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Christian Certification Authority Pty Ltd

ABN 48 603 072 073

Bringing businesses into the light!

17/08/2020

Dear Sir / Madam

Thank you for your in depth review of CTM 1991912.

Your initial assessment indicates you are not satisfied that our application meets the criteria set out in section 175(2) of the TMA and regulation 16.6 of the TM regulations, in particular they are unsatisfactory in regard to principles related to unfair practices related to misleading and deceiving customers. We hope to address those concerns and provide some clarity, as it is not our intention to deceive or mislead consumers. Furthermore, we are happy to work towards amending any areas of concern or criteria that may not have been explained or articulated sufficiently in the original application.

Our intention is to apply our registered trademark alongside products already bearing Kosher and / or Halal trademarks only. Halal and Kosher certified products are available in most supermarkets and similar retailers. CCAA agrees that should our logo appear on a product where no other Halal or Kosher trademark was applied, it may give rise to the possibility of being considered deceptive or misleading. However, CCAA will only be applied to products that have undergone Halal or Kosher certification already. CCAA logo will not appear independent of other religious certification.

Christians are free from the laws of the old testament in relation to most foods. However, where a product is certified or prepared in accordance with alternative religious requirements, Christians ought to be able to independently verify if those foods are still acceptable. CCAA can do this by applying our process alongside Halal and Kosher processes on existing products. We believe where a claim has been made that certain products may have undergone a procedure

of change to obtain Halal or Kosher certification, that this may cause some concern to Christian consumers. We will review that process also to ensure mainstream Christian beliefs have not been compromised. Where a claim is made that products are Halal and or Kosher certified, it leaves an opportunity to also ensure that these same products are also acceptable for the Christian consumer with our certified trademark. If there has been no physical or spiritual change made by the Kosher or Halal certification, and perhaps it's merely the case the products simply don't consist of ingredients that are not accepted by Kosher and Halal processes and never did before they were certified, then this same product is acceptable for the Christian consumer to enjoy. Concerned Christians should be made aware of this by the application of a Christian logo placed alongside other religious logos on certified products.

The ACCC was not satisfied on the basis of several grounds as outlined in paragraph 29 of your initial response, titled 'ACCC assessment'. We will now respond to those issues starting with paragraph 14, 16 and 29 through 60.

Initial assessment of Certification Trade Mark application CTM1991912 filed by Christian Certification Authority Australia Pty Ltd

Initial assessment

In accordance with the Trade Marks Act 1995 (TMA) and the Trade Marks Regulations 1995 (TM Regulations), the ACCC has made an initial assessment of certification trade mark application 1991912 (CTM Application) filed by Christian Certification Authority Australia Pty Ltd (ACN 603 072 073) (CCAA).

satisfied that the Application meets the criteria set out in section 175(2) of the TMA and regulation 16.6 of the TM Regulations.

In particular, the ACCC is not satisfied that the rules governing the use of the CTM are satisfactory having regard to principles relating to unfair practices, because the ACCC considers that the rules would permit the CCAA logo to be used on goods/services in circumstances in which its use may mislead or deceive consumers.

Interested parties have one month from the date IP Aust assessment in the Official Journal of Trademarks to lodge a submission and/or call a conference in relation to the initial assessment.

The CTM Application The applicant 5.

owned and run company dedicated to

providing equal marketing opportunities in the food manufacturing and production 1

different denominations with the same beliefs in rela It operates a website for the Christian

certification scheme (www.ccaaustralia.com), which advertises its certification services. The

ACCC understands the Applicant is not a church or peak religious body, or affiliated with either.

Previous applications

6. The Applicant has previously lodged an application to register a similar mark (CTM1668186).

CTM1668186 was lodged with IP Australia on 8 June 2015 and forwarded to the ACCC on 14

October 2016. The ACCC issued an initial assessment proposing to deny the application on 5

September 2017, and a final assessment denying the application on 6 March 2018.

29. The rules associated with the previous application are different from the current application, but similarly sought to certify food products as being fit for Christian consumption.

30. The ACCC denied the application for CTM1668186 because it was not satisfied that the rules governing the use of the CTM were satisfactory having regard to principles relating to unfair practices, because the ACCC considered that the rules would permit the CCAA logo to be used on goods/services in circumstances in which its use may mislead or deceive consumers.

The current CTM application

31. The Applicant filed the CTM Application with the Registrar of Trademarks (the Registrar) on 25 February 2019.

32. In accordance with section 174 of the TMA and regulation 16.2 of the TM Regulations, the Registrar of Trade Marks forwarded the CTM Application and relevant documents to the ACCC on 13 February 2020.

