have spent my entire adult life living with Fibromyalgia and now I find out manufacturers are putting this shit in my food without telling me, right under my nose. Even the manufacturers that I trusted to know better as they are marketing to people just like me that are trying to avoid these very food additives are apparently doing it. Here is my somewhat frustrated reply.

From: Barratt-Hassett [mailto:barratthassett]
Sent: Tuesday, 25 May 2010 11:20 AM
To: Susan Matus
Subject: Re: Sulphur Query

Thank you Sue,

My wife tells me that you muesli is yum, I have been busting to try it. I now feel confident to give it a go.

cont...

Can you answer the following as I am puzzled as to why.

Your muesli bars have written over the front pack in BIG BOLD writing with a tick beside it NO PRESERVATIVES, yet according to you it clearly contains sulphur dioxide, which is in fact a preservative.

Q: Why do you label your product that it contains NO preservative when it does?
(Sure it is only a small amount but it is not NO amount. Is this deception?)

Q: Is there NO GLUTEN or is there only a small amount of Gluten also? As I am also allergic to that as well.

What about peanut is there a tiny bit of that as well???

I would like to know your stand on these issues please.

regards
Paul

Her reply is below.

----- Original Message -----

Subject: RE: Sulphur Query

Date: Tue, 25 May 2010 12:15:23 +1000

From: Susan Matus

To: Barratt-Hassett

CC: Justine Flemming

Hi Paul,

We state no preservatives because we do not add any preservatives to our products as can be seen by the ingredients listing. By law we only need to claim an amount of compound ingredient of food of less than 5% where the substance is performing a technological function in the final food. As the very small (if any) amounts of sulphur in the glucose syrup will have no function, preservative or otherwise, on the product we can say no preservatives.

However, as we are concerned and driven by the most important fact that sulphur is classed as an allergen, we are controlled by the less than 10mg/kg rule, which we ensure we abide by.

As to your Gluten query, we regularly test our products for Gluten detection. None has been detected.

cont...

However, this product runs on a line where other gluten products are produced. Between these two products, extensive cleaning and dismantling of equipment occurs to ensure the line is thoroughly clean before commencing the Gluten free products. Despite our extensive cleaning systems and due to possible particulate contamination, ie: one little oat gets into the product, I cannot say that our product will be gluten free 100% of the time.

Again, if you are extremely sensitive to gluten, I would again err on the side of safety and suggest that you do not eat either the muesli or the muesli bar.

With regards to your peanut query, the manufacturing site does not produce any products with peanuts, therefore I can say that our products are peanut free.

I hope this helps you with your query.

Please do hesitate to contact me if you have any further queries.

Kind Regards,



In this reply you can read about the 5% rule and its *technological function*, which I mentioned earlier. So here I am shocked to have stumbled on this information about sulphites **hidden** and **undeclared** in our food. While, at the same time, I am relieved that I may have had just found a cure to my Fibromyalgia, (which I can now confirm I live a really good life free of all symptoms.

I got mad and it was time to make some noise. So back to my submission to the ACCC. First up, they are slow, bloody slow. From my submission to my first contact back from the ACCC, which I had to make by the way, was over five months. The following is an e-mail I got from the ACCC after a lengthy discussion over the phone about the claim. Scott refused to give me any details other than stating that they have followed up the investigation and they are happy with the outcome - very frustrating.

----- Original Message -----

Subject: [SEC=UNCLASSIFIED]

Date: Thu, 14 Oct 2010 05:27:43 +0000

From: Morris, Scott

To: barratthassett

Dear Paul

I refer to your complaint to the ACCC regarding Carman's Fine Foods and Food For Health.

As discussed with you today, this office has engaged with both of these traders regarding the issues you have raised. In regard to Carman's Fine Foods, this trader has informed this office that it uses Sodium Metabisulphate as an antioxidant and not as a preservative. Nevertheless, in response to the issues raised by this office and to avoid a risk of a contravention of the *Trade Practices Act 1974*, Carman's Fine Foods has reviewed its packaging and its website and has implemented changes to ensure that consumers are not misled. In regard to Food For Health, this trader has informed this office that its products do not contain sulphur (despite the content of their email to you).

Thank you for raising your concerns with this office.

Regards

Scott K Morris

Assistant Director | Enforcement Operations - Victoria

Australian Competition & Consumer Commission

<http://www.accc.gov.au>

This is NOT the end of it. What about a fine or charges for misleading the public? What are the timeframes involved in changing packaging? And regarding Food for Health, what evidence was submitted to prove that there were no sulphites? Surely they didn't just take her word for it? I was very angry at this point for being kept in the dark. The ACCC is supposed to be there for the consumer and they are NOT communicating with me. This is *wrong* and I was determined to make some more noise, I was damn determined to get some answers. The following is my reply - I waited a couple of days to calm down - good idea.

