



SUBMISSION

To:
Food Standards Australia New Zealand

In response to:
Proposal P274 - Minimum Age Labelling of Foods for Infants

November 2013

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PREFACE

H.J. Heinz Company Australia Limited (“**Heinz Australia**”), Heinz Wattie’s Limited in New Zealand (“**Heinz Wattie’s**”) and Golden Circle Limited are part of the H.J. Heinz global group of companies. Heinz Australia, Heinz Wattie’s and Golden Circle in this submission shall be collectively referred to as “**Heinz**”.

Heinz is one of the world’s leading producers of nutritious, convenient foods for every eating occasion and has been feeding families for more than 100 years. Heinz operates across the retail grocery and out of home channels, including hospitality and healthcare, and maintains #1 or #2 share in key categories including baby food, baked beans, tomato sauce and ‘wet’ soup.

With combined experience of over 140 years, Heinz provides a positive presence in the Australasian grocery products industry.

Heinz offers a diverse portfolio of brands, including:

Heinz	Wattie’s	Golden Circle	La Bonne Cuisine®
HP	Lea & Perrins	Greenseas	PMU
Epicure	Farex	Tom Piper	Hamper
Imperial	Ox & Palm	Petdeli	Cham
Chef	Pacific	Crown	LOL
Craig’s	Oak	Original Juice Co.	Popper
GC Raw	Mediterranean	Little Ripper	Gourmet
Breton	Master Chef	Wild Boy	Ice Magic
The Good Taste Company		Nurture	
Cottee’s (toppings, jelly and jams only)			

Heinz also manufactures and/or distributes products under licence from:

Weight Watchers	Complan
Eta	Rose’s (jams only)

The Heinz product range includes:

infant food	frozen vegetables	baked beans	canned pasta
infant formula	fruit drinks	ketchup & sauces	soup
fruit juice	cordial	bottled water	corned beef
jams, jelly & toppings	frozen meals	canned seafood	canned fruit & vegetables

Heinz Australia and Heinz Wattie’s are active members of the Australian Food & Grocery Council (AFGC), and the New Zealand Food & Grocery Council (NZFGC). Positions are held on various working groups, and Heinz contributes towards preparing submissions, opinion and information sharing, and strives to keep abreast of current and upcoming regulatory issues.

EXECUTIVE SUMMARY

Heinz welcomes the opportunity to comment on Proposal P274 Minimum age labelling of foods for infants.

Heinz **does not support** the changes to minimum age labelling as described in the P274 consultation paper. **Heinz supports regulatory option 1 to maintain the status quo in Standard 2.9.2.**

OVERALL POSITION

Heinz fully supports the position that breast milk is best for babies. Breast milk provides the ideal nutrition for infants and breast feeding provides numerous benefits to both mothers and babies. However when breast milk is not available, an infant formula product is the only acceptable and safe alternative for the first 12 months of an infant's life. Heinz is a member of the Infant Nutrition Council (**INC**) and supports the aim of the WHO International Code of Marketing of Breast-milk Substitutes (**WHO Code**) and the local applications in Australia and New Zealand to: *"contribute to the provision of safe and adequate nutrition for infants, by the protection and promotion of breast-feeding, and by ensuring the proper use of breast-milk substitutes, when they are necessary, on the basis of adequate information and through appropriate marketing and distribution."*¹

In context of the P274 consultation paper, while introducing solid foods to infants Heinz supports the continuation of breastfeeding.

Heinz values and respects the Australian and New Zealand dietary guidelines as key evidence based documents for use by all health professionals to promote good nutrition and health. Furthermore due appreciation is given to the consistency the guidelines give to health professionals, industry and relevant consumer (caregiver) nutrition messages.

Heinz endorses the guidelines in various ways including using the dietary guidelines to provide information to consumers. This is done via websites, printed communication, and through a specialised infant feeding advisory service throughout both Australia and New Zealand. An example of this is provided in attachment 1.

Heinz would like to emphasise that the dietary guidelines wording of 'around 6 months' was not developed for the purpose of putting on a label. It was designed to provide health care professionals with guidance on advice for the general population.

The current labelling regulations as in Standard 2.9.2 already fulfil the intention of the dietary guidelines and provide numerical clarity to caregivers with the minimum age labelling of 4 months.

This minimum age labelling provides scope for caregivers to offer first foods at around 6 months when a baby is showing signs of readiness but not before 4 months.

Heinz **does not support** the approach of FSANZ described in the consultation paper for the following reasons:-

- a) nutritional science evolves and dietary guidelines can out-date quickly
- b) FSANZ's assumptions surrounding mandating 'around 6 months' are unfounded
- c) current regulation works well and is aligned with guidelines in principle

- d) FSANZ is not meeting all objectives in the FSANZ Act
- e) the definition of 'first food' is unenforceable
- f) 'Around 6 months' does not clearly assist the public
- g) the proposed changes are more restrictive and pose a greater regulatory burden on the industry
- h) there is a potential health and safety risk with delaying solids
- i) iron and zinc deficiency
- j) allergies
- k) P274 contains errors and flaws including underestimating the costs to industry and failing to cost the benefit to the public.