33. CCAA logo) depicted below. The mark features a black circle containing a white outline of a map of Australia, which in turn contains a large black cross. The logo is surrounded by

34. According to the rules, products certified by the CCAA accordance with guidelines for the certification process, meaning that foods prepared have not undergone procedures that could cause concern for the Christian community 2

35. The requirements for goods to be certified are set out within the rules in a section titled A Guidelines) and specify, in relation to the certification of animal products:

a) all common fauna is acceptable for Christian consumption, namely mammals with cloven hoofs consuming a herbivorous diet as well as non-carnivorous birds and aquatic life bearing fins and scales

- b) animals must not be strangled*
- c) slaughtered animals should be allowed to drain of blood*
- d) animals should not be consecrated by prayer or undergo any specific ritual to non- Christian Gods, idols for dedication, or shrines, and*

² *Certification rules abstract, CTM1991912.*

e) dairy products should only be manufactured from milk supplied from mammals with cloven hoofs.

14. In relation to non-animal products, the CCAA Guidelines specify they:

- a) can be prepared in accordance with individual company policies, and*
- b) should not come into contact with anything which can be considered unacceptable or restricted within Christian teachings and food safety guidelines stipulated by CCAA extracts and forbidden fruit (identified as figs). Mark 11:14*

15. Certified products can be prepared in facilities that also prepare non certified products provided that there is no risk of contamination or cross contamination, and that company management are aware of potential risks and have in place procedures to minimise exposure and comply with food safety laws, international food safety regulations and standards (HACCP) based on the geographical area of manufacture including CCAA

16. The CCAA Guidelines also contain a range of requirements relating to hygiene, food safety, and humane slaughter practices which appear to be unrelated to Christian teaching.

Response to area of concern 16.

Food safety, hygiene and slaughter are in fact Christian teachings and principles.

Cleanliness is next to Godliness is a well known Christian phrase which has been round quite a while now:). Also amplified by a few biblical references that “food is clean” . In relation to humane Slaughter this too is covered by ensuring that animals have not been strangled or offered in sacrifice (which doesn’t sound to humane).

In todays world we have adapted our process to be inclusive of additional food safety regulations now commonly known and followed by industries we intend to certify.

Also worth noting is that many of the foods currently certified as acceptable within other certification scopes have no scriptural relevance or references within known fields where

applied. They only seek to ensure prohibited ingredients and practices are not contained within their certified products. Eg. Chocolate, vegemite, coffee and bacon flavourings. Christian Certification Authority Australia Pty Ltd follows this same narrative.

17. A range of Biblical references are listed at the end of the rules.

18. The applicants website states that its goals in certifying products are to:

A) provide a service to the public that wish to purchase Christian Certified products B) supply an alternative advertising avenue for manufacturers

C) create job opportunities

D) help charities and organisations with similar values towards disadvantaged people.

The ACCC's role in assessing CTM applications

19. broadly speaking, the ACCC's role is to promote competition, fair trading and regulate national infrastructure for the benefit of all Australians.

20. Under section 175(2) of the TMA, if the ACCC is satisfied that:

a) the attributes a person must have to become an approved certifier are sufficient to enable the person to assess competently whether the goods and/or services meet the requirements to become certified; and

b) the CTM rules:

would not be to the detriment of the public; and

are satisfactory having regard to the criteria prescribed in the TM Regulations, being: the principles relating to restrictive trade practices set out in Part IV of the Competition and Consumer Act 2010 (CCA);

the principles relating to unconscionable conduct set out in Part 2-2 of the Australian Consumer Law (ACL) (as contained in Schedule 2 to the CCA); and

the principles relating to unfair practices, product safety and product information set out in

Parts 2-1 and 3-1 and Part 3-3 of the ACL respectively,⁵

the ACCC must give a certificate to the CTM applicant to that effect.

21. Section 173(2) of the TMA requires CTM rules to specify:

- a) the requirements that goods and/or services must meet for the CTM to be applied to them*
- b) the process for determining whether goods and/or services meet the certification requirements*
- c) the attributes that a person must have to become a person approved to assess whether goods and/or services meet the certification requirements*
- d) the requirements that a person, who is the owner of the CTM or an approved user, must meet to use the CTM in relation to goods and/or services*
- e) the other requirements about the use of the CTM by a person who is the owner of the CTM or an approved user*
- f) the procedure for resolving a dispute about whether goods and/or services meet the certification requirements, and*
- g) the procedure for resolving a dispute about any other issue relating to the CTM.*

22. Regulation 16.3 of the TM Regulations requires the ACCC to make an initial assessment of an application as soon as practicable and:

- a) notify the CTM applicant and the Registrar of the initial assessment;*
and

b) state in the notice to the CTM applicant that:

the initial assessment will be advertised in the Official Journal (Advertisement); and the CTM applicant or another person may respond in writing to the ACCC (Response) or request the ACCC in writing to hold a conference in relation to the initial assessment (such response/request to be made within 1 month of the advertisement).

23. The ACCC must give the CTM applicant a copy of any Responses and invite the CTM applicant and each respondent to make a written submission on each such Response.

