

A1190 CFS stakeholder views about labelling – Aug 2021 (7 industry, 3 government)

INC	<p>INC supports FSANZ's decision to apply generic ingredient labelling requirements, consistent with the general approach in the Code.</p> <p>INC continues to be of the view that prohibition of terms such as 'human identical milk oligosaccharide' or 'HiMO' (or similar words or abbreviations) on the labels of infant formula products and FSFYC is entirely at odds with the decision to apply generic ingredient labelling requirements. INC continues to oppose this prohibition of generic terms that have been in use in the scientific literature for over 25 years and that continue to be used widely. The standard containing this prohibition;</p> <ul style="list-style-type: none"> a. ignores not only the existing protections in the Food Standards Code b. ignores other consumer-related legislative provisions that serve to protect consumers c. ignores the decisions that manufacturers might make concerning compliance and truthfulness, and d. Ignores other international standards that allow such terms, creating inconsistency <p>INC is concerned that the labelling prohibition will stifle innovation and adversely impact trade. In relation to exports, the impacts include substantially reducing competitiveness with other global traders in relation to cross-border e-commerce (CBEC) (which in China, requires compliance with the country of origin under specific conditions). This then has potential longer-term flow-on impacts to general exports in general trade. In relation to imports, it creates a trade barrier to importing products made and labelled in other countries, with significant, additional costs to companies where the label is required to be changed specifically for the Australia and New Zealand market.</p> <p>INC notes FSANZ's decision to apply the same ingredient labelling requirements as were approved for 2'FL under Application A1155. We continue to disagree that '2'-fucosyllactose' is the only name by which the ingredient is commonly known and is therefore inconsistent with the provisions in Standard 1.2.4—4 (b)(i) and (ii) that provides for the use of a name by which the ingredient is commonly known, in this case 'human identical milk oligosaccharide' or HiMO.</p> <p>The prohibition on the use of the term, 'human identical milk oligosaccharides' or HiMO is counter to building consumer confidence in, and understanding of, labelling information.</p>	
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	<p>The prohibition ignores the existing protections in:</p> <ul style="list-style-type: none"> • the Code which includes a number of existing prohibitions such as are contained in 2.9.1—24) and • other legislation in New Zealand and Australia such as the Fair Trading Act 1987 and the Australian Consumer Laws in the Competition and Consumer Act 2010 concerning truthfulness of the description of ingredients by manufacturers. <p>The above terms and abbreviations are allowed to be used on labels under other internationally recognised standards.</p>	
Nestle	<p>Request that the common terms ‘human identical milk oligosaccharide’ or ‘HiMO’ are permitted on the labels of infant formula and as this reflects the true nature of the ingredient and enables consumers to make informed choices.</p> <p>Prohibition of the terms ‘human identical milk oligosaccharide’ or ‘HiMO’ is contrary to the provision of adequate information relating to food to enable consumers to make informed choices.</p> <p>The use of the terms ‘human identical milk oligosaccharide’ or ‘HiMO’ on the labels of infant formula products (as current Code permissions for other nutritive substances in the ingredient list and nutrition information panel) reflects the common name and true nature of the ingredient. Such generic terms are widely used in the scientific literature and are in use on products in various international jurisdictions.</p>	
NZFGC	<p>Supports INC Submission</p> <p>The proposed prohibition of terms such as ‘human milk identical oligosaccharide’ or ‘HiMO’ (or similar words or abbreviations) on the labels of infant formula products and FSFYC is a barrier for care givers and health professionals alike.</p> <p>Previously raised in relation to Application A1155, concerns regarding the decision to prohibit the use of the terms such as ‘human milk identical oligosaccharide’ or ‘HiMO’ (or similar words or abbreviations) on infant formula products and FSFYC with permissions otherwise available in Standard 1.2.7.</p> <p>FSANZ is proposing a regulatory measure that allows the addition of a nutrient, which has demonstrated health benefits into a food, but is prohibiting food companies providing the best information to consumers of its presence.</p>	<p>Not specific</p> <p>Reasons outlined in A1155 – policy. Permission would otherwise not be given</p> <p>Claims prohibited on IFP (not new); naming reasons outlined in A1155</p>

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	<p>Considers FSANZ should apply generic ingredient labelling requirements, rather than prescribed ingredient names previously proposed, consistent with the general approach in the Food Standards Code. Standard 1.2.4—4 requires ingredients to be identified using a name by which they are commonly known, or a name that describes its true nature, or a generic ingredient name if one is specified in Schedule 10 – Generic names of ingredients and conditions for their use.</p> <p>However, we are opposed to excluding permission of 2'-FL to FSFYC, and the prohibition of the use of terms such as 'human milk identical oligosaccharide' or 'HiMO' (or similar words or abbreviations) on the labels of infant formula products and FSFYC.</p>	Not permitted to be added to FSFYC
Nutricia	<p>Supports INC submission</p> <p>Nutricia has concerns with regards to the FSANZ's recommendation to prohibit the use of terms such as "human identical milk oligosaccharide", "HiMO" or "HMO" (or other similar words or abbreviations) on labels of IFP and FSFYC. Nutricia does not agree with the recommendation.</p> <p>These terms are meaningful and in the best interest of consumers in understanding what ingredients are added to IFP and FSFYC. It provides specifically for consumers the identification of a voluntarily permitted ingredient in the composition of a product that they are feeding to their infants and young children. In some ways it is more misleading and deceptive to consumers to prohibit the use of these terms or abbreviations.</p> <p>The proposed regulatory measure is at complete odds with decision to apply generic ingredient labelling requirements. The FSANZ Guide to Standard 1.2.4 – Ingredient Labelling of Foods states "<i>the names of ingredients should be accurate and sufficiently detailed to ensure that they are not false, misleading or deceptive, or likely to mislead or deceive</i>". Clause 4 of Standard 1.2.4 – Labelling of Ingredients allows for the declaration of ingredients in the statement of ingredients using either the common name of the ingredient or a name that describes the true nature of the ingredient. The term HMO or HiMO has been used in scientific literature for over 25 years and continues to be used widely. These terms are currently used on product labels in both the EU and the USA, where regulations allow for the use of these terms on label.</p> <p>The proposed change to the Code containing the prohibition;</p> <ul style="list-style-type: none"> a. ignores not only the existing protections in the Food Standards Code, b. it ignores other consumer-related legislative provisions that serve to protect consumers, and 	