Each of these reasons are discussed in detail in this submission.

Heinz supports the AFGC and NZFGC submissions.

1. Current Guidelines and Practices for Introducing Solids

Position: Nutritional science evolves and dietary guidelines become out-dated quickly.

As stated in the Executive Summary, Heinz supports consistent dietary guideline messages throughout Australia and New Zealand for all foods for adults, children and infants.

The revised New Zealand Food and Nutrition Guidelines for Healthy Infants and Toddlers were published in May 2008 and have since been partially revised online in December 2012. For the NZ population, it is recommended that infants are exclusively fed breast milk to around 6 months of age, at which time complementary foods are introduced, with continued breast feeding until the infant is one year old or beyond. The timing for introduction of solids is based on the required developmental stages and skills which will vary from infant to infant².

The updated 2012 National Health and Medical Research Council (NHMRC) Australian Infant Feeding Guidelines were released in January 2013 and also align with the recommendation to introduce solid foods at around 6 months to meet the infant's increasing nutritional and developmental needs³. It is well accepted that nutritional science is constantly evolving and therefore dietary guidelines can become out-dated rapidly. It is evident that while preparing to the 2012 dietary guidelines, the NHMRC did not review any scientific papers after 2010.

There are currently studies being undertaken in relation to food allergy and time to introduce solids. A recent paper by Metcalfe et al (2013) provides evidence of this⁴. As the science of 'when to introduce solids' is still progressing, it is not appropriate to change the minimum age statement on infant food labels when the outcomes of the studies are uncertain.

2. Current guidelines not always supporting caregiver's needs

Position: The assumption that mandating the dietary guidelines wording of 'around 6 months' as the minimum age statement on a label will have no health impact is unfounded and does not support caregivers needs.

It is well accepted that infants develop at different rates and just like crawling and walking, the best time for introduction of complementary foods depends on developmental readiness, of the infant not chronological age. Some infants do need complementary foods between 4 and 6 months of age. Dietary guidelines should therefore be reinforced through health professionals to help educate caregivers to recognise the signs of readiness and follow the baby's cues to know when to offer complementary feeds.

The Heinz Infant Feeding Advisory Service and our Wattie's for baby Nutrition Advisory Service ("**infant advisory service**"), are group of qualified health professionals who regularly engage with caregivers to discuss infant and early childhood nutrition. The infant advisory service is another avenue Heinz uses to promote the dietary guidelines.

Through consumer's feedback to our infant advisory service, some caregivers have reported to have received conflicting information by their health professionals who encourage them to wait until their infant is 6 months of age, regardless of the infant's readiness.

There is an apparent association of guilt with caregivers when advised to delay complementary foods when they know their baby is hungry after a regular milk feed. General anecdotal reports provided to our infant advisory service show sentiments such as "*I am just not giving my baby enough*" or "*I have been told to not give my baby solids until six months but he seems hungry and wants to eat*". Our infant advisory service has heard from caregivers that instead of giving babies food to eat they are adding extra things to their bottle feeds as a way of filling them up. The most common additions to milk feeds are infant cereal, crushed biscuits, or even extra scoops of infant formula. All of these are entirely inappropriate and potentially pose a health risk to the baby, but for some caregivers it is more important to satisfy a hungry baby who is no longer satisfied by milk feeds alone. Even mothers who are breast feeding have been known to resort to providing infant formula in between regular breast milk feeds, as they feel they just cannot keep pace with the baby's needs.

The proposal by FSANZ to align minimum age labelling statements with the dietary guidelines 'around 6 months' and remove the permissions for foods from 4 months is based on the assumption that there will be no negative health impact to infants. FSANZ have not provided any evidence of this. On the contrary, Heinz believes that the alignment will exacerbate the issues identified above.

Offering food is far more appropriate than adding supplements to baby's bottle and poses a significantly lower health risk to baby. By continuing to offer caregivers food choices aimed for infants "from 4 months" will continue to provide proven safe options for infants.

3. Average age solids are introduced

Position: Current labelling laws are working well and do not need to be changed.

Heinz has reviewed recent reports on current practices for introducing solids in Australia and New Zealand. These are important in providing an understanding of caregiver behaviour.

The 2012 'Growing up in NZ' study shows that the first solid food most frequently introduced was baby rice. 84% (n=5443) of infants consumed baby rice at 5 months (mean) and 5 months (median), and 97.9% (n=6332) of infants consumed fruit at 5 months (mean) and 6 months (median)⁵.

The 2010 'Australian National Infant Feeding Survey' indicates that the proportion of infants who consumed soft/semi-solid/solid foods in the last 24 hours was 35% for infants aged 4 months, 70% aged 5 months and 92% of infants aged 6 months⁶.

Heinz market research conducted in 2008 (n=529) showed that solids were introduced on an average at 5.5 months⁷.

In the 2013 NOURISH study, solids were introduced at the mean age of 22.8±4.7 weeks (n=698)⁸. The frequency is provided in age bands as follows: 0-17 weeks = 4% (0-3.9 months), 18-21 weeks = 24% (4.2 – 4.9 months), 22-25 weeks = 31% (5.1- 5.8 months), 26 weeks = 28% (6.0 months), greater than 26 weeks = 13%⁹.

