



Distilled Spirits Aotearoa (NZ) Incorporated

New Zealand Business Number (NZBN): 9429047031708

Certificate of Incorporation: 2716891

Registered office: 16d Sunley Street, Westtown, New Plymouth 4312, New Zealand

Telephone: +64(0)22 305 6547 email: richard@distilledspiritsaotearoa.org.nz

DistilledSpiritsAotearoa.org.nz

DSA Submission on Application A1271 - Cellulase from GM *Aspergillus niger* as a processing aid

21 September 2023

Distilled Spirits Aotearoa (DSA) is grateful for the opportunity to submit on the Application A1271 - Cellulase from GM *Aspergillus niger* as a processing aid. The successful application would amend the Australia New Zealand Food Standards Code to permit cellulase from genetically modified *Aspergillus niger* to be used as a processing aid in brewing of beer and in distilled alcohol production.

Distilled Spirits Aotearoa:

DSA currently represents 104 New Zealand distilleries, plus 19 pre-commercial distilleries expecting to start business in 2024/25. We estimate DSA membership coverage is 78% of the NZ spirits industry.

The New Zealand Distilled Spirits Industry:

The New Zealand spirits industry is made up of more than 150 distilleries, which employ approximately 910 jobs with an estimated \$41 million per year in wages. The industry is largely made up of small and medium family businesses, with over 65% located in rural and regional New Zealand. The industry has a downstream economic value of \$16.8 million across other industries such as tourism, hospitality, research, agriculture, and manufacturing, providing approximately 1,547 downstream jobs.

Our distillers are recognised amongst the best in the world, bringing home prestigious awards such as the World's Best Gin at the International Wine and Spirits Competition on three different occasions. The New Zealand spirits' sector currently has an export value of \$45.8 million, with New Zealand-made spirits having the potential to match if not exceed the value of New Zealand's Wine Exports. One third of DSA member distilleries are set up for tours/ events and cellar door experiences, and this has become a significant part of their business income and brand development.

Submission

DSA supports the use of cellulase from genetically modified *Aspergillus niger* to be used as a processing aid in brewing of beer and in distilled alcohol production, however it should **not** be permitted for use in the production of spirits labelled as **New Zealand Single Malt Whisky**. In addition, this restriction should be extended to the use of any enzyme (eg. cellulase, proteinase, amylase, whether from GE or non-GE sources) in the production of **New Zealand Single Malt Whisky**.

Background

During the negotiations for the recent NZ-UK Free Trade Agreement, it was agreed that Australia and NZ current definitions of whisky need to be strengthened to improve product authenticity and reduce counterfeits between the countries. An improved Food Standard should be created for New Zealand and Australian whisky.

[UK-New Zealand FTA Chapter 7: Technical Barriers to Trade - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/101442/UK-New_Zealand_FTA_Chapter_7_Technical_Barriers_to_Trade_-_GOV.UK.pdf)

Chapter 7 Technical Barriers to Trade Annex 7A (Wine and Distilled Spirits)

12. New Zealand shall support any good faith and complete application submitted by the United Kingdom, or any persons of the United Kingdom, that is consistent with the definition recognised in paragraph 1, to secure a standard for "whisky" or "whiskey" in accordance with the procedures for amendment of the Australia New Zealand Joint Food Standards Code as provided for in the Food Standards Australia New Zealand Act 1991, and elaborated on in the Application Handbook as amended from time to time. For greater certainty, New Zealand shall provide support throughout the application process, once the application has been submitted.



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13. Nothing in this Section shall be construed as preventing New Zealand from requesting that Food Standards Australia New Zealand consider developing a standard for “whisky” or “whiskey” as defined in paragraph 1 in accordance with the procedures for amendment of the Australia New Zealand Joint Food Standards Code, as provided for in the Food Standards Australia New Zealand Act 1991, and elaborated on in the Application Handbook as amended from time to time.

The current Australia New Zealand Food Standards Code, states that:

“spirit means a potable alcoholic distillate, including whisky, brandy, rum, gin, vodka and tequila, which, unless otherwise required by this Standard, contains at least 37% alcohol by volume, produced by distillation of fermented liquor derived from food sources, so as to have the taste, aroma and other characteristics generally attributable to that particular spirit.”

This means that any distiller could mix a whisky flavouring with alcohol produced from a food source and label it as whisky.

Australian distillers have a slightly more defined standard via “The Excise Laws Amendment (Fuel Tax Reform and Other Measures) Act 2006” ([5 ADA-Guidance-Summary.pdf \(australiandistillers.org.au\)](#)).

“Brandy, whisky or rum manufactured in Australia must not be delivered from the CEO’s control unless it has been matured by storage in wood for at least 2 years”
and *“whisky means a spirit obtained by the distillation of a fermented liquor of a mash of cereal grain in such a manner that the spirit possesses the taste, aroma and other characteristics generally attributed to whisky.”*

In New Zealand, members of Distilled Spirits Aotearoa and the New Zealand Whisky Association involved in whisky production have, by consensus, developed a comprehensive standard for Whisky producers in New Zealand. DSA formally accepted the [NZ Whisky Definition](#) into the DSA regulations in February 2021. Whisky that is labelled as **New Zealand Single Malt Whisky** is very restrictive in the process that can be used in manufacturing. No additional enzymes may be added or used beyond what is already naturally occurring in the grain. **New Zealand Whisky** has a broader scope of process limits, with enzymes able to be used to speed up the process and increase yield.

The prohibition on the use of added enzymes is similar to the UK Government standard for **Scotch Whisky**: [TECHNICAL FILE FOR SCOTCH WHISKY \(publishing.service.gov.uk\)](#)

Next Steps

There is an international agreement to create improved legislation around the definition of New Zealand and Australian whisky. **Application A1271 - Cellulase from GM *Aspergillus niger* as a processing aid** highlights the fact that many GE/non-GE enzymes could be used by distillers, unaware of the implications to their final product.

Product authenticity/ brand identity is a key priority for both DSA and the Australian Distillers Association. We have begun conversations with FSANZ and supporting branches of MPI to create improved Standard(s) for all Australian and NZ distilled spirits (not just whisky).

Yours faithfully

Richard Wilson

Chair – Distilled Spirits Aotearoa (NZ) Inc