24. If a person makes a written request for a conference on a matter included in the ACCC's initial assessment, the ACCC must hold a conference and invite any person who has responded in writing to attend.

25. In considering a CTM application for the purposes of making a decision on the application, the ACCC must have regard to:

- a) the initial assessment;*
- b) any Response that is relevant;*

⁵ *The reference to the Trade Practices Act 1974 the Competition and Consumer Act 2010.*

⁶ *Regulation 16.4, TM Regulations.*

c) any relevant submission that is made to the ACCC in writing about the initial assessment, whether or not the submission is made in relation to a conference;

50. d) any relevant oral submission made during a conference; and

51. e) any other relevant matter.⁷

26. If the ACCC is not satisfied of the matters in section 175(2) of the TMA, it must notify the CTM applicant and the Registrar of its decision not to give a Certificate and the Registrar must advertise the matter in the Official Journal.

27. Regulation 16.7 of the TM Regulations sets out matters which must be included in the advertisement by the Registrar, including a statement to the effect that the decision may be appealed to the Administrative Appeals Tribunal (AAT).

ACCC assessment

29. The ACCC has considered the CTM Application and all documents and information provided by Applicant and is not satisfied of the matters set out in section 175(2) of the TMA and regulation 16.6 of the Regulations. In particular, the ACCC is not satisfied that:

a) the rules are satisfactory having regard to the principles of unfair practices set out in the ACL, or

b) the attributes a person must have under the rules to become an approved certifier and are sufficient to enable the person to assess competently whether goods and/or services meet certification requirements.

'Section 173(2) matters to be specified in the rules

Processing for determining goods meet the requirements: s 173(2)(b)

31. The ACCC considers that the rules do not adequately specify the process which would be followed in order to establish whether goods/services meet the certification requirements.

32. The rules specify a system of audits which must be undertaken in order to obtain and maintain certification. This includes initial, annual, and random audits, both on-site and desktop, undertaken by CCAA or a certifying body approved by CCAA.⁹

33. During an on-site audit, the rules specify that an auditor will Audit the Licensee's practices and management systems including records, facilities and other relevant information pertaining

to these Rules to ensure that the Licensee is complying with these rules.'

34. A desktop audit, as specified within the rules, will comprise a "review [of] the records supplied by the Authorised User to ensure that matters set out in these Rules are being complied with.

35. However, the rules do not indicate, in practical terms, how compliance with the rules would be assessed or how it would (or could) be demonstrated. To satisfy these criteria, the rules would need to provide a means for the certifying body to assess whether each of the requirements within the rules are being met by the applicant or licensee. For example, the rules could specify that paperwork be provided which documents processes relating to slaughter and hygiene practices, selection of ingredients, and ensuring products do not come into contact with anything unacceptable. However, it is not apparent how a certifying body could be satisfied that some of the criteria have been met for example, how a licensee could demonstrate that products have not been consecrated by prayer.'

Response to areas of concern 29-35.

Our auditing system is tailored to the types of production being carried out at the premises, and therefore the process for certification will be varied dependent on the type of production occurring.

For example, a company producing yoghurt will be required to provide information related to ingredients lists, to ensure milks and cultures used are from permitted sources. Regarding milk, this would need to be from cows or goats, not camels so as to comply with our rules, and also a written assurance there has been no consecration of prayer applied throughout the process to a false idol. Should fruits, concentrates, or flavor enhancements be added, the ingredients would be reviewed to ensure that figs are not used. CCAA would also ensure the factory is clean and at correct temperatures for specified production.

The requirements in relation animals slaughter are different to that of yoghurt production, which do not use vegetable products or have meat in their finished product, so the process of certification is varied according to the product seeking certification.

We do not seek to change food production processes. We are confident that companies do the

right thing and have many processes in place in order to comply with aspects unique to their individual needs. CCAA just re-affirms this before approval of Christian compliance in relation to our rules.

We independently verify the process to visually see upon site visit the process check and record documents of delivery products and have verbal dialog with interested parties to ensure product compliance.

Where a claim is made through existing certifications, we simply verify that none of the procedures for their Halal or Kosher certification to occur contradict our process for certification. If they do, then we would inform the interested party of concerns and if they can be overcome, then our process could be applied. If they can not be overcome, then our process and use of trademark will not be granted.

All relevant information is stored in our database and supplied on completion of audit to certified companies in soft and hard copies. This is done through email correspondence and a printed copy for filing and future amendments. This is done with a Non exclusive licencing agreement and overseen by our law firm once all conditions are satisfied.

'Principles relating to unfair practices: s 175(2)(b)(ii)

36. The ACCC is not satisfied that the rules are satisfactory having regard to the principles relating to unfair practices under the ACL. In particular, the ACCC is concerned that the rules permit the CCAA logo to be applied to products in circumstances where its use may mislead or deceive consumers.