With the additional South Australian Infant Dietary Intake (**SAIDI**) data included (n=552) solids were introduced at the mean age of 20.9±5.1 weeks¹⁰.

All four reports show that the majority of infants are being introduced to solids earlier than 6 months and usually around 5 to 6 months. This aligns with the dietary guidelines of 'around 6 months' regardless of what age statement is currently on the label. Heinz would like to emphasise three points;

- i. This shows that the current age statement of 'from 4 months', '4+ months', '4 - 6 months', **does not encourage** the introduction of solids at 4 months to the majority of the infant population;
- ii. Current practice amongst caregivers aligns with the dietary guidelines regardless of what information is on the label; and
- iii. Some caregivers need commercial options available to them from the 4 months of age stage.

Points (i) and (ii) are very similar to the conclusions drawn from the research conducted by FSANZ in 2004¹¹.

In that study (n=52 Australia, n=unspecified New Zealand) it *"...suggests that the youngest minimum age declared on infant food labels is unlikely to have a large impact on the age at which most caregivers introduce solids to infants."* Labelling plays a less significant role in mothers' choice of when to feed. The research identified that labels were helpful in the selection of foods once complementary foods were introduced.

FSANZ's Supporting Document 2 confirms the decision to introduce complementary foods was not influenced by label information, but rather from child health nurses, reference material, mother's groups and signals from the infants. The research showed the useful elements on a label included features already present such as a texture statement, colour coding and consistent age recommendations.

There is consensus that the current minimum age statements on labels do not influence the decision to introduce solids *and* most infants are introduced solids in the 5-6 month window under the current minimum age statements. Heinz fails to see how by proposing to change the minimum age statements, FSANZ have given regard to the requirements of the Australia New Zealand Food Regulation Ministerial Council's Overarching Policy Guideline on Primary Production and Processing Standards, namely;

1. providing cost effective compliance; and
2. providing a regulatory framework that applies only to the extent justified by market failure.

4. Introduction of solids and mineral deficiency

Position: FSANZ is not meeting the objective set by the FSANZ Act – to protect the health and safety of the public.

Around the age of 6 months, infants require additional nutrients from complementary foods which breast milk or infant formula alone can no longer supply.

FSANZ Supporting Document 1 summarises the combined findings of scientific reviews and the health effects associated with the timing of the introduction of solids foods, which included the indication that *“Deficiency of iron or zinc is unlikely if solid foods are introduced in the period of 4-6 months. However, data are lacking for nutrient intake if solids are introduced after 6 month”*

Iron and zinc are critical nutrients as an infant’s iron stores begin to deplete by 6 months of age². Iron and zinc are essential for normal growth and development in a healthy baby. Therefore offering complementary foods at around 6 months is an important way to boost an infant’s mineral stores. The 2013 Australian dietary guidelines recommend that first foods should be iron rich and include iron fortified cereals, pureed meat, poultry, fish or cooked tofu and legumes³.

If a minimum age statement of ‘around 6 months’ was interpreted quite reasonably by caregivers as ‘appropriate to introduce solids to infants at the age of 7 months’ then there would be a resultant delay in the introduction of solid foods and potential depletion of vital nutrients such as iron and zinc.

Heinz believes that more research is required to understand if delaying solid food introduction at ‘around 6 months’ to beyond 6 months has a negative effect on infants’ nutritional status. Without this evidence FSANZ is failing to protect the health and safety of infants and is not meeting the objective set by the FSANZ Act section 18 (1) (a) which states; *“(1) The objectives (in descending priority order) of the Authority in developing or reviewing food regulatory measures and variations of food regulatory measures are:*
(a) the protection of public health and safety;”

5. Introduction of solids and food allergy

Position: FSANZ is not meeting the objective set by the FSANZ Act, namely to protect the health and safety of the public and have failed to consider satisfactorily the best available scientific evidence.

There are currently variations between international guidelines and regulations on the appropriate age to introduce solids. The age for introduction of solids to infants is still an area of ongoing research particularly in relation to food allergies.

The ongoing studies are highlighted in FSANZ Supporting Document 1:

“Currently, there are randomised controlled trials (RCTs) underway which aim to determine whether exposure to food allergens, and not avoidance, is critical during this period to minimise the risk of developing food-related allergy and to determine the optimal timing for introduction of solid foods.”

The currently available evidence indicates that there is an important window between 4 and 6 months for solid food introduction to minimise the risk of developing food allergies.

Supporting Document 1 shows that FSANZ have completed a detailed analysis of the evidence on the association between the age of solid food introduction and the development of food-related allergies and/or gluten intolerance in children and the conclusion drawn was: *“Based on current national and international recommendations, and the analysis presented in this risk assessment, the timing of ‘around 6 months’ as the appropriate age for introduction of solid foods for infants would have minimal effect on the risk of adverse health outcomes, compared to ‘from 4 months.’*”

By proceeding with this proposal at a time when fundamental research has not reached conclusion FSANZ have failed in their requirement under the FSANZ Act section 18 to review the best available scientific evidence.

