Submission to
Food Standards Australia New Zealand

Call for submissions –Proposal P1028
Infant formula

17th June 2022

Introduction

This submission on behalf of Danisco Australia and Danisco New Zealand, is made in response to the Food Standards Australia New Zealand 1st Call for Submissions, Proposal P1028—Infant Formula.

Danisco/IFF

Danisco (henceforth referred to as IFF) operates in Australia and New Zealand as subsidiary of International Flavors and Fragrances Inc (IFF), manufacturer/marketer of specialty food ingredients (including probiotics), food additives, flavourings and food processing aids.

Upon consideration this call for submissions and the associated supporting documentation, we welcome the opportunity to provide comment, to Food Standards Australia New Zealand on the Regulation of Infant Formula Products.

Our comments to follow are addressed specifically to Sections 4.2 and 5.4 of the Call for submission document.

General Comment

IFF supports the primary objective of FSANZ's P1028 review to protect public health and safety. We also agree with the premise that infant formula must be safe for formula-fed infants to consume, and caregivers need to know how to safely prepare, use and store the product. It is also our general position that the FSANZ Standard 2.9.1 Infant Formula products should, where FSANZ's primary objectives are satisfied, align with the relevant Regulations and Standards in the EU and CODEX, respectively.

Confidentiality

In our response below certain commercially sensitive and therefore confidential information is identified in Section 4.2 Novel Foods Schedule 25 below and provided in Annex A. This section of the response is regarded by IFF as Confidential Commercial Information and is provided in the submission strictly on this basis. This information is the result of a significant research and development effort, and investment by the submitter; it is not in the public domain and is considered as either proprietary or commercially sensitive. It would be disadvantageous to IFF if this information were released into the public domain.

4.2 Novel foods – Schedule 25

In response to FSANZ Consultation Paper 3 (CP3) dated October 2021, IFF provided information in respect of the use of certain identified novels foods and their use in infant formula. It is our opinion that this information remains pertinent to FSANZ proposal to prohibit the use of certain substances in infant formula. Therefore, we ask FSANZ to once again to consider the information as provided in Annex A of this submission.

5.4 L (+) lactic acid producing microorganisms

In Consultation Paper 1, dated May 2021, FSANZ had indicated that there had not been broad discussion on the permissions for L (+) lactic acid producing microorganisms in infant formula in their 2016 P1028 consultation paper. Accordingly, in response to CP1, Danisco presented background information on the topic.

It is noted that in Call for Submission – P1028, FSANZ have concluded that "the use of non-toxigenic L(+) lactic acid producing bacteria in the production of fermented infant formula, where no viable bacteria are present in the final product, does not present a risk to public health and safety." On this basis FSANZ's have described their preferred option would be to retain the

existing permission with clarification that L (+) lactic acid producing microorganisms may only be added for acidification purposes. Accordingly, FSANZ asserts that "microorganisms added to infant formula products for a probiotic purpose would require pre-market assessment as a novel food prior to use".

IFF would like to emphasise that the foreshadowed changes/clarification of the Code in respect of L (+) lactic acid producing microorganisms will negatively impact potentially a significant sector of the infant formula category available domestically, and for export from Australia and New Zealand. We know of at least four different strains of safe and suitable L (+) lactic acid producing microorganisms currently included in variants of infant formula marketed in Australia and New Zealand today. We acknowledge that the advent of probiotic use in commercially available infant formula has apparently come about due to what may be construed as misinterpretation of Standard 2.9.3 Infant Formula products. This does not necessarily equate to those products on representing a risk or safety concern for the sensitive population they serve. It is our opinion that due consideration could be given by FSANZ to "grandfathering" permissions for those probiotic organisms which have a demonstrated history of safe use in infant formula sold domestically today and for export purposes. This would be consistent with FSANZ regulatory objective that industry innovation and/or trade is not hindered.

Again, IFF than FSANZ for the opportunity to provide comment to the proposed Infant Formula Standard.