NEW ZEALAND GROCERY MARKETERS ASSOCIATION (INC)

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ACKNOWLEDGED

7 August 2002

Standards Liaison Officer
Food Standards Australia and New Zealand
PO Box 10559
The Terrace
Wellington 6036

Dear Sir/Madam

SUBMISSION ON PROPOSAL P235 "REVIEW OF FOOD-TYPE DIETARY SUPPLEMENTS"

The members of the New Zealand Grocery Marketers Association (the Association) are not suppliers of products that fall within the ambit of the New Zealand Dietary Supplements Regulations 1985 and thus it does not wish to comment in depth on Proposal P235 "Review of Food-Type Dietary Supplements", nor is it competent to respond to the questions raised in the Proposal.

The Association wishes, however, to make the following general comments.

1. Given that food-type dietary substances (FTDS) may contain nutritive substances not permitted in the Australia New Zealand Food Standards Code (the Code) or the levels are in excess of the current prescribed limits and, because many FTDS will not or may not, when certain proposals are finalised, fall within other provisions of the Code (eg Novel Foods, GMF's, Sports Foods and Beverages, Special Purpose Foods and Formulated Caffeinated Beverages), there must be specific stringent regulation for such foods if the New Zealand Dietary Supplement Regulations 1995 are repealed.

2. The definition of FTDS must make it clear that such products are a dietary supplement and therefore must be specifically labelled as such to differentiate them from other food products. In addition, the demarcation between FTDS and therapeutic products will be an important one given the implications there can be of incorporating the concept of FTDS within the Code.

3. While the Association supports that FTDS be regulated by a separate standard within the Code, they must still be subject to other provisions of the Code. As there may be, for example, occasions where warning and advisory statements and declarations will be necessary. In addition, nutritional information must be provided.

4. With the rapid technological developments occurring in respect of foods, the Association believes there will be occasions where non-novel FTDS will need to be subject to pre-market assessment, particularly given the nature of the ingredients that can be present in such foods and the synergistic effect such products can have.

5. The Association submits that GMP should be applied to botanicals that are used in FTDS.

6. As already noted above, the Association believes that FTDS must be labelled to the effect they are a dietary supplement and carry a statement to the effect they should not be used to replace nutritional foods in a varied diet.

7. If provisions for health and related claims for foods are ultimately permitted, the provisions should extend to FTDS.

8. The Association supports the full regulatory option, that is, the full regulatory provisions within the Code with option 2b being the preferred approach as FTDS are a separate product that should be subject to targeted risk assessment. The Association agrees such an approach will meet protection of public health and safety, provide informed choices for consumers and harmonises trans-Tasman food regulation.

Yours faithfully

[redacted]

Executive Director