Heinz has listed below the guidelines from key Australian, European and American expert groups which recommend a 4-6 month window for solid food introduction:

- The Australian Society of Clinical Immunology and Allergy (**ASCIA**) infant feeding advice and allergy prevention in children recommends families introduce complementary foods to their infants from 4-6 months, whilst breast feeding and not to delay the introduction of potentially allergenic foods. The ASCIA infant feeding advice is based on a systematic review of published review papers and position statements, and acknowledges that the continued rise in allergenic diseases is complex and there is ongoing research in this area¹².
- The European Food Safety Authority (**EFSA**) Panel scientific opinion concluded that between the ages of 4 and 6 months is an appropriate age for the introduction of complementary food for healthy term infants in the EU and is safe and does not pose a risk for adverse health effects. Also data indicates that the introduction of gluten containing foods no later than 6 months, while still breast feeding, might decrease the risk of celiac disease and type 1 diabetes¹³.
- The European Society for Pediatric Gastroenterology, Hepatology, and Nutrition (**ESPGHAN**) position paper on complementary feeding concludes that complementary feeding should not be introduced before 17 weeks (4 months) and not later than 26 weeks (6 months). Two of the relevant summary points are that there is no convincing evidence that avoidance or delaying the introduction of potentially allergenic foods reduces allergies, either in infants considered at increased risk for development of allergy or in those not at increased risk. Also they conclude that gluten containing foods should not be introduced before 4 months but should not be delayed beyond 7 months. The introduction of gluten should be gradual while the infant is still being breast-fed to lessen the risk of celiac diseases, type 1 diabetes and wheat allergy¹⁴.
- The American Academy of Pediatrics clinical report summaries *“there is also little evidence that delaying the timing of the introduction of complementary foods beyond 4 to 6 months of age prevents the occurrence of atopic disease”*. This includes delaying the introduction of potentially allergenic foods¹⁵.

Heinz also highlights a recent paper on the timing of introductory foods and later health and undesirable health consequences. *‘While the 6-month goal is desirable, introduction of suitable complementary food after 4 completed months with ongoing breastfeeding can be considered without adverse health consequences for infants living in affluent countries’*¹⁶.

Taking into consideration these expert views and that there are clinical trials underway to establish the appropriate age to introduce solid foods to reduce the risk of allergies, Heinz **supports maintaining status quo** for minimum age labelling of infant foods.

6. Concept and definition of ‘first food’

Position: The definition of ‘first food’ is vague and uncertain.

4.1.1.2 Food intended as a first food

1. *Is the concept and definition of first food a useful way to apply certain labelling and formulation requirements?*

Heinz **does not support the concept** of ‘first food’ as it is not a term which is readily determinable and is capable of many different interpretations – particularly amongst varying socio-economic groups. Heinz is of the view that the intention of FSANZ to make ‘first food’ deliberately vague is contrary to the intent and purpose of regulatory definitions.

Heinz **does not support the definition** of ‘first food’ being *‘first food means a food for infants that is intended for use in the first stage of weaning an infant’*.

In addition to the vague nature of the proposed definition, Heinz is concerned at the use of the word ‘weaning’ in the definition and disagrees with the explanation provided by FSANZ in Supporting Document 2 which states: *“The ordinary meaning of weaning is relied on in this situation as provided in the Macquarie dictionary i.e. 1. weaning is to accustom (a child or animal) to food other than its mother's milk; and phrase 2. wean off (or from), to induce to give up dependence on (a substance, habit, or activity).”*

The definition of weaning varies depending on which source is consulted, including dictionaries, health authorities, expert organisations and popular websites. Weaning can mean to gradually withdraw breast milk as a source of nourishment for the baby, as well as to accustom the baby to new foods as the first step in the journey towards eating adult foods.

The 2012 NHMRC Infant Feeding Guidelines provide the following explanation *“The word ‘weaning’ is often used to describe the introduction of solid foods. This can be confusing as this term is also used to describe the introduction of non-milk drinks or even infant formula that may be introduced as complete reliance upon breast milk ceases. Due to this confusion, and use of ‘weaning’ in various contexts in the literature, these Guidelines use the term ‘introduction of solid foods’ instead³.”* The New Zealand dietary guidelines also use similar wording of ‘complementary feeding’².

The meaning of the word ‘weaning’ within the context of defining a ‘first food’ could be confused with the cessation of breast feeding (which in the case of the FSANZ definition is unlikely to be the intention).

A ‘first food’ means a food that is appropriate for infants when introducing solids and in the early stages of feeding’

2. *Is the definition of ‘first food’ enforceable?*

Heinz believes that the proposed definition of ‘first food’ is subjective and lacks certainty.

The relationship between ‘first food’ and ‘around 6 months’ is equally confusing because the definition does not provide a numerical interpretation of what ‘around 6 months’ means. It

also does not provide further context that this is in association with appropriate development cues, and timing for the introduction of solids will vary from infant to infant.

Heinz **does not support** FSANZ's intention to make 'first food' deliberately vague.

