

7 July 2021

FSANZ

Email [standards.management@foodstandards.gov.au](mailto:standards.management@foodstandards.gov.au).

Dear Standards Management

**Proposal P1028– Infant Formula Products Consultation paper 1 – Safety and food technology**

The Australian Food and Grocery Council (AFGC) is the leading national organisation representing Australia's food, drink and grocery manufacturing industry. The membership of AFGC comprises more than 180 companies, subsidiaries and associates which constitutes in the order of 80 per cent of the gross dollar value of the processed food, beverage and grocery products sectors in Australia.

The AFGC appreciates the opportunity to provide comments on [Proposal P1028– Infant Formula Products Consultation paper 1 – Safety and food technology](#): to revise and clarify standards relating to infant formula products (IFPs) comprising category definitions, composition, labelling and representation of products.

The consultation documents have been reviewed and the comments below relate to these specific documents.

In response to the consultation, the AFGC has had the opportunity to review the submission to this consultation by the Infant Nutrition Council of Australia and New Zealand (INC). The AFGC strongly supports the INC's positions as stated in its submission and shares the concerns that the INC has described in detail.

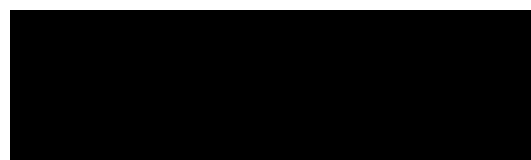
**COMMENTS**

The AFGC wishes to make a few specific comments in relation to this Proposal.

**Food additives (section 2)**

The AFGC

- has concern regarding the proposed approach to change the **carry-over provisions** in the Food Standards Code (the Code) seeking alignment with Codex and EU regulations.
- recommends that current carry-over provisions are retained to avoid unnecessary complexity that will occur if proposed changes are adopted.
- supports consistency between the Code and relevant international infant formula, however, the changes proposed do not capture all the food additives permitted by Codex and EU in these products.
- recommends that **maximum levels** (MLs) for food additives that contribute essential nutrients are not specified, as long as they do not exceed nutrient compositional limits.
- recommends a **food additive section** with text be added to Standard 2.9.1 to address the gap which exists between the Code and the Codex carry-over permissions for infant formula, specifically in terms of the permissions of vitamins and minerals.



### Contaminants (section 3)

The AFGC

- supports in principle the outlined approach to contaminants with a preference for MLs to be stated on a **powder basis**.

### Lactic Acid micro-organisms (section 4)

The AFGC

- recommends that it is unnecessary to amend the current permission for **addition** of L (+) lactic acid producing microorganisms due to the Code overarching requirement for food to be safe and suitable.
- recommends that it is unnecessary to amend the current Code to insert '**non-pathogenic**' as proposed, however, it will accept this insertion if it is strongly supported by other stakeholders.

### Labeling for safe preparation and use (section 5)

The AFGC

- supports the importance of maintaining the current **flexibility in the wording** applied
  - for **preparation instructions** as companies also consider other important aspects for a particular formula.
  - for use of the word '**cooled**' where other synonyms may be used that mean boiling water is not directly used in formula preparation
  - for instructions for **unfinished formula** that be discarded 'within 2 hours' such that other non-contradictory terms such as 'within one hour' or 'immediately after a feed' be permitted. This will enable consistency with the Australian Infant Feeding Guidelines and the New Zealand Food and Nutrition Guidelines for Healthy Infants and Toddlers.
- supports the proposed **directions** be not applied to **ready-to drink infant formula** where they are not relevant, and supports the continued flexibility in words and pictures for directions of use and preparation on infant formula products.
- supports retaining the existing provisions of permitting the use of '**best before**' and '**use-by**' dates under certain circumstances, and supports the FSANZ proposal to maintain existing date marking requirements for infant formula products.
- does not support the extension of **date marking** requirements for infant formula for special dietary use (IFPSDU) for the reason of consistency
- supports the existing requirements for **storage instructions** including the specific requirement for infant formula products, to cover the period after the package is opened.
- supports the existing requirement for a direction instructing that, where a package contains a measuring **scoop**, only the enclosed scoop should be used, without prescribing the exact wording for this direction and to not mandate a standard scoop volume.
- does not support updating the **warning statement**.
- recommends updating the existing statement about **age to offer foods** in addition to formula to around the age of 6 months. This enables alignment with the Australian and New Zealand dietary guidelines for infants and toddler in which some introduction of solids may occur in the 5th month, for parents who may have been advised to start solids prior to 6 months by a healthcare professional.

- does not support the proposed clarification to the “**source**” of **protein** statement as this may limit the information and clarity (such as protein fractions such as ‘partially hydrolysed’, ‘hydrolysed’, ‘amino acids’ and ‘a2’) provided to consumers and health professionals.

### **Transition period**

The AFGC

- recommends a **transition period** of 5-years from manufacture date which also allows for stock in trade. This would enable labelling, composition and additive changes to be made whilst minimising costs to industry
- recommends consideration of **alignment** between infant formula and **follow-on formula** requirements such that any consequential amendments be considered to ensure timely alignment.

In summary, the AFGC supports the submission to this consultation by the Infant Nutrition Council of Australia and New Zealand (INC) and shares the concerns that the INC has described.

Yours sincerely