37. [CCAA] Certification Mark is not intended to be a consumer-facing brand; but rather, the Mark and the appellations support primary brands. However, the rules also recommend that "the Mark be placed on the packaging and supporting marketing materials [of certified goods or services] in a location where it can be seen easily." The application is for the CCAA mark to be applied to a wide range of food products covering classes 1, 4, 29, 30, 32, 33

38. As the CCAA logo is intended for use, and would apparently be available for use, on the retail packaging of a wide range of food products, representations conveyed by the CCAA logo can be expected to be directed to the public at large.

39. Accordingly, the ACCC has considered:

a) what an ordinary or reasonable consumer is likely to understand by the CCAA logo when

applied to various food products, and

b) whether this accords with the standards imposed by the rules on the goods and services to which the CCAA logo is attached.

Response to areas of concern 36-39.

As mentioned, our intentions are not to mislead or deceive Australian consumers. Our logo is not intended as a consumer facing brand logo but should be placed alongside other existing religious certified logos. This is typically represented by a small logo on the back or side of product labels. Our logo will only be available for use on products that already use other religious logos to state that foods and or beverages have been certified in accordance to their processes.

The food product classes applied for cover only a small percentage of available product to the public. In registering these main fields, we feel that most aspects are covered. Many of these have a biblical foundation and reference. Examples are salt, olives, meat, fish, bread, wine, corn, wheat, vinegar, water, barley, milk, fruit, herbs, derivatives of these. These are all food and beverage products that Christians consume and hence why they have been covered in our application.

Several other certification bodies appear to only cover one or two fields, yet in today's market, certify many items outside of their approved scope. We feel this is misleading and deceptive. Perhaps they have not updated their covered fields for the past ten years and intend to add them in the future, however, it is our intention to be upfront so as to not mislead and deceive as other certifiers are currently doing, with the food classes we hope to be approved for.

Our coverage of retail packaging to the Australian Christian consumer would be the same as the reach and coverage of other existing logos already in circulation across similar fields.

Representation conveyed by CCAA logo

'40. The rules make clear that the CCAA logo is intended to convey broad representations about the nature of the foods and services to which the CCAA logo is applied. For example, the rules state that CCAA certifies that food and food products:

*have been prepared in accordance with the beliefs and teachings of Christians
do not consist of ingredients or products that may be considered unacceptable in accordance*

with Christian teachings

- have not been prepared, processed, or stored with anything considered to be unacceptable to Christian values and belief, and are prepared in an environment where there is no risk of contamination from non-certified products.

41. The ACCC considers such representations to be consistent with the use of a cross, a universally understood Christian symbol, in the CCAA logo.

42. use of the CCAA logo is also likely to convey a representation to consumers that the producer of the food product is Christian, abides by Christian ethical or moral standards, and/or is affiliated with a church or Christian organisation.

43. In addition, the ACCC considers that the use of the CCAA logo in combination with the representation to consumers that the certifying body has particular expertise, authority or qualifications in Christian doctrine that enable it to assess whether goods or services meet Christian requirements.

44. Finally, the ACCC considers that the use of the CCAA logo (with a prominent map of Australia) on food products is likely to convey a representation to consumers that the product is grown, made or produced in Australia'

Response to areas of concern 40-44.

Our logo contains a cross, which is a recognised Christian symbol, however this is no different to representations for other logo's currently approved. For example, Kosher and Halal certifiers also bear religious icons and these are applied to certified products. These include a star and a crescent moon which are focuses of religious observance to non-Christians. Trademark numbers 1373673, 1878629, 638247, 1652818, 2042244, 1105444, 1738787, 1822143 and 1868012 utilise this religious symbol.

Our logo on a company's product merely confirms food production is in accordance with our Christian ethical or moral standards. Our logo will appear alongside kosher and halal logos. We find it difficult to accept that a Christian logo containing a cross, appearing next to a halal logo or kosher logo would be indicative that the producer of that product was Christian. Australian consumers do not believe all Kosher certified products are produced by Jewish companies and likewise with Halal. It is not believed by ordinary Australians that Halal compliant products and companies are owned or operated solely by people identifying as Muslim. We do not think the average consumer who purchases a Cadbury chocolate bar for example, believes that Cadbury

is an Islamic company, merely because it currently is halal certified, nor does the consumer believe that Cadbury abides in the ethical and moral standards of Islam.

The map of Australia is used across many existing certifying logos. Examples include the Halal Australia logo and also the Kosher Australia logo, both of which contain a prominent image of Australia in the design. There are many more which sit alongside logos that often state 'made from imported ingredients' despite the Australian logo depicted. Our logo depicting Australia within it, is merely indicative that it is an Australian certification company. The words encompassing the logo, 'Christian Certification Authority Australia' would negate any ambiguity as to the purpose of the Australia illustration within the logo, and would not mislead consumers because the wording is very clear in relation to what the logo relates to. Other certifying companies also proudly use an image of Australia in their logo's seemingly without conveying a representation of the product being produced or grown in Australia.