On 17/10/2010 11:40 PM, Barratt-Hassett wrote:

Hi Scott,

Thank you for your reply. I have a few questions, I would be most pleased if you could help me by answering them.

Starting with Carman's Fine Foods:

That is great news that they are now labeling their product correctly, I have been to their website and noticed the changes.

Q1: How long do they have to get the changes on their packaging in the supermarkets, I have noticed they are still the old packaging?

Q2: What fines were imposed on them given they have been doing the wrong thing for years? (There is a maximum fine of \$275,000 for putting sulphites in mince).

Food for Health.

This lady concerns me greatly. She has emailed me after your contact ranting on about so many different things, changing her story over and over again.

Q1: Did you review any prior receipts from her supplier proving she actually purchased the "Organic" Rice Bran Syrup she claims? If no, what was the process of investigation used? (I assume you didn't just take her word for it!)

Q2: Did you do any chemical testing on her products for sulphite levels? How did you determine her apples were sulphite free?

Thanks for your prompt reply.

Regards

Paul

I never received a reply from this arse hole. I rang and rang, left messages, e-mailed a couple of times. There was no answer until I sent this email.

----- Original Message -----

Subject: Re: Carmans Food Claim.

Date: Wed, 12 Jan 2011 15:52:44 +1100

From: Barratt-Hassett

To: Morris, Scott

Hello Scott,

Spoke to you on the phone before Christmas, you said you would reply to me and I am still waiting. Is it possible to get a response to my claim now the Christmas rush is gone?

Below are my questions in my email I sent to you October last year - that's 3 months ago!

thanks

Paul

Here is the reply.

----- Original Message -----

Subject: Carman's foods and Food for Health claim

Date: Mon, 24 Jan 2011 14:31:07 +1100

From: Tillig, Louise

To: barratthassett

CC: Morris, Scott

Dear Barrett-Hassett

Thank you for your email dated 12 January 2011.

I have attended 3 supermarkets since your email and have found that the packaging relating to the Carman's products do not raise any concerns with this office. If you have purchased the Carman's products recently that would raise concerns with this office can you please provide them to us with a receipt of purchase for further investigation?

I would also like to advise you that this office does not disclose its investigative processes or the results from those investigations to a complaint or the general public. Any outcomes that are public are published through a media release which can be found on our website. As a result I am not in a position to set out a reply to your questions.

I would like to thank you for bringing your concerns regarding the labelling on specific products on the supermarket shelves to our attention.

Yours sincerely
Louise Tillig

Evidence Officer | Project Officer | Enforcement Operations, Victoria
Australian Competition & Consumer Commission
Level 35 | 360 Elizabeth Street, Melbourne 3000
<http://www.accc.gov.au>

This is crap. Am I the only one feeling like I am pushing wet spaghetti uphill here? I cannot understand why everyone of these government organizations use bullshit policy crap to keep consumers in the dark. I think as a consumer we have the right to know the answers to the questions I have raised. The packaging in my local store has not changed and to claim "*...this office does not disclose its investigative processes or the results from those investigations to a complaint or the general public*", is another way of saying we are there for the consumer, but we will NOT be helpful, responsible, OR accountable by the consumer. In other words, we are just another facade that is bought, manipulated and controlled by large corporate organisations and doesn't represent the people at all.

At that point, I was getting mad and I started to put more pressure on them; I was not going away.

----- Original Message -----

Subject: Re: Carman's foods and Food for Health claim

Date: Tue, 25 Jan 2011 20:11:04 +1100

From: Barratt-Hassett

To: Tillig, Louise

CC: Morris, Scott

Hi Scott,

What is Louise talking about????

I will call you over the next few days. I want to get closure on this matter. You said you would get back to me months ago. I have been very patient.

regards

Paul

For two months I called and left messages. Finally, I got a reply in the form of a phone call from Louise making an appointment time for a Tony from the ACCC to call me. Here is an overview of the call:

Regarding Carman's Foods:

Because Carman's has agreed to change their packaging they have dropped the issue. There have been no charges or fines imposed as according to Tony this would be a matter for the courts to decide and the ACCC is not pursuing court action. There are no enforcements on timeframes required for the packaging to change on supermarket shelves.

In other words, at best, they got a slap on the wrist and it wasn't even really a slap. It was more like *sorry to bother you but we have a wingy consumer bothering us*. This starts to show you why HUGE amounts of manufacturers are deceiving the public in the name of profits - there is NO real regulatory body that deters manufacturers from doing the wrong thing.

Regarding Food for Health:

I will cover that story in a moment, but for the main part I was told by Food for Health that its rice bran syrup contains sulphites. Then, the ACCC tells me there are no sulphites regardless of what was e-mailed to me. I questioned Tony on this as to what proof they obtained to confirm the accuracy of her sudden change of face.

