



30 October 2012

Project Officer Proposal P1023  
Food Standards Australia New Zealand  
PO Box 10559  
The Terrace  
WELLINGTON 6036



Dear Sir/Madam

**Proposal P1023 – Tulin, Tocopherol and Food for Special Medical Purposes Standards Amendments – Call for Submissions**

Thank you for the opportunity to comment on this proposal. The Ministry for Primary Industries (MPI) has the following comments to make.

**Tulin amendment**

MPI supports the extension of the interim measures for tulin in honey and comb honey, until 31 March 2015, as proposed in Proposal P1023. MPI is funding the further work required to set a permanent standard, and will continue to work with FSANZ as the work progresses.

**Tocopherol amendment**

MPI supports the amendments made to correct the entries for tocopherols, arising from Proposal P1021.

**Foods for Special Medical Purposes (FSMPs)**


MPI agrees with the reasons for amending standard 2.9.5, as outlined in the proposal P1023. We agree that FSMPs should be able to comply with the new standard immediately, rather than waiting until the original commencement date in 2014. We agree that some matters will take longer to comply with, and are pleased that the industry has been consulted to identify which aspects these are (i.e. the eight matters that are identified in section 3.2.3.2 of the Proposal).

MPI found the draft variations difficult to follow, and suggests some commentary around the reasons for the three separate variations, and three separate Explanatory Notes, would be helpful to other stakeholders (we now understand the reasons for three separate variations - the standard has not come into effect so some of the variations need to refer to P242 drafting). The title 'Explanatory Statement' could be inserted on each of the three, rather than only the first one (or commentary provided at the beginning, explaining the three variations).

Pg 18 – item [5] – we note that a new subclause 3 (3) is inserted into standard 2.9.5, concerning the stock in trade exemption. We understand that this clause prevents the usual stock in trade provision in standard 1.1.1 subclause 1 (2) applying, and that for FSMPs all products on the Australian and New Zealand market must comply from the new date of gazettal, apart from the list of exceptions (i.e. the eight matters referred to above). MPI considers that the Explanatory Statement on page 24 (i.e. item 6.5) could state this in more detail. The Approval Report could also provide more detail about the reason for inserting the new subclause 3 (3).

MPI considers that more clarity in the Approval Report and in the Explanatory Statements is required on the mechanism that allows compliance sooner than 28 June 2014 for the eight matters. We understand that the mechanism is that the eight matters can be complied with sooner than 28 June 2014, either because the Code is currently silent on these matters for FSMPs, or they are already regulated (i.e. gluten and lactose claims).

Yours sincerely

  
Manager Food Science and Risk Assessment