'Compliance with Christian religious belief

46. The CCAA website (<https://ccaaustralia.com>) faiths, Christians also have the right to be made aware if products made by companies uphold certain beliefs and practices of food prepared by accredited companies displaying Christian Certification Authority Australia will know that products are not only acceptable but Christian principles have been implemented throughout the process.

47. It is not clear to the ACCC that the rules would be able to ensure that food bearing the CCAA logo would not mislead consumers as to its conformity with Christian beliefs and teachings in relation to food, given that there do not appear to be any clear or widely accepted dietary laws within or across Christian denominations that could be applied to this end. Detailed dietary laws and practices within other mainline religions (such as Judaism and Islam) have been recognised and codified for centuries. There is no equivalent accepted set of laws and practices which have been recognised and followed by Christians.

48. As a result, the ACCC considers that consumers may be misled in purchasing food products displaying the CCAA logo, because they may believe that these products are compliant with particular standards associated within or across one or more Christian religions, when there are no such agreed standards. Given the nature of this concern, it is not clear how the rules could be amended so as to meet the requirements of the TMA on this issue.'

Response to areas of concern 46-48.

Christian dietary requirements have been around for 2000 years, these have been practiced and observed even to this day. Communion, breaking of the bread, drinking of wine, abstaining from red meat and consuming fish at certain times of the year are several examples. These laws are observed at varying levels of people of faith. Christian food laws are known, exist and cannot be denied. Examples include Easter and Christmas. It is well known within Australia and the broader world that certain foods are consumed at this time. (fish, turkey, ham and chocolate.)

The claim that the Jewish and Muslim food laws have been known and codified for centuries is also applicable to Christians. However, the modern process of religious certification is new and not centuries old. The first registered trademark for Kosher occurred in 2003 (Trademark number 978901), and Halal certification only commenced in 1994 (Trademark number 638247.) Many more have only appeared in the last few years. 2010 (Trademark number 1373673) 2015 (Trademark number 1738787) 2015 (Trademark number 1738902) 2017 (Trademark number 1822143) and 2019 (Trademark number 2051419). Again, our certification process is only applicable to products that bear other religious certification. We are merely confirming that alternative religious certification has not impacted on the ability for foods to be fit for Christian consumption also. Christians will now also have a recognised and codified process of determining whether foods do in fact meet certain criteria. CTM 1991912.

Many references and published Christian works could be inserted here (.....) to highlight references below but to save many hours of reading we have left them out. A quick google search and you tube search including key words such as Christian food laws, can Christians consume kosher or Halal foods and similar will provide a global encyclopedia of information and conformation of biblical food laws Christians follow. These can be provided if required.

In 2015, the Government held a senate enquiry into third party certifications within the food industry. This garnered a lot of interest from the public. Over 1400 submissions were received. Many of those submissions suggested it was their Christian faith which led them to avoid alternative religious certified products from others. Many references can be found in their submissions. Of the first 100 submissions, 29 indicated it was their belief as Christians they cannot consume Kosher or Halal certified products. Below is a portion of extract from those

submissions for highlighting the fact that many Christians do in fact believe they have food laws and requirements that need to be accepted and practiced. The whole submissions can be read by following the links on Senate inquiry into third party certifications submissions 2015.gov.au submission 3,5,12,15,16,19,20,21,25,29 etc....

Below are extracts of some of those submissions;

Submission 03. *'We are a mix Christian and atheist in our family and it is against our religious and non-religious beliefs to eat food that is sacrificed or funds from this food are set aside to a false idol (God). We find it discriminating that we have had to completely change our shopping items and even go without the basics of milk and bread (because there is none that is made by non-religiously certified companies).'*

Submission 05: *' I am also a Christian who practice her faith and I am devoted to the Lord Jesus Christ. Bible teach us that Baal was the moon god, considered an idol to Jews and Christians alike and it was forbidden to them (us) to eat any food dedicated to him. When you find yourself doing your grocery shopping, as a Christian you want to avoid purchasing any item that has been dedicated to an idol (like in the case of meat. when as part of the ritual slaughter of the animal, it is praying upon by a Muslim imam) or products that pay certification fees destined to the hands of people of one particular religion.'*

Submission 12, *' Australia is a mix of many religions and atheistic beliefs, it is also against most genuine religious and non-religious beliefs to eat food that is sacrificed or halal certified or allowing the funds from this food certification to be used to finance false idols (God) or any religion conversions.'*

Submission 15 *'One last thing that is particularly concerning to me is that "Halal" is a religious ritual where prayers are said – I find it abhorring that I have to eat meat that has been prayed over to a god I don't believe in and I have no way of saying "Non Halal" please!'*

Submission 16 *'It's not hard to figure out what's right or wrong, or do we need Jesus to come and remind us?'*

Submission 19 *'The value system I follow is a Christian one. My belief is my own private position and it is not for me to demand another to conform with my position or for me to submit to demands of any value system that goes against my interest's or security. This God in my view is a false idol and a front to my value system to worship or consume goods that have been blessed on behalf of this God.'*

Submission 20 *'I find that certification ensures that Sikhs, Buddhists, Christians and other religions are having their food selections decimated as they cannot eat foods dedicated to a false*

God. Where are their rights? I am not practicing any religion.'

