

Comments from Department of Health, Victoria

Due date of submission: 30 October 2012

The Victorian Department of Health (DH) welcomes the opportunity to comment on Proposal P1023, which seeks to:

- extend the interim maximum levels for the toxicant tutin in honey by two years to March 2015;
- correct transpositional and typographical errors which occurred in the drafting of P1021 (Code Maintenance proposal) regarding the naming, and numbering of the food additive 'Tocopherols concentrate, mixed';
- bring forward the commencement date for Standard 2.9.5 – Food for Special Medical Purposes (FSMPs) to the date of gazettal to allow for the sale of products already compliant with the new Standard; and
- amend Standard 1.5.1 – Novel Foods, to clarify the intent and consequence of exempting FSMPs from the operation of this Standard.

DH wishes to make the following comments:

(i) Tutin

DH supports the extension of the temporary MLs for tutin at the current levels. However, DH is concerned that the two years may be insufficient time for FSANZ to complete its comprehensive risk assessment and impact analysis to support an appropriate, permanent regulatory measure for tutin in food. Consequently, DH suggests that FSANZ consider extending the temporary MLs for tutin at the current levels by 3 or 4 years.

(ii) Tocopherols

DH supports the amendment and agrees that the corrections are of a 'code maintenance' status. However, DH has noted an error in the draft instrument on page 17 of the Calls for Submissions document.

The draft instrument both inserts the correct terminology and omits the correct terminology, namely:

[1] Standard 1.2.4 is varied by

[1.1] inserting into Part 2 of Schedule 2

"Tocopherols concentrate, mixed 306"

[1.2] omitting from Part 2 of Schedule 2

"Tocopherols concentrate, mixed 306"

(iii) Food for Special Medical Purposes (FSMPs)

- Transitional arrangements usually follow the amendment of an existing standard to allow businesses time to comply with changed requirements. In this case there was no pre-existing standard. In light of this, DH is of the view that a phased transition, any time from gazettal to 2014, is sensible.

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- The amendments to the novel food standard address the immediate issue of closing the identified loophole. Has FSANZ given consideration to how to deal with this issue if and when the proposal to remove the nutritive substances and novel foods standards is progressed? Would it be as simple as declaring FSMPs, and their ingredients, to be eligible foods?