It turns out that NO receipts were ever received even though they were requested. So I turned up the heat on Tony about this informing him that I had made contact with Pureharvest to verify her claims about the rice bran syrup and could not confirm that she was telling the truth. Well, it appears that Tony agrees with me on that one and is now doing his job (at least he says he is) and is following up on the receipts that were requested and never received.

The following is his reply overviewing the conversation at my request. I tried to get as much

information as I could in writing so people could read it for themselves, rather than take my word for it.

----- Original Message -----

Subject: RE: Food for health [SEC=UNCLASSIFIED]

Date: Wed, 16 Mar 2011 18:17:51 +1100

From: Mineely, Tony

To: Barratt-Hassett

Dear Paul,

Thank you for accommodating the change of time for discussion. As advised I have reviewed the file. I apologise for the previous staff email, which didn't address your prior email's specific concerns and which did not correctly communicate our position on explaining our processes.

I confirm that both companies are aware of the need to exercise care in the use of express absolute claims and the distinction with them from mandatory disclosure requirements under the Food Standards Code.

As advised in light of the action taken by Carman's Fine Foods to redress its labelling and website and the subsequent prompt introduction of new packaging no further action is proposed in respect of that company and the matter has been resolved administratively without action being undertaken to seek the imposition of penalties through the court process.

In respect of Food for Health, I will be writing to the company seeking further detail to explain the reason for the revised sulphite position adopted in respect of rice bran syrup and to demonstrate the accuracy of the claim.

I expect to be in touch in the not too distant future.

Yours sincerely

Tony Mineely
Director | Enforcement Operations Victoria
Australian Competition & Consumer Commission
<http://www.accc.gov.au>

Did you notice that Tony says, "*I apologise for the previous staff e-mail*"? Even he agreed that the way I was treated was not good enough. I bet you that most people get treated this way by the ACCC, because I know human nature and it is always the same as *how people do anything is how they do everything*.

For the record, it has taken me since the 10/06/2010, (first claim letter to ACCC) to 01/05/2011, (current time of writing this) to get this far with the ACCC. That is just shy of a year. Furthermore, I

have e-mailed the ACCC more than six times and left more than six phone messages in order to get them to respond to me. Still, I can tell you that after the hard work, the rejection, the knock backs, the slippery, slimy policies, and the lack of action, I have not gotten closure on the claim. It's in an ongoing investigation.

Have you ever noticed that if a new law needs to be passed *in the name of food security* or some government organisation *has to claim money from its people*, it gets pushed through; it gets done straight away? Yet it is all too common that these types of claims are an *ongoing investigation*.

The fact is, I want to vent a little at these organisations and “stick it up ‘em” as a true Aussie boy would say, but often this doesn't get you anywhere, so I gave a more diplomatic reply below.

----- Original Message -----

Subject: RE: Food for health

Date: Wed, 16 Mar 2011 13:14:22 +1100

From: Barratt-Hassett <barratthassett@bigpond.com>

To: tony.mineely@accc.gov.au

Hello Tony,

Great to finally get some answers. While I am frustrated at the system, laws and food industry in general, I understand your position in terms of regulation.

Thanks you for ringing me, please keep in touch with me.

Attached are 2 emails coving Narelle saying rice bran does contain sulphites, and the apples might contain them.

also 1 email from pureharvest stating they only sell “Organic” rice bran.

I feel she is hiding something but it may well be she is just unorganised.

Either way I would feel better with receipts from pureharvest showing purchases before my date of contact.

thanks for your help and understanding regarding this issue.

cheers
Paul

RE Food for Health:

All right, let me give you the final chapter to this eye opening experience. Keep in mind when you read the following number of emotionally packed, drama driven e-mails that this is a manufacturer talking here and ask yourself this question, “Isn't this person supposed to know what actually goes into their product?” After all, they are the manufacturers of their goods. One would expect one to

know if their product contains preservative given they sprout it all over their packaging in the words of “Sulphur free fruit” and “All sulphur free”.

Hopefully, by the time I finish writing this book, we will have closure and all the facts will be in, but for now, I don't know if this lady is telling me the truth or lying or is just unorganised with her business. My better judgment tells me she is lying about the rice bran syrup and that it really does contain sulphites, but I cannot be sure. I want to take her word for it, but I am so confused about what to believe. I really want to see the invoices to set my mind at ease. I first called Food for Health about my enquiry regarding sulphites, so here is the first email contact from them as a result of that call.

----- Original Message -----

Subject: Sulphites question

Date: Fri, 26 Mar 2010 14:55:58 +1100

From: Narelle Marshall

To: barratthassett

Hi Paul

I am just responding to your phone call this morning. I have meet with our food tech guys this morning and it is quite a long process to find this out as we need to go back through our raw material suppliers and get reports from them. please bear with us as we undertake this investigation.