Submission 21 'As a practicing Christian I find it offensive to have to purchase meats that have been slaughtered in an inhumane manner as they are prayed over by someone who does not represent my God. It is an affront to my Christian beliefs. It is near impossible to purchase meats that have not been halal certified.'

Submission 25 'Australia has no official religion and by allowing the Halal Certification it is going against that very important separation of church and state. If the government continues to support the religious certification by Muslims, then all creeds and faiths should then start issuing religious certifications for an unimaginable number of consumer items.'

Submission 28 'What we do not understand is what any religious certification is doing on any food item in this country. We are a mix Christian and atheist in our family and it is against our religious and non-religious beliefs to eat food that is sacrificed or funds from this food are set aside to a false idol.'

Submission 34 'I definitely DO NOT want ANY religion, I repeat, ANY religion, blessing my food before I purchase it. Especially Allah!'

Submission 36 'I researched the symbol and found that the items had been certified Halal and as such being a devout Christian I am unable to consume foods offered to a false god. This is an insult to my faith, religion. Because of my faith I cannot consume Halal food. I do not consume Halal Food.'

Submission 39 'Also Australia used to have animal right laws, when it comes to slaughter, that now are being left behind for halal slaughter. Letting any animal bleed to death, in fear, pain and nothing it can do, is INHUMANE. So please consider what non Muslims in Australia want,'

Submission 44 'I think that halal and kosher certification is great. I'm glad to see Australian manufacturers being inclusive.'

Submission 50 'I am a Pagan, specifically a Goddess worshiping witch, so it was utterly devastating to find out that, without consent, I'd been routinely sold meat where the animal had been slaughtered according to the Abrahamic religion.'

Submission 53 'It is getting to the stage where the consumer who is of any other denomination cannot have access to the range of foods and goods that are not Halal certified.'

Submission 55 'I object to un-stunned Islamic halal slaughter which is used in a small number of Australian abattoirs.'

Submission 57 'Our rights as Christians and consumers have been totally disregarded with companies not properly identifying whether our food has had some religious ritual performed on

it. 'We do not want to be eating any food that has been slaughtered under the name of Halal this is such a cruel practice and to say that is not carried out here in Australia is a blatant lie.'

Submission 66 'This has nothing to do with racism. It is religious. I am not a Muslim, have no desire to become one and do not want to eat food dedicated to a God or prophet I do not believe in.'

Submission 67 'Australia is a predominantly Christian country, so why are we being forced to eat meat that has been preyed over to a "god" that we don't even recognize?'

Submission 69 'Some religions stipulate that consumption of food that has been dedicated to another god is forbidden. By not giving these people adequate information, they are being deceived in to breaking the rules of their respective belief systems.'

Submission 70 'I was raised Lutheran and find the ritual slaughtering of animals for any purpose abhorrent in every way.'

Submission 72 'I wish religiously certified foods to be clearly labelled so that I can exercise my religious freedom and not eat food that has been dedicated to deities other than my own beliefs. My religion forbids this.'

Submission 74 'I don't agree to the animal cruelty which is practice and having it forced on myself without asking as I'm Christian and this is Australia and there is all different religions and to have one above all is not right.'

Submission 77 'I regard halal slaughter as objectionable religious rite and idol worship. I do not wish to be subjected to unwanted religious practice. AS a Christian I am not allowed to eat food that has been sacrificed to other god.'

Submission 79 'Halal means "permissible" in Arabic. This does not mean "permissible" to Christians. Islam commands Muslims to eat only halal. I am an Australian Citizen and of Christian faith. The above mentioned feelings I have expressed has raised such concern that I contacted my pastor at my local church. As quoted to me under my faith is as follows. "In my humble opinion to you in this time of need is that if the food you eat causes you to sin, you should not eat it". My response as quoted to my pastor as follows. "YES, IT DOES CAUSE ME TO SIN AND FEEL SIN. 95% of the products we consume and purchase are now all halal certified."

Submission 81 'The end result of all the above means that we Australians who are non Muslims are seeking to purchase products other than those that are Halal Certified. We do not believe that will be in Australia's best interests as we often are now buying substitute products from overseas.'

Submission 85 'First of all I would like to thank you for speaking up on behalf of the majority of Australians. I am a Christian and see this certification in direct opposition to what my bible

tells me: Acts 15:29 “abstain from things offered to idols, from blood, from things strangled, and from sexual immorality. By keeping away from these things, you will do well”. This is what I consider the Word of God for my life. How am I meant to do well, if I am inadvertently eating foods offered to an idol? In this case the god of the Koran?’

