From: Esther Han
To: Media
Subject: Nano-hydroxyapatite
Date: Tuesday, 13 June 2017 5:39:22 PM

Hi, I'm sending the below again, in case it didn't go through earlier because of the size of the attachments. I will follow up in the morning.
Cheers
Esther

Hello,

I'm working on a story for the SMH about the presence of nano-hydroxyapatite in infant formulas sold in Australia. The report was prepared by Professor Paul Westerhoff of Arizona State University. It was commissioned by Friends of the Earth Australia.

I'm not writing generally about nanoparticles (so please don't provide generic answers that refer to nanoparticles), but I'm focusing on needle-like nano hydroxyapatite.

The key points are:
- Professor Westerhoff, using state of the art technology, found that needle-like nano hydroxyapatite is present in two infant formulas: Nature's Way Kids Smart 1 and Nestlé NAN H.A. Gold.
- It is agreed and known that needle-like nano hydroxyapatite is synthetic/man-made. It is not naturally occurring.
- The European Union's Scientific Committee on Consumer Safety has concluded that "The available information indicates that nano-hydroxyapatite in needle-shaped form is of concern in relation to potential toxicity. Therefore, needle-shaped nano-hydroxyapatite should not be used in cosmetic products."
- The Ministerial Policy Guideline says: "Pre-market assessment, relative to principles (d) and (e), should be required for any substance proposed to be used in infant formula and follow-on formula that: does not have a history of safe use at the proposed level in these products in Australia and New Zealand; or has a history of safe use in these products in Australia and New Zealand, but which, having regard to source, has a different form/structure, or is produced using a substantially different technique or technology."

My questions to FSANZ (specifically concerning needle-like nano hydroxyapatite) are:
- Is needle-like nano hydroxyapatite allowed to be in infant formula sold in Australia? If yes, please tell us how and why.
- If no, why is infant formula containing needle-like nano hydroxyapatite being sold in Australia?
- FSANZ now has a copy of a report showing that needle-like nano hydroxyapatite is present in two infant formula products. How will it respond?
- Does FSANZ doubt the conclusions of the ASU report? Why or why not?
- Will FSANZ conduct its owns tests to see whether the ASU results are accurate? Why or why not?
- Will FSANZ conduct its own scientific literature review on needle-like nano hydroxyapatite to determine whether it is safe to be consumed, especially by infants? Why or why not?
- The SCCS concluded that needle-like nano hydroxyapatite should not be used in cosmetic products. Yet, tests show it is present in two infant formula products sold in Australia. Do parents have the right to be concerned or alarmed? Or should they continue feeding their children the two products?
- What is FSANZ's position on the SCCS' conclusions about the safety of needle-like nano hydroxyapatite?
- There are safety concerns about needle-like nano hydroxyapatite. Is needle-like nano hydroxyapatite considered to be a new, non-traditional, novel food? Why or why not? Has permission been granted for it to be included in infant formula?
- Does needle-like nano hydroxyapatite need to undergo a safety assessment so that FSANZ can determine whether it can be legally supplied in Australia? Please explain this process.
- If the companies claim and truly believe that needle-like nano hydroxyapatite is not added to or not contained in their infant formula products, would FSANZsimply accept this? Or will it verify these claims?
- Is it possible that the companies are unaware that needle-like nano hydroxyapatite is present in their infant formula products? Perhaps needle-like nano hydroxyapatite was unknowingly added by someone in the supply chain? Is it possible that they do not know, and therefore they're selling products containing needle-like nano hydroxyapatite whilst making claims to the contrary?
- Is it reasonable for the average person, after reading about the availability of infant formula containing needle-like nano hydroxyapatite in Australia, to believe and conclude that food safety regulation is weak and full of loopholes?
- Is it fair and understandable for the average consumer to expect FSANZ to conduct its own tests to see whether needle-like nano hydroxyapatite is present in infant formula, and for the results to be made public? Why or why not?
- Can FSANZ confidently state that the consumption of foods and a child's consumption of infant formula containing needle-like nano hydroxyapatite are safe? If it's unsure or cannot yet provide an answer, what will it do so that one day it can?
- Is FSANZ's response appropriate and sufficient, given it must follow the ministerial policy guideline which states that a pre-market assessment should be required for any substance proposed to be used in infant formula that doesn't have a history of safe use or has a history of safe use but has a different form/structure, or is produced using a substantially different technique or technology?
- FSANZ's webpage "Nanoparticles and Infant Formula", published May 2016, has been removed. When,

why, and will it be republished? What changes will be made?
- FoE wants FSANZ to initiate a recall of infant formula products with needle-like nano hydroxyapatite. How does it respond?
- Any other comments?

DEADLINE: I understand FSANZ is in possession of Professor Westerhoff's report and is across all the issues. Therefore, 24 hours should be sufficient, that is, Wednesday CoB. If there are any issues, please let me know. If FSANZ can't answer some of the questions because they should instead be sent to enforcement authorities, please let me know ASAP.

Kind regards
Esther

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