

Submission on P235
On Behalf of
The New Zealand Nutrition Foundation
C/- Private Bag 25 905
St Heliers
Auckland
New Zealand
Ph: 09 575 3419
Fx; 09 575 2215

Sections 2.4.1 – 2.4.2, 2.4.4 – 2.4.6 – Underlying Principle and Regulation of Components of FTDS

The New Zealand Nutrition Foundation whilst not wanting to stifle innovation wishes however to see the consumer protected from any risk. The Foundation agrees with the FSANZ comment that nutritive substances do not have a safe baseline or zero – many may be essential at one level and potentially toxic at another. This is not necessarily a concept that the consumer is conversant with which puts them at increased risk. Though this is presently controlled our concern lies with the increase in availability of FTDS food products and that their consumption in the daily diet may risk excess and potentially harmful intakes of some substances. No evidence is currently available as to the safety or potency that different additives may have in different foods or in fact to their efficacy. The bioavailability of many botanicals and additives may vary according to the manner in which they are processed and added to food and within different foods as well. There is not enough scientific evidence relating to this.

The NZ Nutrition Foundation therefore feels that any nutritive substances to be added to foods should undergo explicit pre-market assessment and permission before being added to foods.

The Foundation does not believe that FTDS can be considered to be “special purpose” foods as they are not designed specifically to meet the health-needs of a particular well targeted sub-group(s) of the population. It feels that FTDSs should be kept separate.

The line between food and medicine is blurred when considering FTDS- though Hasler’s definition (or one generally accepted) of what constitutes a functional food should help in deciding the defining characteristics. It is important that non traditional foods or non-traditional use of traditionally therapeutic substances in food undergo a risk-based assessment before they are offered for retail sale. We agree with FSANZ that the use of botanicals in foods is a greater health risk since risk management options are fewer and the potential for high exposure to a broader segment of the population is greater.

Section 2.4.7 – Labelling of FTDS

If labelling of FTDS is seen as an important risk management tool, then education is the key to its use. Specific labelling of FTDS is of no use to consumers unless supported by a comprehensive education programme on FTDS – what they are, where they fit into the total diet, etc.

Claims relating to content of new FTDS should be backed by scientific evidence as to safety in the food combination to be marketed and bioavailability, interactions etc be known. – i.e need to be treated as a novel food and fully assessed before being allowed to be marketed. The use of nutrient claims in themselves can imply health benefits. This also applies if health claims should be permitted in the future. The risks of excess intake need to be highlighted and the use of a warning to at risk groups and to the consumer in general should identify the place that such FTDS should hold in the total diet. Frequency/amount should also be included on packaging.

Section 4 Regulatory Options

Option 2.b.ii

The NZ Nutrition Foundation wishes to support option 2 b.ii – a new chapter in Volume 2 which identifies FTDS as a conceptually discrete class of products that have in common a purported intent, potentially characterised by certain compositional characteristics and/or facets or presentation including form, labelling statements, etc.

The long term costs to consumer health must be the priority for any regulatory option that is considered. Through thorough risk analysis and careful consideration of products the food industry will also benefit from capturing a potentially large dollar market in a manner that retains integrity and credibility. The NZ Nutrition Foundation sees that Option2.b.ii is the only option put forward that will best meet these requirements.


On behalf of the NZ Nutrition Foundation