7. Clear and useful age statements

Position: The proposed age statement 'around 6 months' does not address all of the concerns identified in a recent consumer survey, however the current age statement does.

Heinz conducted a consumer survey in 2013 to gain information about consumer understanding of introductory age statements on infant food labels¹⁷. Although this survey does not directly address the proposed wording in the consultation paper, it does show that consumers can get confused about the age statements.

The results of the survey (n=763) showed that over 90% of respondents found the 'from 4 months' age statement on baby food labels either quite clear or very clear.

Of particular interest are the verbatim comments provided by the survey respondents with regards to age statements. Some key takings from the verbatim comments are:-

- Primary caregivers want the information to be clear on the label
- A clear understanding of which foods to start with is very important (however there is little consensus as to what information is clear)
- Foods need to be available for infants before 6 months
- Use of the number 6 for two different age stages can be confusing
- Colour coding is useful however it may be confusing with 6 months on two colours
- Concern that caregivers may mistakenly introduce second stage foods as a first food
- Concern that caregivers may introduce solids too early

This research shows that there are several issues that need to be addressed if age statements were to be changed on pack. Heinz strongly believes that simply mandating 'around 6 months' on the front of pack will not address all of these concerns, and there are a number of unanswered questions which by default places burden on infant food manufacturers to resolve.

8. Using the number 6 on foods other than first foods

Position: The use of the age/number 6 on labels other than first foods is necessary and should not be prohibited.

4.1.1.3 Impact of labelling on other infant food

1. *Should the use of the age/number 6 on labels of infant food be prohibited, other than in conjunction with the word 'around'? Please explain your view.*

Heinz supports the age/number 6 on labels other than first foods that is other than in conjunction with the word 'around'. This support is based on an infant's need for texture and food variety soon after solids have been introduced and not necessarily delayed until the infant is 7 months of age.

As the 'around 6 months' first foods message is based on developmental cues, many infants are ready at 6 months for the next stage of new flavours and textures offered in the 6+ product ranges. Texture progression is very important for speech and jaw development. When infants start solids at around 6 months they need to rapidly move onto a wider variety of foods and textures. Heinz believes that the current labelling laws meet these needs in a clear manner.

If P274 was to proceed to gazettal, there needs to be flexibility regarding age statements. There should be no prohibition if the industry wishes to use 6 in other age statements such as 'from 6+ months' or 'from 6-7+ months'. As long as the messaging on the label is clear for caregivers it should be permitted.

As shown by the current Heinz labels in the marketplace, other labelling elements (such as texture statements, colour coding and stage information) can complement the age statements to make this information clearer.

9. Flow-on effect

Position: Heinz is certain that a 'flow-on effect' will occur which has not been included in the FSANZ Labelling Cost Estimate.

One of the key outcomes from the consumer survey conducted by Heinz in 2013 was the potential for consumer confusion around differentiating 'first foods' from second stage foods.¹⁷ Heinz recognises that there would be a need to provide information that clearly differentiates the two ranges. In order to do this, it would be necessary to complete additional consumer research to ensure that the messaging on the label creates no confusion for caregivers. This will add to the cost burden of the proposed change.

Heinz has identified the need to make changes to the 'from 6+ months' and 'from 6-7+ months' range so that they are clearly differentiated from an 'around 6 month' range.

Heinz agrees with the FSANZ Supporting Document 2, which states; *"Currently, there are infant foods on the market recommended 'from 6 months' or '6–7' or '6+' months of age, for example. The statement 'around 6 months' could overlap with these currently-used age recommendations. This could cause confusion for caregivers, or pose difficulties for manufacturers in formulating and differentiating products."*

The 'flow-on effect' will generate significant additional costs to Heinz. Heinz is concerned that this cost has **not been included** in the FSANZ Labelling Cost Estimate Supporting Document 2.

Heinz would like to emphasise that the additional cost impact which it has identified has not in any way influenced its' position in relation to P274.

10. Age staging

Position: Sequential age staging should not be mandated.

Heinz agrees with the FSANZ suggestion of not mandating sequential age staging. The food industry requires flexibility with how first food labelling information is expressed to ensure outcomes of emerging science can be captured while minimising alterations to minimum age on infant food labels.

11. Proposed changes to location and wording of mandatory advisory statements

Position: The shortened mandatory advisory statement holds the same meaning and should only be required on first foods or foods with >3g/ 100kJ of protein.

4.1.2 Mandatory advisory statements

1. *Do the changes to the wording of the warning statements change the intent of these statements? If so, please explain why.*

Heinz believes the shortened mandatory advisory statements 'not before 4 months of age' and 'not before 6 months of age' carries the same meaning as the current statements, and assists with space restrictions on labels.

2. *Should the 'not before 4 months of age' statement apply to food represented for infants 'around 6 months' of age only? If not, please describe which foods should carry this warning statement, and the reasons why.*

Heinz has always supported the use of the current mandatory advisory statement on foods from 4 months and supports the use of the shortened statement 'not before 4 months of age' on first foods represented for 'around 6 months' only. The interpretation of this advisory statement is that it provides information to the primary caregiver that first foods may be suitable for under 6 months, but not before 4 months of age.

