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Fonterra Co-operative Group Ltd Submission on ANZFA Proposal 235 Review of Food Type Dietary Supplements (FTDS)

26 June 2002

Fonterra Co-operative Group Ltd

Fonterra Co-operative Group Limited is a farmer owned co-operative company. It is New Zealand's largest commercial enterprise, and a multinational food marketing and manufacturing organisation.

Fonterra considers the proposed review of the regulation of FTDS and TTDS in New Zealand and Australia to be one of the most important reviews in the history of the joint food regulation arrangement. It provides an opportunity to bring the regulatory system in line with the day to day eating habits of a large proportion of the New Zealand and Australian community. These habits involve using nutrition, health and well being enhancers (or perceived enhancers) to complement the nutritional, health and well being benefits derived from traditional non-enhanced foods that make up an individual's day to day food consumption. With the better scientific understanding of a person's genetic predisposition to diet related diseases this use of complementary products is likely to increase.

This 'enhancement' may be through consumption of vitamin capsules, fortified breakfast cereals or milk beverages, specially formulated products, such as sports drinks and foods (2.9.4)[1] as well as 'alternative' health products. The approach in the Food Code to date has been somewhat ad hoc resulting in vertical standards (eg, formulated caffeinated beverages 2.6.4) or general standards with restricted application (vitamin and minerals 1.3.2).

An area of major concern to food producers is the lack of parity between the regulation of enhanced foods, arising from the system into which they fall – foods, dietary supplements, medicines or therapeutic goods. A truly risk based regulatory system would address this inequity. The extent to which the marketing of enhancer should be regulated should be similar regardless of whether it falls within the regulatory grey area (eg, at the (comparatively) low risk end of therapeutic goods or the (comparatively) high risk end of foods).

In the past the common (perhaps sole) fortificants were commonly known vitamins and minerals. Now we see a range of other ingredients including probiotics and like bioactive agents, amino acids, herbal compounds, botanics, alternative medicines, etc. The form (eg, food or capsule, etc) in which they are consumed should be a matter of consumer choice. The appropriate role of regulation is to ensure the consumer products meet acceptable levels of safety (presentation, claims and mandatory statements are relevant here) and that there is adequate information available for an informed choice by

[1] But not, say, infant formulas foods.

consumers. To do this while not unduly impeding consumer choice and trade, and in the light of the current and likely future eating habits of the community (referred to earlier), FSANZ might consider using a more liberal vitamin and mineral style or an additive listing style regime for regulating the use of many of the enhancing ingredients. Another option is to have a joint initiative involving teams from both FSANZ and the therapeutics area.

Without some step change, our food regulatory system is going to become more and more reactive and piecemeal and negotiating the regulatory maze will be correspondingly more complicated and costly.

Fonterra has considered the Initial Assessment Report of ANZFA P235 but is not in a position to comment formally as we are still considering our position on what is the optimum regulatory system for addressing the myriad issues.

In the meantime, we are flagging to FSANZ that we have a keen interest in P235 and wish to participate in the consultation going forward. The consultation on P235 must take place in tandem with the other consultation on the Joint Therapeutic Products Agency and the proposed review of the NZ Dietary Supplement Regulations 1985 by Ministry of Health. We note that the latter has not yet commenced.

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Yours sincerely

[redacted]
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13 September 2002