Thank you

Kindest

Narelle Marshall

Naturopath & Founder

Food for Health

www.foodforhealth.com.au

Two weeks later, there is still no reply, so I e-mailed her again.

From: Barratt-Hassett

Sent: Wednesday, 7 April 2010 8:59 PM

To: Narelle Marshall

Subject: Re: Sulphites question

Hi Narelle,

Just touching base to check that you have not forgotten me regarding the trace sulphites question.

cont...
Thanks
Paul

Her reply.

----- Original Message -----
Subject: RE: Sulphites question
Date: Thu, 8 Apr 2010 09:34:52 +1000
From: Narelle Marshall
To: 'Barratt-Hassett'

Hi Paul

I have not forgotten you....it is actually a long process.
Our procurement guy is looking into it, but with Easter just been alot of people have been away.

Kindest

Narelle Marshall
Naturopath & Founder
Food for Health
www.foodforhealth.com.au

Two months pass from the original contact and still no answer, so I e-mail again, this time putting a little bit more pressure on her.

From: Barratt-Hassett
Sent: Wednesday, 26 May 2010 7:48 PM
To: Narelle Marshall
Subject: Fwd: Re: Sulphites question

Hello Narelle,

Any progress on the trace sulphites question?

Its been 2 months and you still cant tell me if your product contains sulphur dioxide under 10 part per million, or cross contamination is a risk.

cont...

How well do you actually know your product and what you are selling to us consumers???

thanks

Paul

Here is her reply.

----- Original Message -----

Subject: RE: Re: Sulphites question

Date: Wed, 26 May 2010 21:08:49 +1000

From: Narelle Marshall

To: 'Barratt-Hassett'

Hell Paul

No need to be patronising..

It is an unusual question and my manufacturer's lab team have been doing their best. They have to rely on raw material suppliers etc..... and it is an very involved expensive lab test and I am waiting on to many people to get accurate results.

I think for your peace of mind I would not purchase my product again, just to be on the safe side.

Kindest

Narelle Marshall

Naturopath & Founder

Food for Health

www.foodforhealth.com.au

Okay, timeout here for a second. First up, generally this is NOT how it works. What I am seeing here is just a smokescreen to try and divert me away from her answering my questions. Getting the answer to my question is really simple and takes only two minutes to do, NOT months. Getting lab tests, etc., is just garbage. All manufacturers get what is called a **product declaration sheet** with their purchase of raw goods, that's a fact, it's the law, and a standard act suppliers follow when supplying to these types of manufacturers.

I knew this and was playing the role of an ignorant consumer anyway, because I wanted to see how long she would drag this out. I guess my patience was not holding the stamina I had envisioned. So I decided to try and steer her in the right direction.

Here is my next e-mail.

----- Original Message -----

Subject: Re: Sulphites question

Date: Tue, 01 Jun 2010 10:34:40 +1000

From: Barratt-Hassett

To: Narelle Marshall

Hello Narelle,

I appreciate the extensive testing you are going to but usually sulphites are present in certain ingredients.

Q: While you are waiting for your lab team to run the extensive tests, would you be willing to drop an email or make a quick call to your supplier of “rice bran syrup” and query them if the rice bran syrup contains any level of sulphites?

Most of your other ingredients most likely won't have them based on my research thus far, its usually the syrup extracts that contain them.

Again thanks for going to great lengths to get this answer for me.

cheers

Paul

Finally, a reply other than excuses:

----- Original Message -----

Subject: RE: SPAM-LOW: Narelle, didn't hear back.

Date: Thu, 3 Jun 2010 12:42:42 +1000

From: Narelle Marshall

To: 'Barratt-Hassett'

Hi Paul

Yes I did get your email.

Right finally have some answers from you.

No cross contamination is possible due to storage and clean down process.

The only fruit that may have sulphur in 10 parts per million is the apples. All other fruit is completely sulphur free.

So if your that allergic that you cannot consume products with this sulphur ratio, it is best you do

not consume Food for Health's gluten free muesli.

Thank you for your patience.

Kindest
Narelle Marshall
Naturopath & Founder
Food for Health
www.foodforhealth.com.au

Whoa, isn't that interesting that "*The only fruit that may have sulphur in 10 parts per million is the apples*". So her labelling says, "sulphur free fruit" yet here she is saying the apples may have sulphur. She is NOT saying that there is no question my fruit is 100% sulphur free, which is the answer I was expecting. So that begs the question then, does her fruit have sulphur or does it not and why doesn't she doesn't have the confidence to say 100%? I smell a rat here, so I dug a little deeper and keep the pressure on. Here is my next e-mail a couple of days later.