Heinz does not support the statement 'not before 4 months of age' on foods other than first foods as it not necessary and poses more regulatory burden on the industry.

There have been suggestions of an alternative statement of 'not before around 6 months'. Heinz does not support the statement as it is confusing and meaningless.

The warning statement 'Not before 6 months of age' is required if an infant food contains more than 3g/100kJ of protein. The conditions for this warning statement have not changed, but the shortened warning statement is preferred due to space restrictions on labels.

Heinz would like to highlight that as per the current Standard, there is the possibility that an infant label could require both warning statements 'Not before 4 months of age' and 'Not before 6 months of age' at the same time. The circumstances would be if 'first food' product contained more than 3g/100kJ of protein. Although this example is unlikely to occur, it would be very confusing to have both warnings on one product. Heinz therefore suggests this requirement should be reviewed.

12. Mandating 'Around 6 months' on front of pack

Position: Heinz **does not support** mandating the statement 'around 6 months' on the front of a product.

4.1.2 Location of Mandatory statements on infant food labels

1. *Is it important for minimum age to be always displayed on the front of a product? Please give your reasons. If not, are there any other labelling measures that should be mandated?*

Infant food manufacturers want to provide useful and important information to caregivers but in the case of infant foods, are challenged by very limited space. An infant food manufacturer may want to communicate readiness for solids and different textures through other label elements such as staging and symbols. This may be expressed in a variety of forms (such as stage logos) that are supported by more information elsewhere on the pack. Mandating minimum age on front of pack places further restrictions around communicating clearly to consumers.

All infant food labels in the Australian and New Zealand marketplace have age statements presented on the front of the label and most have texture statements on front of pack too, even though these requirements are not mandatory. This is proof that the food industry behaves in a responsible manner and strives to provide caregivers with the clearest information.

Heinz strongly recommends retaining the requirements as per the current standard, as there is no evidence of consumer confusion or market failure in this area.

Heinz would also like to state that;

- label real estate on infant foods is at a premium
- other labelling elements such as words and symbols of similar meaning (such as age staging) may be used if necessary depending on how the new labels will look
- consumer research is required to gauge consumer understanding of the 'around 6 months' message

Heinz believes that by providing flexibility, the infant food manufacturers can ensure that infant foods are labelled in the clearest and safest consumer friendly format.

By way of example, below is a copy of a Beech Nut infant food label where the jar is rounded and therefore limited information can fit on the front of pack. In this case, a logo is easily located on the front of pack with the age statement in conjunction with the logo but on the side of the pack. Due to the dimensions of the label and the shape of the packaging, Heinz believes that this is a reasonable approach and industry should have the ability to explore these options with further consumer research.



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13. Uncertainty around the meaning of the new prohibition around clause 5 (2).

Position: The wording of clause 5(2) in the current standard should be retained.

In the Attachment A – Draft Variation to the Australia New Zealand Food Standards Code, clause 5(2) states; *“The label on a package of food for infants must not include a recommendation, whether express or implied, that the food is suitable for infants less than around 6 months of age”*.

This requirement is likely to cause confusion and restrict information unnecessarily. The confusion concerns the statement ‘around 6 months’ not being defined and in regards to the warning statement, ‘not before 4 months of age’ which in itself implies that the foods may be suitable for any age after 4 months. The restriction of information means that industry cannot explain this statement any further.

Heinz **strongly recommends** this statement remain as per the current standard: *“The label on a package of food for infants must not include a recommendation, whether express or implied, that the food is suitable for infants less than four months old.”*

14. Changes to consistency requirements for first foods.

Position: The current consistency regulations should be retained. The term ‘smooth’ poses regulatory compliance issues for industry.

Standard 2.9.2 currently states that *“foods for infants under the age of 6 months must be formulated and manufactured to a consistency that minimises the risk of choking”*. Heinz questions why FSANZ continue to try to change the meaning.

Table 1. Comparison of proposed and current regulatory measures around consistency requirements

Texture requirement	Exact wording	Interpretation
The current Standard	<i>Food for infants under the age of 6 months must be formulated and manufactured to a consistency that minimises the risk of choking</i>	Must minimise risk of choking
Proposed Code (P1025)	<i>If food for infants is intended for infants under the age of 6 months, it must: (a) be formulated and manufactured to a consistency that minimises the risk of choking; and (b) for a food other than rusks- have a texture that is soft and free of lumps.</i>	Must minimise risk of choking Must be soft & free from lumps
Proposed (P274)	<i>A first food must have a soft and smooth consistency</i>	Smooth has a literal meaning of 'no lumps' – there is no definition of a lump provided.

Heinz **does not support** the term 'smooth'. The Oxford dictionary defines 'smooth' as an even consistency without lumps. As a lump could constitute a small particle or pulpy texture, Heinz is concerned this is overly restrictive. Infant foods containing small, soft particulates that do not pose as a choking hazard will no longer comply. The consequences of this;

1. possible compliance issues due to the literal meaning of the word smooth
2. the need for industry to reformulate to a more smooth consistency
3. prevents industry from mimicking home style pureed foods. An example of this would be fork mashed banana which is not considered to be completely smooth and commonly offered as a first food
4. limits innovation as infant feeding trends evolve

Heinz questions why FSANZ propose to change the current consistency requirement. Since the implementation in 2002, it has a proven record of ensuring a safe consistency / texture for infants.