Submission 90 ‘I also strongly object to the practice of halal slaughter without prior stunning.’

Submission 95’ I also don't want my meat killed in such a barbaric manner.’

Submission 96 ‘I believe that there may be other groups and religions that could not, or would not want to consume Halal Products, based upon their beliefs’.

Submission 101 ‘I follow the Christian value system. My beliefs are my own and it is not for me to demand anyone to conform to my beliefs or for me to submit to the demands of any value system that goes against my interests or security. This god in my view is a false god and it is an affront to my value system to worship or consume goods that has been blessed on behalf of this god.’

Submission 234 ‘I, on behalf of the Sikh community in Australia, am writing to bring to your notice that we the Sikhs do not eat Halal Meat or the food containing Halal ingredients, for the simple reason that the animal has been cruelly and inhumanly slaughtered to give it the seal of Islamic religious approval,’

These are just some of the people across Australia we seek to appeal to so they can know that religiously certified products are also acceptable for those who seek it. Also we live in hope that now the ACCC could possibly accept that there may be some widely recognised Christian food laws although unknown to the ACCC at point of application. Upon this realisation, we hope our application can be seen in a new light.

As there are 1485 submissions, many more contain information and biblical verses as well as Christian concerns that validate our process as applied for and will make sense to the demographic CCAA is appealing to.

The recommendations from this senate enquiry as of today have not been implemented anywhere in the five years since they were recommended. One of these was that third-party certification processes obtain a CTM.

This is why you have reviewed our document. CCAA is a company that is open, honest, transparent in our process and dealings and thought this is what government bodies will appreciate. Our reply and honest answers should be seen in good stead and we are happy to work through any remaining concerns if needed.

The findings of the above inquiry also noted many issues with attributes of existing third-party certifiers across all fields addressed. To date CCAA is unaware that anything has changed. These include: Inadequate labelling, imposition of religion, animal welfare, lack of regulation and corruption to name a few.

Non of these are a result of CCAA's involvement in the industry to date.

As mentioned on our website, we are not a religious body, nor do we affiliate exclusively with any specific denomination of Christianity. We opted to remain independent to cater towards general Christian principles and not specific to individual denominations, so as to retain a level of impartiality. This is not indifferent to many existing Halal and Kosher certifiers, many of whom operate as sole traders, Pty Ltd companies with no affiliation with any sect or particular religious branch. Examples of owners and operators, not operated by church bodies certifying products include Trademark numbers:

638247, 1249199, 1249196, 1738902, 1704894, 1825842, 1652818, 1470647, 978901, 966655, 1005647, 1878629, 1177448, 1105444, 1267243, 1373673, 1738787, 1822143, 1938997, 2051419, 2051420 and 1005398

'49. The ACCC considers that the CCAA logo may also convey a representation that the producer of the food product is Christian, abides by Christian ethical or moral standards, and/or is affiliated with a church or Christian organisation.

'50. The CCA Australia will empower those who follow the Christian faith to choose the brands and support companies that are aligned with our faith and values 12 51. The rules do not contain any basis for such a representation. In particular, the rules do not set out any requirements as to the religion, ethical or moral standards or church affiliation of persons wishing to use the CCAA logo.'

Response to areas of concern 49-50.

The rules do in fact contain the aforementioned representation when put in conjunction with existing processes already established. None of these require companies to be of the faiths that

the certification appeals to, only that their guidelines are met and it is the same with ours. We have no process or rules in determining what faith a company or individuals within the company hold or believe in. Only that products produced can adhere to our rules where applicable to the process defined within our scope.

CCAA is neutral and accepting of all people and companies choosing to use our logo providing the criteria set out in our application (where applicable) can be competently met.

The consumer of CCAA certified products will have knowledge that companies also respect the requirements people of the Christian faith have alongside others already represented.

'Expertise or special position of certifier

52. The ACCC considers that the use of the CCAA logo in combination with the name of the representation to consumers that the certifying body has particular expertise, authority or qualifications in Christian doctrine that enables it to assess whether goods or services meet Christian requirements.

53. The rules do not set out any special expertise or authority the CCAA holds to certify food as Christian. The CCA consists of a team of Christians from different denominations with the same beliefs in relation to biblical food laws.'

54. The ACCC considers that the Applicant has not demonstrated that it has the appropriate qualifications, authority or expertise to assess whether goods or services meet the requirements.

Response to areas of concern 52-54.

We have developed a unified certification process from common knowledge and practices identified through biblical passages. There are no set rules and or guidelines defined and followed by other religious certification bodies either. We have put forward in our process some rules to ease this concern which no other application known to date has. We did this to offer clarity and ensure that our process must be overseen by independent people with a minimum of two years' experience within the industry and have an exemplar global or equivalent degree as well as a sound understanding of the pure foods act.

All information obtained in the certification process is reviewed and or overseen by industry professionals or consultants CCAA employs and has dealings with.