From: Barratt-Hassett
Sent: Sunday, 6 June 2010 12:08 AM
To: Narelle Marshall
Subject: Narelle, still waiting for rice bran syrup confirmation.
Importance: High

Hi Narelle,

I have been speaking to a couple of the major manufactures of glucose syrup her in Australia and NZ. The tell me that companies like yours should have a "product declaration" sheet with the supply of syrup you are receiving. If you do not have this product declaration with your order then it is easily obtainable from your supplier.

So why is it so hard to get an answer from you regarding your rice bran syrup, according to the main manufactures here in Aust this information should already be in your presence or at worst a quick email or phone call to your supplier???

Can you please give me an answer: Does your rice bran syrup contain any levels of sulphur at all?

thanks for your patience of clarifying this for me - it is really important.

Paul

Here is her reply.

----- Original Message -----

Subject: RE: Narelle, still waiting for rice bran syrup confirmation.

Date: Mon, 7 Jun 2010 08:04:40 +1000

From: Narelle Marshall

To: 'Barratt-Hassett'

Hi Paul

Sorry been very busy,
Yes the rice bran syrup contains sulphur

Kindest

Narelle Marshall
Naturopath & Founder
Food for Health
www.foodforhealth.com.au

Well, there you have it in black and white and it is what I was expecting all along, "*Yes the rice bran syrup contains sulphur*". I knew it. You see there are only a couple of main suppliers of glucose syrups in Australia and I had spoken to them directly (which you will read about in the next chapter) and all forms of manufacturers' syrups have sulphites present.

That was all I needed for my claim to the ACCC, so I submitted the claim two days later, by memory, which you read at the start of this chapter.

Then out of the blue, nearly two months later, I got this unsolicited e-mail from her which started a chain of events that left me feeling very unsure of any truth about a word this lady was saying.

----- Original Message -----

Subject: Thank you

Date: Wed, 28 Jul 2010 18:08:34 +1000

From: Narelle Marshall

To: 'Barratt-Hassett'

Hi Paul

Just wanted to say, thank you for going to the ACCC.

Kindest

Narelle Marshall
Naturopath & Founder
Food for Health
www.foodforhealth.com.au

Okay, “look out,” I thought, it looks like she is trying to pick a fight. Here is my reply, in hindsight I probably shouldn’t have replied, but you know I just could not help myself. I want manufacturers to know that they cannot get away with deceiving consumers any longer, it has to stop.

From: Barratt-Hassett
Sent: Thursday, 29 July 2010 3:57 PM
To: Narelle Marshall
Subject: Re: Thank you

Hi Narelle,
Is that sarcasm?

I am only trying to find out why a product would be labeled “No sulphites” yet contain them. So why are you thanking me???

Paul

Her reply.

----- Original Message -----
Subject: RE: Thank you
Date: Thu, 29 Jul 2010 17:17:36 +1000
From: Narelle Marshall
To: ‘Barratt-Hassett’

Hi Paul

Thanking you for making me accountable.

My products are not labelled “no sulphites”... my products are labelled “sulphur free fruit”. And as I said in my email to you.....the apples MAY contain sulphur...and they don’t.
Take care

Kindest

Narelle Marshall
Naturopath & Founder
Food for Health
www.foodforhealth.com.au

What? So now the apples DON’T contain sulphites? Maybe they *do*, maybe they *don’t*. Yes, the rice bran syrup does. Next, she will be saying the rice bran syrup doesn’t contain sulphites. What is this woman on about? Does she know her product? Let me tell you, if there were more

products available on the market today that were free of sulphites, if I didn't react so violently to sulphites, and if manufacturers got back to me with straight answers, I would be happy to let these replies go, but the fact is I *do* react badly and I am not about to risk another reaction just because manufacturers think a small amount in no big deal.

I let it rip here. No more Mr. "Nice" guy.

Here is what I e-mailed.

From: Barratt-Hassett
Sent: Thursday, 29 July 2010 6:21 PM
To: Narelle Marshall
Subject: Re: Thank you

No problems, there is more coming, that you can be sure of.

Your products "imply" they contain no sulphites. People eat your products because of the implication of "sulphur free fruit" has on your product.

Marketing them to people who are sensitive to sulphites or are trying to avoid them is deceptive. If you think that this is still OK, just because of the loop holes in the law then you have some interesting core values that make up your personality and what you represent in your business and its products.

Lets just wait and see what the Australian public have to say about it. Lets let them make the judgment.

I for one find it disgusting, deceptive and intend to do as much as possible to let the public at large know about you and many other companies doing the same thing.

Thank you for the lack of reply's to my emails, your vague responses and deceptive business practices. It was these very actions that got me suspicious in the first place and motivated me to dig deeper and uncover these "hidden" sulphites in our foods.

The result, I am now 100% cured of my 18 year battle with chronic fatigue syndrome.

I am eternally grateful
Thank you
Paul

Her reply.