Heinz **recommends** that **status quo** be maintained.

15. Changes to the Permissions Around Iron.

Position: A good source of iron claim on current 4+ rice cereal would not comply with the proposed changes.

a) Iron in cereal

Heinz fortifies the Farex® and Watties® range of dry cereals with iron. The 4+, 6+ and 9+ months products all carry the claim 'Rich in Iron' on front of pack and contain more than 25% of the age appropriate RDI for iron. Heinz considers that a 'rich in iron' claim carries the same meaning as a 'good source of iron' claim.

The removal of clause 3(2) and rewording of clause 3(1) from the current infant standard is a concern for Heinz.

b) Change of wording to clause 3

Clause 3(1), currently gives permission for the addition of iron in cereal based foods promoted as being suitable for infants *over the age of 6 months*. The proposed wording in P274 is *'over the age of around 6 months'*. The word 'over' is interpreted as beyond 'around 6 months' and giving permission to only fortify a second stage food. Therefore the permission to fortify a 'first food' cereal cannot be located. Based on the consultation paper and the draft explanatory statement provided, this is not the intent of FSANZ. The explanatory note states the replacement wording is 'from around 6 months', which holds a very different meaning to 'over the age of 6 months'.

Heinz **strongly recommends** the wording be revised to align with the explanatory notes.

c) Change to Iron RDI

If fortifying first foods with iron is permitted, then the current 4 + rice cereal recipes would no longer contain enough iron to make a 'Good source of iron' claim. Reformulation would be essential to keep the claim on pack. It is expected that an increase in iron will have an impact on the overall formulation, product stability and cost. In addition to this, constraints around the maximum levels of iron permitted in cereals, make reformulation to ensure compliance difficult.

16. Targeted consultation 2013

Position: The changes to minimum age labelling as described in the P274 consultation paper will result in significant costs being incurred by industry. Heinz is firmly of the view that the cost benefit analysis conducted by FSANZ was insufficient. As an example, it appears to take into account direct labelling changes only and therefore significantly underestimates financial burden to the industry.

Heinz was pleased to be invited by FSANZ to participate in the targeted consultation undertaken on recommencement in 2013. However, Heinz does not believe that consultation with three infant food manufacturers is sufficient or representative of the true picture. During the targeted consultation period, Heinz asked repeatedly for FSANZ to consult more widely however, the fact that the Supporting Document 2 paper refers to feedback from 3 food manufacturers shows that this request was never followed through.

It appears to Heinz that in its cost benefit analysis, FSANZ have followed the guidance of the Cost Schedule for Food Labelling Changes (2008)¹⁸ to capture the costs to industry. If so, Heinz is concerned that this document is out-dated particularly with identifying indirect costs. Further, industry costs associated with implementing products with new labels that require GS1 hard coding changes are not considered within this document at all.

a) Cost estimate information

The costing's provided by FSANZ in Supporting Document 2 focus only on the direct costs to change artwork for the 4+ range. Heinz objects to this data for several reasons:

- i. the number of skus quoted in Table 6 are incorrect.

- ii. costing against the number of skus (estimated by FSANZ to be at around A\$2,702 for a single SKU) is not representative as packaging items differ in cost (for example the cost to change an item which has two colour plates would be less than to change an item which has 8 colour plates) and a single sku may require more than one packaging item to be updated (for example, inner label, outer-packaging, shelf – ready packaging).
- iii. the costs for the flow-on effect (6+ range and beyond) was not considered.
- iv. the ‘total costs of a change’ quoted is incorrect and grossly underestimated compared to the true cost.
- v. costs other than for changing the labels (indirect costs) were not considered. For example, cost of re-developing recipes, labour costs, changes to supporting marketing and advertising materials and point of sale materials.

As part of the targeted consultation Heinz provided a thorough breakdown of the costs that it will incur.

The magnitude of the indirect costs that have not been considered are significantly greater than the values quoted in Table 6 of Supporting Document 2. This is disappointing because it gives the impression to readers outside of the infant manufacturing industry that the costs are minimal when in fact they will incur a significant cost burden on the industry (calculated in millions of dollars).

FSANZ have not offered any explanation as to why the information within the table is different to the information submitted by Heinz other than in a footnote to the effect that ;
“A large divergence in industry costs was noticed during consultation, in relation to similar changes to labels. Further investigation and possible expert advice will need to be sought ahead of the decision RIS to ensure that a common understanding of what is being costed, exists.”

Heinz does not believe that FSANZ have fulfilled its obligations mandated by section 59 (2) (a) and section 59 (2) (b) of the FSANZ Act;

(2) In assessing the proposal, the Authority must have regard to the following matters:

(a) whether costs that would arise from a food regulatory measure developed or varied as a result of the proposal outweigh the direct and indirect benefits to the community, Government or industry that would arise from the development or variation of the food regulatory measure;

(b) whether other measures (available to the Authority or not) would be more cost-effective than a food regulatory measure developed or varied as a result of the proposal;

In addition to this, FSANZ must have regard to the Australia New Zealand Food Regulation Ministerial Council’s Overarching Policy Guideline on Primary Production and Processing Standards being *ensure the cost of the overall system should be commensurate with the assessed level of risks and benefits*

FSANZ have not attempted to cost the anticipated benefits of the proposed regulatory change.