Country of origin of food

55. *The ACCC considers that the use of a map of Australia as a prominent element of the CCAA logo is likely to convey a representation that the food product bearing the logo is grown, made or produced in Australia.*

56. *The rules do not contain any requirements as to the country of origin of the products to which the CCAA logo may be applied.*

57. *The ACCC therefore considers that the CCAA logo may be used, according to the rules, on products which have not been grown, made or produced in Australia and that consumers may therefore be misled or deceived.*

Response to areas of concern 55-57.

In relation to country of origin, our trademark will no more convey a representation that foods are produced in Australia any more so than any other logo that depicts a map of Australia. As mentioned earlier, there are many products that have a map of Australia as a centerpiece in their logo, such as Halal Australia and Kosher Australia, yet no inference is drawn that products bearing those logos are produced in Australia.

Our logo bears the words, 'Christian Certification Authority Australia' around the outside of the logo. This makes it noticeably clear that the logo bearing a map of Australia relates to the religious certification coming from an Australian company, not that the product was made or produced in Australia. The fact that the wording is always connected to the logo, there can be no misunderstanding of the context of the map of Australia within the logo. As already explained, CCAA is not the only company incorporating an image of Australia. Many other logos do this also and have been approved. CCAA goes beyond many of those logos with the text surrounding our logo.

Section 175(2) Attributes of the certifier

58. *Section 175(2) of the TMA requires that the ACCC must be satisfied the attributes of the certifier are sufficient to enable the person to assess competently whether the goods and/or services meet the requirements to become certified.*

59. *The rules set out that Licensees may only utilise the auditing and certification services of the CCAA or certification bodies that have been approved by the CCAA (listed on the CCAA website).*

14 There do not currently appear to be any approved certification bodies listed on the CCAA website.

60. The rules specify that auditors" must have a minimum two years' experience in the food industry and have a sound understanding of the pure food acts, food safety auditors shall be registered with Exemplar Global or equivalent known body. Certifiers and auditors should also understand competently the.. guidelines for food preparation in relation to Christian Theology."

61. As noted above, the Applicant has not demonstrated that it has any special expertise or authority which would qualify it to assess whether goods or services meet Christian requirements.

62. The ACCC is not satisfied that these attributes are sufficient to enable the Applicant to make a competent assessment of whether goods or services meet Christian requirements.

Response to areas of concern 58-62.

As mentioned in our meeting held in relation to CTM 1668186, it was noted that the attributes held by other certifiers was made with the discretion of the ACCC in relation to the individual companies who hold a CTM. It is unclear of any unified process in determining such attributes and we live in hope that similar principals could be applied to our application.

Our process has been reviewed by globally recognised certification bodies in relation to quality management and has been given approval upon application of our documents provided. Our choice not to add them to our website is one made independently and in time these may be added to offer additional peace of mind to the Australian consumer that our process is updated annually to move with the ever changing food production industries and requirements.

The people within our company have many skill sets and knowledge within the industries our certification would apply. These include a reasonable knowledge of many aspects of production, from farming, transport, preparation, storage and sales within the vast industries of food production across Australia. Applying the rules for products to be Christian compliant is relatively easy and could be competently understood by individuals working with our company.

As our process is a new idea and we shall bring in the right people to fulfil the roles as required. Any staff engaged in the certification process will be experienced within our industry and receive additional specialised training related to Christian certification.

Our process is remarkably simple and we seek not to burden companies with facility changes to ensure compliance within our scope. Only that they are compliant to CCAA applied rules which cover their food production facility. We are confident that most companies would be able to adhere to the rules and understand them due to similar processes already existing within their structure in order for them to have obtained similar religious certifications.

65. Accordingly, the ACCC has completed its Initial Assessment of the CTM Application and does not propose to give a certificate under section 175(2) of the TMA.

Christian Certification Authority Pty Ltd has seen an opportunity to appeal to our niche consumer base and developed our process to address issues of concern while being inclusive and understanding to all other consumer's beliefs and needs. We feel that companies should be given the opportunity to use our services where required, to appeal to a boarder demographic of the Australian population.

Christian Certification Authority would like to thank you for your input and time spent in drafting the initial response. This is not in vein and your concerns have been heard clearly. We hope our response is plausible and meets most of the raised concerns. CCAA understands this is a new initiative and there are not too many similar processes established globally for it to be compared against. We understand the ACCC's apprehension in accepting what is before you,

However, we are pioneering and developing Christian certification, just as Halal and Kosher have done in only the 1990's and 2000's. In a competitive market we feel it is time to compete. Business is business and we intend to "Bring Businesses into the Light!"
We thank you for the opportunity of reply.

If you feel an additional meeting could be beneficial then we are happy to accommodate but do not request one. In these times of change due to covid 19 email correspondence or by phone could be a preferred option in resolving areas of remaining concern.

Sincerely
CCA Australia