----- Original Message -----

Subject: RE: Thank you

Date: Thu, 29 Jul 2010 18:53:40 +1000

From: Narelle Marshall

To: 'Barratt-Hassett'

Paul

My products do not contain sulphur, and no not even in the rice bran syrup. so I do not mislead my customers. I am trying to support people with food allergies.....at least I care enough to put Food for health's focus on allergies to make life that little bit easier for them. 99.9% of my customers are forever grateful, I am sorry you are not.

I appreciate what you are trying to achieve, I take food allergies very serious after losing my niece to a peanut allergy at the age of 5.

I do not appreciate you judging my core values..... I worked with you as best I could, and kept in contact and if that did not live up to your standards then you must be a better person than me, or just maybe you do not run your own business, care for a dying father and have children.

I don't wish to get into a slinging match with you Paul

I am glad you are cured of your chronic fatigue, i have suffered from it myself, but not nearly as long as you..... maybe if you focused on more positives things in your life you may have been cured earlier.

Our health is often a state of mind.

Good luck with your future....I wish you all the health and Happiness you can find.

Kindest

Narelle Marshall

Naturopath & Founder

Food for Health

www.foodforhealth.com.au

My reply.

From: Barratt-Hassett

Sent: Thursday, 29 July 2010 8:41 PM

To: Narelle Marshall

Subject: RE: slinging match over sulphites

Narelle,

I don't want a sling match either. I just want to eat food that says it is what it is. A year ago I found out that food is much more than what is declared on the pack. For most of my life I have been feed (without my knowledge) low levels of sulphites causing great pain physically, emotionally and mentally.

cont...

I am sorry that you got in the middle of my quest. While I am sympathetic of your dieing father, running a business (Try running a business, parenting 4 kids, while reacting violently to poisons “hidden” in your food, not knowing why every day of your life why you are violently ill) following are the facts of our interaction.

- You and I know exactly what is going on in the industry and the flaws in the law regarding allergy declaration. There will be many more deaths to come yet, sadly. (Sorry to hear of your loss). I have kept my anaphylactic daughter alive for 8 years, but only due to my vigorous research and persistent study.

- You and I know that products you use have product declaration sheets.

- You and I know the 10% rule declaring sulphites and the 5 % “technical function” rule in the end product.

- You and I know that you had a change to answer my question simply, directly and straight forward in one email and you did not for what ever reason. It took me weeks to get you to reply to my emails.

One email says, “yes” we do have sulphites, the other says “NO” they don’t contain sulphites. One email says, apples may have sulphites, next email says no the apples don’t have any sulphites.

I don’t know what to believe. Again you had the chance to be straight forward with your reply, you choose not to for what ever reason.

I wish I could believe you but sadly I do not. I believe no manufacture on the planet. I do the very best I can to sniff out the lies (and they are thick and fast) then once I am satisfied that I have done absolutely everything I can to determine if they are lying to me or not, I then try the food and listen to the violent reactions that I get back, or not, from my body telling me the REAL truth.

I will NOT be testing your product to find out, nor will I be recommending it on my “safe food list” I am doing up. If you have syrup that is guaranteed to be 100% sulphur free. Then give me your suppliers name and contact details and I will gladly research further and back down and re position your product.

Alternately, if you choose to go “Organic” with your syrups, let me know and I will re-asses your product.

regards
Paul

Her reply.

----- Original Message -----

Subject: RE: slinging match over sulphites

Date: Fri, 30 Jul 2010 11:08:06 +1000

From: Narelle Marshall

To: 'Barratt-Hassett'

Paul

Pure harvest is our supplier of rice bran syrup.

I outsource my manufacturing and while you were waiting on me, I was waiting on the food technician to return from her honeymoon for the correct answers.

I told you not to eat our range until I have further confirmation.

Take care

Kindest

Narelle Marshall

Naturopath & Founder

Food for Health

www.foodforhealth.com.au

My reply.

From: Barratt-Hassett

Sent: Friday, 30 July 2010 12:14 PM

To: Narelle Marshall

Subject: Re: slinging match over sulphites

Hi Narelle,

What are the real answers here, what is the truth. I would love to know. Let me remind you what information you have supplied to me thus far. I am only going on what you are saying. Never made anything up.

First - No mention of honeymoon or waiting for correct answers. In fact you actually use the words ..."right finally have some answers for you"...

Here is what you emailed me.

cont...

*****Start email*****

Hi Paul

Yes I did get your email.

Right finally have some answers from you.

No cross contamination is possible due to storage and clean down process.

The only fruit that may have sulphur in 10 parts per million is the apples. All other fruit is completely sulphur free.

So if your that allergic that you cannot consume products with this sulphur ratio, it is best you do not consume Food for Health's gluten free muesli.

*****End email*****

Second: Then you state that the rice bran does contain sulphur. Here look this is what you wrote. Again no mention of waiting on the correct answers, no mention of just to be sure or it might I will get back to you with a final confirmation. It says ..."Yes the rice bran syrup contains sulphur".