Based on the Council of Australian Governments (**COAG**) “Best Practice Regulation” guide, a Regulatory Impact Statement (**RIS**) is required due to the proposed changes of P274 as these would have a major regulatory impact on industry. While a RIS may be completed by FSANZ following the Consultation Paper, a RIS should have been completed and provided for comment as part of the consultation process.

Heinz **recommends** FSANZ conduct a RIS and provide it for comment prior to a decision being made.

Heinz also requests the opportunity to discuss the cost impact with FSANZ further.

b) Transition Arrangements

Heinz recognises that FSANZ have listened to its concerns regarding transitional arrangements. As with all proposed labelling changes including those outside of P274, Heinz **strongly supports transition arrangements over a 3-year period** and agrees that this will minimise *write off* costs to the industry. However this **will not** minimise costs of changing artwork outside of normal label update schedules.

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Attachment 1.

A strong start

Building up your baby's iron

Why is iron so important?

- Iron is essential for normal growth and development
- Iron helps to transport oxygen around the body
- Babies are born with a natural store of iron but this starts to decline from birth
- Breastmilk or infant formula alone is not an adequate source of iron for babies older than 6 months
- At around six months of age babies need additional foods containing iron



Which foods contain iron?

- In Australian children aged 18 months, cereal foods contribute most iron to the diet.² Ensure iron-enriched cereals remain a daily food for the first 2 years of life
- Lean red meat is also an important source of iron and can be included in your baby's diet from around 6–7 months – puréed or finely minced for them to eat easily
- Foods that are rich in Vitamin C, such as fresh fruits and vegetables, can help improve the absorption of iron from other foods

2. Karen Webb, et al. Meat consumption among 18-month old children participating in the Childhood Asthma Prevention Study. Nutrition and Dietetics 2005;62:12–20.



now in a
resealable pouch

Goodness is now locked in a resealable pouch!

Farex has helped generations of mums feed and nourish their babies. We continue our commitment to helping mums provide the best for their baby by delivering nutritious first foods, now available in a resealable pouch. So it's great for baby and convenient for mum!



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The information provided in this leaflet is of a general nature only and is not specific to any particular individual. Readers are urged to seek independent advice to cater to their baby's special circumstances.

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For information on Farex baby foods, please call the Farex Baby product info line freecall: Australia 1800 633 333, NZ 0800 222 936.

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www.farex.com.au



How do I know when my baby is ready for solids?



The recommended age for starting solids is around 6 months. Every baby is different and some babies may be ready earlier but solids are not recommended before 4 months.

You will know you can try solids when your baby:

- has good head and neck control
- is interested in watching you eat
- opens his or her mouth as food approaches
- is no longer satisfied by milk feeds alone

✗ Not ready

- Your baby's tongue tends to push food out
This is called the extrusion reflex and it disappears around six months
- Your baby won't be ready for solids until this reflex has disappeared

✓ Ready

- Mouth opens as soon as food approaches
- Mouth closes around spoon and food stays in the mouth
- Tongue no longer pushes food out of the mouth
- Tongue moves food to the back of the mouth ready for swallowing

Why Farex is the ideal first food

Iron-enriched rice cereal is the ideal first food because:

- Rice is the least allergenic of all cereals
- Iron-enriched rice cereal has the perfect texture for first foods
- One serve (5g or approx 1 Tbsp) provides around 1.1mg iron or over one-third of the Recommended Dietary Intake for a baby under 6 months¹
- Farex Rice Cereals do not contain added salt, sugar, preservatives or artificial flavours or colours

Farex is specially formulated for your baby's stage of development and contains some of the vitamins and minerals they need for normal growth and development



Your baby's first taste

- Offer solids after the milk feed
- Start with a very small amount, about 1 teaspoon
- Use a small soft-tipped teaspoon
- Start with a single food first
- Increase the quantity over several days, up to 2–4 tablespoons

Preparation for Farex Baby Rice Cereal

- Spoon 1 tablespoon of Farex Iron Enriched Rice Cereal into a clean bowl
- Add 2–3 tablespoons of baby's usual milk (breastmilk* or formula) or cooled boiled water and stir until smooth
- Start with a runny consistency and gradually increase to a thicker creamy texture
- Farex can be served warm or cold

TIP: Farex can be added to food which appears a bit runny after cooking or defrosting.

* It is normal for rice cereal to appear watery when mixed with breastmilk. You may want to add slightly more cereal.



Did you know?

A 7-month old baby needs more iron than his or her father. The Recommended Dietary Intake for iron is 8mg for an adult male and 11mg for an infant 7-12 months.¹

1. Nutrient Reference Values for Australia and New Zealand, 2006. Department of Health & Ageing, NH&MRC.

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