



7 July 2023

**Submission from Synlait Milk Limited  
Proposal P1028 Infant Formula – 2<sup>nd</sup> Call for Submissions**

Dear Standards Management,

Synlait is a young, pioneering New Zealand-based company that is shifting perceptions and driving value through new thinking, and a new attitude. We combine expert farming with state-of-the-art processing to produce a range of nutritional milk products for our global customers that provide genuine benefits for human health and wellbeing.

Since 2012 Synlait has enjoyed a strong partnership with the a2 Milk Company (a2MC). We produce infant formula products, toddler milk drinks and pregnancy products for the a2MC, with exports of infant formula products going to Australia, China, South Korea and Hong Kong, as well as supply to the New Zealand market.

Synlait welcomes the opportunity to comment on Proposal P1028 Infant formula – 2<sup>nd</sup> Call for Submissions. We thank FSANZ for its collaborative approach to P1028 and we look forward to the conclusion of this significant piece of work.

Synlait supports the views of the Infant Nutrition Council (INC) P1028 submission. Although Synlait has contributed to the INC submission through the Scientific and Regulatory Committee, in this submission we have identified the key issues that are of greatest concern to Synlait.

**Protein source statement**

FSANZ proposes a new provision requiring protein source to be included in the statement of the name of the food (e.g. “infant formula based on cows’ milk”) on front of pack. FSANZ also proposes prohibiting any other reference to protein source elsewhere on pack (except as required in the statement of ingredients).

Synlait supports the requirement for a protein source statement on front of pack. However, we do not support its mandatory inclusion in the statement of the name of the food, and we do not agree that limiting protein source information on pack is necessary or warranted. This view is expanded under ‘Prohibited representations’.

**Stage labelling and product differentiation**

Synlait supports the new provisions to voluntarily permit the use of the number ‘1’ on infant formula and the number ‘2’ on follow-on formula to identify for consumers that the product is infant formula or follow-on formula respectively. If used, the number must appear on front of pack and immediately adjacent to the relevant age statements.

Additionally, FSANZ proposes a new provision requiring that a food represented as an infant formula or follow-on formula must not also be represented as another food. Products must be adequately differentiated.

Synlait does not agree that stage labelling should only appear on front of pack and urges the removal of this prohibition. The provision of stage labelling information elsewhere on pack will promote greater product differentiation and assist in the communication of important information to consumers.

## Prohibited representations

FSANZ proposes to introduce new prohibited representations on the labels of infant formula products, including, but not limited to, information relating to another product, protein source and ingredients.

Information relating to protein source must only appear in the statement of the name of the food and in the statement of ingredients. Information relating to ingredients must only appear in the statement of ingredients. For the purposes of the prohibited representations, clause 29(2) of the draft variation 'defines' information as a reference by means of a name, a number, a picture, an image, a word or words.

Synlait supports the prohibition of information relating to another product. However, we do not support the prohibition of information relating to protein source and ingredients. As currently drafted, the new standard would prohibit pictures of cows, goats and sheep on pack. Synlait considers this unnecessarily restrictive and recommends FSANZ specify that clause 29(2) relates only to the prohibition of information related to another product ie. clause 29(1)(c), not 29(1) as currently drafted.

Synlait also contends that the new prohibitions relating to protein source and ingredients are not fit for purpose. Information on a product label must describe the true, complete, and accurate nature of the product enabling consumers to make informed, safe, and suitable purchasing decisions. Limiting necessary and useful information such as the A2 beta-casein protein fraction, or absence of the A1 beta-casein fraction, would not make this possible. Parents whose infants tolerate formula free A1 beta-casein better than formula containing the A1 beta-casein will not be able to choose a formula that would improve their infant's gastrointestinal comfort.

Synlait also believes the new prohibitions on protein source and ingredients overreach into company and product branding. The a2 Milk Company (a2MC) brand is deeply entrenched in New Zealand's food industry and is a significant contributor to the 'NZ-Inc' brand. a2MC's infant formula is New Zealand's biggest export of infant formula to China, and the impact of the proposed prohibitions to a2MC's brand and other New Zealand and Australian brands and manufacturers will be far-reaching.

We strongly urge removing the proposed new prohibited representations relating to protein source and ingredients.

## Food Additives

Synlait's preferred option is to retain the current permitted carry-over of food additives into infant formula products. However, should the carry-over principle be removed, Synlait seeks permission for food additives that are currently used and carried over into infant formula products. This is to enable the continued supply of safe and suitable infant formula products for New Zealand and Australian infants. Synlait also requests that food additive permissions be consistent across infant and follow-on formula as many raw materials are shared across these two product lines.

Table 1 – Select proposed and requested permissions for food additives in infant formula products

INS	Description	Proposed by FSANZ	Requested by Synlait
301	Sodium ascorbate	50mg/L FOF only	Request permission for use as an antioxidant, and in coating of nutrient preparations containing PUFA in IF and FOF (75mg/L)
304	Ascorbyl palmitate	10mg/L IF 50mg/L FOF*	Support
307b	Tocopherols concentrate, mixed	10mg/L IF 30mg/L FOF	Support
307c	dl-alpha-tocopherol	Not permitted	Request permission for use as an antioxidant in IFP (10mg/L)
341	Calcium phosphates	Not permitted	Request permission for use in IF and FOF (450mg/L)
414	Acacia	Not permitted	Request permission for use as a stabilizer in vitamin

			preparations in IF and FOF (10mg/L)
526	Calcium hydroxide	2000mg/L in IF and FOF	Support
551	Silicon dioxide (amorphous)	10mg/L in IF and FOF May only be added as part of a nutrient preparation	Support

\* Permitted singly or in combination with INS 300, 301 and 302

#### **Special medical purpose products for infants (SMPPi)**

Synlait supports the proposed draft variation to allow the composition of SMPPi to deviate from the specific compositional requirements for infant formula products, to address a special medical purpose or where it would otherwise prevent the sale of a product.

Many highly specialised SMPPi are imported from Europe and the USA and a continuous supply is critical for infants who require these products for the management of their condition.

We also support the alignment with international standards and regulations for these types of products.

If there are any queries relating to this submission please contact