*****Start email*****

Thank you for your patience.

Hi Paul

Sorry been very busy,

Yes the rice bran syrup contains sulphur

*****End email*****

So does this mean you were telling lies then or now?

So, you are saying if I get your products lab tested in Melbourne (as per recommendation from Terry Oughtred solicitor from FNAZ) that they will come back showing levels of sulphur dioxide will be zero?

I would be very mindful of your answers here. Its one thing to be doing something misleading but it is another to be telling lies to cover up. So here I am situated now with two conflicting stories from you.

So what is the REAL truth. All sounding very doggy to me. I will make sure I turn every stone as it looks very messy from where I am standing.

Don't understand why you would give me two totally different stories.

regards

Paul

And her contradictive reply.

----- Original Message -----

Subject: RE: slinging match over sulphites

Date: Fri, 30 Jul 2010 12:56:24 +1000

From: Narelle Marshall

To: 'Barratt-Hassett'

Yes but if you remember correctly I emailed and said I had not forgotten you.....I was waiting on some answers myself.

I said MAY because that was the last bit of information I was waiting on.... I knew the fruit was sulphur free, I saw the specs on finalising of the product, and before we went to print, but when someone asks you for proof you want to make sure everything is spot on before willy nilly handing out the wrong info. I said what said to be safe than sorry and that is a simple as that. I just did not have specs on hand at my office. The are stored at my manufacturers.

I did not say "honeymoon" exactly, I just said give me some time...either way I had my reasons without going into detail about my colleagues personal business.

That email below was probably email number 5.

If you want reassurance speak to your case manager at the ACCC.....they have all the relevant reponses they requested on behalf of your complaint.

Take care

Kindest

Narelle Marshall

Naturopath & Founder

Food for Health

www.foodforhealth.com.au

I could go on about many of her contradictions here, but I won't. Here is just one example of what I am talking about. She mentions, *"I knew the fruit was sulphur free, I saw the specs on finalising of the product, and before we went to print, but when someone asks you for proof you want to make sure everything is spot on before willy nilly handing out the wrong info. I said what said to be safe than sorry and that is a simple as that. I just did not have specs on hand at my office. The are stored at my manufacturers"*.

Yet she told me in an earlier e-mail, *"...and it is an very involved expensive lab test and I am waiting on to many people to get accurate results"*. Now she is saying that she has specs stored at the office on finalising of the product BEFORE it went to print, yet told me she was waiting on lab results. This is what I am talking about, NOTHING she says adds up. As they say, tell one lie and you are forever trying to cover it up.

Here is my response.

From: Barratt-Hassett
Sent: Friday, 30 July 2010 2:00 PM
To: Narelle Marshall
Subject: Re: slinging match over sulphites

Narelle,
You told me the fruit may contain sulphites, now again you say you "knew" the fruit was sulphur free.... you keep contradicting yourself!!!!

I originally emailed you back on the 26/03/10 here we are on the 30/07/10
You are forced to find the answers because of the ACCC. How many months would I have had to wait for your to give me the correct answers if ever at all?

It takes you 4 months to get specs from storage at your manufactures????

You either lying or you are a really bad business person.

Please do not reply. Lets leave it as it is. I can not bare to hear anymore from you it really makes me feel very afraid about the safety of our food. I have heard enough.

I will be interested to see what the ACCC gets back to me with.

I hope you do the right thing from now on.

regards
Paul

And I thought that would be the last I would hear from her. Keep in mind she contacted me out of the blue but no, here is her reply.

----- Original Message -----

Subject: RE: slinging match over sulphites
Date: Mon, 2 Aug 2010 15:37:35 +1000
From: Narelle Marshall
To: 'Barratt-Hassett'

Stop harassing me Paul.....take it up with the ACCC

Kindest

Narelle Marshall
Naturopath & Founder
Food for Health
www.foodforhealth.com.au

Stop harassing her? Ha! You've got to be kidding.

Let me ask you this: You have read the emails, I haven't changed a word, good, bad, and ugly. Would you trust your health on the balance that this woman is telling the 100% honest truth about her product?

I will let you be the judge of that.

While I would love to give you the final closure on this I am sorry to say that the ACCC has not gotten back to me. I must print the book at some point, so I have decided to go to print as it is. Here is my last contact I had with the ACCC.

----- Original Message -----

Subject: Re: Food for health

Date: Fri, 29 Apr 2011 15:33:01 +1000

From: Barratt-Hassett

To: Mineely, Tony

Hi Tony,

How are you going getting receipts from Food for Health in respect of rice bran syrup and to demonstrate the accuracy of the claim?

thanks
Paul

This is just in today: I have just received another response from the ACCC. Here it is.

