

Project Officer Proposal P1028  
Food Standards Australia New Zealand  
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Tēnā koe,

## Proposal P1028 – Consultation paper 1 - Safety and Food Technology

Thank you for the opportunity to comment on this proposal.

New Zealand Food Safety (NZFS) acknowledges that breastfeeding is the recommended way to feed infants. For infants who are not breastfed, a safe and nutritious substitute for breast milk is needed. Infant formula must be safe for formula-fed infants to consume and caregivers need to have adequate information to know how to safely prepare, use and store the product.

NZFS appreciates the work FSANZ has undertaken with this proposal, and looks forward to the opportunity to comment further, in due course. At this point in time NZFS has chosen to provide comments only on aspects where specific questions are being posed to submitters and where those relate to the expertise of NZFS. We will provide comments at a later stage of the process on other aspects covered in this consultation paper.

### General comment on food additives

NZFS is supportive of the proposed approach and the need to ensure consistency with the relevant international infant formula regulations and standards, in particular, those of the EU and Codex. This will serve to both support New Zealand's infant formula exports and to maintain importation of infant formula products, especially infant formula for special dietary use which generally are not manufactured in Australia and New Zealand. This includes any specific provisions covering the carryover of food additives.

NZFS recognises the approach FSANZ has taken to consider relevant EU and Codex additive provisions, and note the consideration of the *Advisory List of Mineral Salts and Vitamin Compounds for Use in Foods for Infants and Children* (CAC/GL 10-1979), in relation to section: D: Advisory List of Food Additives for Special Nutrient Forms.

Nāku noa, nā

## Questions for submitters

### Questions about food additives and contaminants (Section 2, Section 3)

1. FSANZ has proposed two options in relation to the ML for cadmium (Section 3.3.4). FSANZ ask stakeholders for views on these options.

NZFS supports option 1: *Do not establish an ML for infant formula in the Code on the basis that dietary exposures to cadmium in infant formula are not considered likely to be of health concern, noting that no data is available for soy-based infant formula.*

In the absence of evidence of any health concern, option 1 is the preferred option. Until any new data becomes available that concludes that dietary exposures to cadmium in infant formula is considered likely to be of health concern.

### Questions about labelling (Section 5)

14. Do you support the amendments proposed (see section 5.7)? If not, what new evidence can you provide to support a different approach?

NZFS has the following comments to make on each of the proposed amendments in section 5.7:

- revise the direction for water used to reconstitute powdered infant formula to include the word 'cooled' (paragraph 2.9.1—19(3)(c)).

This requirement is in accordance with both FSANZ and NZFS risk assessments and is supported by NZFS.

- revise the direction instructing to discard unfinished formula to include the text 'within 2 hours' (paragraph 2.9.1—19(3)(e)).

NZFS opinion is that this is an important clarification that will help caregivers to handle reconstituted formula safely and prevent possible confusion.

- not apply the following directions to ready-to-drink infant formula:
  - for each bottle to be prepared individually (paragraph 2.9.1—19(3)(a))
  - to refrigerate formula and use within 24 hours if it is made up and stored prior to use (paragraph 2.9.1—19(3)(b))
  - to use potable, previously boiled water (paragraph 2.9.1—19(3)(c)).

NZFS supports these changes as the above requirements are not applicable for ready-to-drink formula.

- not apply the direction to only use the enclosed scoop (paragraph 2.9.1—19(3)(d)) to concentrated infant formula and ready to drink infant formula

NZFS supports the proposal to not apply the direction to only use the enclosed scoop to concentrated infant formula and ready to drink infant formula as it is not applicable to such product formats.

- revise the warning statements to follow instructions exactly for infant formula product in

### Questions for submitters

powdered form (paragraph 2.9.1—19(1)(a)) and for concentrated infant formula product (paragraph 2.9.1—19(1)(b)) to include text about not adding anything to the formula as follows:

- o 'Warning – follow instructions exactly. Prepare bottles and teats as directed. Do not change proportions of [powder/concentrate] or add anything to this formula except on medical advice. Incorrect preparation can make your baby very ill'.

NZFS considers the proposal of additional text to advise not to add anything to the infant formula, consistent with the existing 'ready to drink' warning statement, is pragmatic and would capture the addition of any other foods or flavourings. NZFS is of the view that the addition of the warning is warranted based on consumer evidence and the risks of such practice to infants.

- clarify the 'source' of protein in paragraph 2.9.1—23(1)(a) refers to the origin of the protein (e.g. cows' milk) and not the protein fractions (e.g. whey protein or casein).

NZFS supports the proposal to clarify the 'source' of protein in section 2.9.1—23 refers to the origin of the protein (e.g. cows' milk) and not the protein fractions (e.g. whey protein or casein). We consider this to be an important clarification of the intent of 2.9.1-23(1)(a) for enforcement.

- clarify the 'name of the product' in paragraph 2.9.1—23(1)(a) is the prescribed name ('Infant formula')

NZFS agrees with the proposal to clarify that the 'name of the food' is the prescribed name 'infant formula' and not the brand name. NZFS also continues to support mandating that the prescribed name 'Infant Formula' should appear in a prominent place such as on the front panel of the label (front of pack).

We note that the requirement to use the prescribed name 'Infant formula' was put in place to alert consumers to the appropriate formula choice for infant age and that this is particularly important from a health and safety perspective as infant formula can be the sole source of nutrition for some infants. On this basis we consider that mandating it should appear in a prominent place is justified.

- clarify the protein source adjacent to the prescribed name is not required every time that prescribed name occurs on the label.

NZFS supports maintaining the current FSC requirement to label the protein source on the label of infant formula – immediately adjacent to the name.

NZFS is of the view that the requirement to label the protein source needs to appear only once on the label, provided this statement is in a prominent place and co-located with the prescribed name.