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	<p>c. ignores the decisions that manufacturers might make concerning compliance and truthfulness, and</p> <p>d. ignores other international standards that allow such terms, creating inconsistency, and</p> <p>e. will add significant, additional re-labelling costs for IFP and FSFYC products manufactured overseas and imported into ANZ, where the label using these terms is required to be changed specifically to comply with the Food Standards Code. The costs will be similar to the costs estimated for changes commented on in the Nutricia submission to Proposal P1044 – Plain English Allergen Labelling. Given the relatively small size of the market in Australian and New Zealand, shared labels are often used to make it viable to export product to this region of the world. The prohibition proposed could prevent this from being possible. These costs include update of existing labels for IFP (including IFPSDU), FSFYC, product write-off due to not meeting the minimum order quantities for products, updating education materials for healthcare professionals and trade for all products and potentially loss of business for products that become financially non-viable to import into ANZ.</p>	Not permitted for FSFYC
Dairy Goat	The INC submission to this A1190 CFS spells out the industry concerns that remain after the implementation of A1155, in particular: The labelling restrictions on use of terms like ‘human milk oligosaccharides’ and abbreviations like “HMOs’ which are used in literature and widely used in other markets. The negative impact of [this] on export trade and the competitiveness of ANZ formula manufacturers in the global market.	
Fonterra	Supports content/views of INC (no specific mention of labelling in own submission)	
AFGC	<p>Supports INC submission</p> <p>The AFGC, previously raised in submission to A1155, has concerns regarding the decision to prohibit the use of the terms such as ‘human milk identical oligosaccharide’ or ‘HiMO’ (or similar words or abbreviations) on IFP and FSFYC with permissions otherwise available in the Code <i>Standard 1.2.7. Nutrition, Health and Related Claims</i>. FSANZ is proposing a regulatory measure that allows the addition of a nutrient, which has demonstrated health benefits into a food, but is prohibiting food companies from simply informing consumers of its presence.</p> <p>The proposed prohibition of terms such as ‘human milk identical oligosaccharide’ or ‘HiMO’ (or similar words or abbreviations) on the labels of IFP and FSFYC is counteractive to informing care givers and health professionals for the following reasons:</p> <ul style="list-style-type: none"> • It is in conflict with the decision to apply generic ingredient labelling requirements in 1.2.4—4 • These terms have been used in scientific literature for over 20 years 	

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	<ul style="list-style-type: none"> • The terms are more easily understood by consumers • The use of these terms on the labelling of IFP is limited to the ingredient list and nutrition information panel only, which are not for promotional purposes and do not claim the product is "humanised" or equivalent to human breast milk • The process resulting in the regulatory prohibition is based on limited consumer sample populations (in limited research) which does not comply with good regulatory practice, and • It has the potential to constrain innovation and create trade barriers. A requirement for unique ANZ labelling restricts imports (and hence availability of products to consumers) and increases export costs. <p>The AFGC would welcome and support FSANZ's decision to apply generic ingredient labelling requirements, rather than prescribed ingredient names previously proposed, consistent with the general approach in the Code. Standard 1.2.4—4 requires ingredients to be identified using a name by which they are commonly known, or a name that describes its true nature, or a generic ingredient name if one is specified in the Code <i>Schedule 10 – Generic names of ingredients and conditions for their use</i>.</p>	
NZFS	Continues to support the existing labelling prohibition for the use of the words 'human milk identical oligosaccharide' or 'human milk oligosaccharide', and abbreviations 'HMO', 'HiMO', or any words or abbreviations having the same or similar effect, on infant formula products that contain 2-FL. Should the voluntary addition of 2-FL be permitted to FSFYC, NZFS would support the same labelling prohibitions to apply to those products as well.	
TAS	Supports the exclusion of 2'-FL in formulated supplementary foods for young children and the prohibition on the use of the words 'human milk identical oligosaccharides', or 'human milk oligosaccharide', and abbreviations 'HMO', 'HiMO', or any word or words or abbreviations having the same or similar effect.	
Vic Govt	Support on the basis (in part) that the conditions put in place for the existing 2'-FL permission will apply to the new version of 2'-FL, including the prohibition on adding 2'-FL together with galacto-oligosaccharides and inulin-type fructans; and a prohibition on the use of the words 'human milk identical oligosaccharide' or 'human milk oligosaccharide', and abbreviations 'HMO', 'HiMO', or any word or words or abbreviations having the same or similar effect.	