----- Original Message -----

Subject: RE: Food for health [SEC=UNCLASSIFIED]

Date: Mon, 2 May 2011 17:02:13 +1000

From: Mineely, Tony

To: Barratt-Hassett

Dear Paul,

Further to your inquiry, I have since spoken to the officer holding the file. Following review of communications with Food for Health and some further technical inquiries being undertaken, I have agreed with the officer that there is no need to further contact the company.

From the above, I understand the following to be the situation. Typically a reference to Sulphur in food is in fact a reference to Sulphur Dioxide (SO₂), which is an element used in foods as a preservative or as a reducing agent. Sulphur Dioxide is typically represented on food labelling as 'E220'. The Pure Harvest Food Specifications for the Organic Clarified Brown Rice Syrup 42DE used

by Food For Health shows that there is 'NIL' SO₂ present in the syrup used. I understand the initial incorrect cautious position adopted by Ms Marshall was occasioned by the holiday absence of the company's food technician and some other factors which saw the matter drag out and which led to her wanting to conclude discussion on the issue with you.

In light of the specification sheet clarification and noting also that the only express representation was sulphur free fruit, I am satisfied there is no need for this office to pursue the matter further at this time.

Nevertheless this has been quite an interesting issue to explore and I thank you for your interest and patience.

Yours sincerely

Tony Mineely
Director | Enforcement Operations Victoria
Australian Competition & Consumer Commission
Level 35 The Tower | 360 Elizabeth Street Melbourne 3000 |
<http://www.accc.gov.au>

Well, I must say I am very disappointed in this reply. While I can see how the legal system likes to view these things and argue semantics and interpretation of law, I still feel strongly that the implication here is that Food for Health is marketing to people who want to avoid sulphites. My response reflects those feelings, below. Furthermore, here I was thinking he was writing to her again and in fact he has done nothing. Nice of him to let me know.

----- Original Message -----

Subject: Re: Food for health [SEC=UNCLASSIFIED]

Date: Mon, 02 May 2011 18:05:07 +1000

From: Barratt-Hassett

To: Mineely, Tony

Hi Tony,
Thanks for your reply.

I feel like we are playing with semantics now. The label "sulphur free fruit" implies that this product does not contain preservative. It is marketed and aimed at people trying to AVOID sulphites. So I still feel this is a deceptive representation of a product to consumers.

If you want to use your own protocol here and look at semantics here are the facts. Food for Health labels their product containing "rice bran syrup" NOT "*Organic* Rice Bran Syrup" so technically their is an incongruity in the specifications sheet provided and the actual product label on the packaging.

All I am requesting is there be some "proof of purchase" in manufacturing quantities BEFORE

cont...

the date of my claim for the rice bran syrup to validate her change in story. (Why were the original requests for receipts NOT followed up on as you have informed me prior?)

I do not feel that is an unreasonable request, in light of her story changing so much (of which I supplied to you via email) gives plenty of cause for the need to validate her story.

Look forward to your reply
regards
Paul

So this is what we are up against, folks. The little one man consumer with no legal training, very little knowledge in food regulation, and investing over a year of precious time fighting two little cases in the fight against toxic preservative chemicals in the food chain. Is it not any wonder that large multinational chemical companies, manufacturers, and suppliers don't really "sweat" the ACCC or FSANZ and the regulatory policies?

I only hope my book reaches the consumer and you hear the message, you see what I see is going wrong with the food industry, and you make the choice to purchase fresh, healthy, unprocessed foods and say, "NO" to these chemical pushing multinationals and let their toxic food sit on the shelves. This will make the greatest impact of all.

In regards to the ACCC, we must remember we are talking about the process of enforcing the act and regulating the consumer industry. What is it we have learned from this exercise? Here are a few points that jump out at me:

- Manufacturers can put pretty much anything in their product without any reprimand or punishment, providing they don't have evidence against them linking them to a large number of deaths, and even then, it depends on who you are and what sort of lawyer you can afford.
- Food additives laws are NOT policed. There are thousands of manufacturers across the world putting in additives and other processing aids **undeclared** and no one is policing them.
- Even when a manufacturer admits to misleading consumers, NO fines or punishment have been issued - where is the deterrent?

While I am not surprised at how difficult this was, I can say I feel very unsatisfied about my quest towards these companies and the impact that I have had on urging them towards doing the right thing. While Carman's foods was a win, that was great, Food for Health is still dragging out, and I must say, I am nearly over it. I would consider myself passionate about the subject and I am nearly done with the waiting, I can't imagine too many other consumers would be bothered, and manufacturers know this. Governmental regulators take longer than most people's lifetimes to change anything. As a result, very few things ever really change.

This has made me even more determined to get this book out with my story. Maybe then, things might change. For the future generations that are to follow, I sure hope so, because it won't be long before our food is inedible? Then what will we do?

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