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Food Standards Australia New Zealand
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Submission in respect of P1028

Foodstuffs operates in the grocery wholesale and retail markets in New Zealand. We are a group of co-operatives with members trading under the retail brands PAK'nSAVE, New World, Four Square and On-the-Spot. Foodstuffs does not have any private label products in the infant formula category, but our stores sell an extensive range of proprietary branded infant formula products.

Foodstuffs has limited technical expertise to comment on aspects of the proposal. Our feedback relates specifically to the proposal to restrict access to infant formula products for special dietary uses (IFPSDU).

Foodstuffs generally supports risk-management approaches in regulation. This results in interventions that are proportionate to risk, noting that risk cannot be eliminated. We are well experienced in applying the risk-based methods in New Zealand's food safety and health and safety legislation, for example, and recognise the merit of the approach.

We understand that the proposal to restrict access to IFPSDU assumes these products carry increased risk of harm, but the paper presents very limited evidence of actual harm caused by these products. We question whether there is sufficient evidence to justify the change.

Furthermore, restricting access to all IFPSDUs is a blunt approach and does not reflect a genuine risk-based method, noting the risks associated with different products vary, as acknowledged at page 23 of the consultation paper. If restricted access is to be considered, it should be based on risk assessment, at an individual product line level, that demonstrates such an intervention is warranted. We note that the highly specialised lines are already generally already sold through the pharmacy channel, while the less specialised products sold through the grocery channel are generally targeted at ailments at the less serious end of the spectrum.

We wish to emphasis the potential implications if all IFPSDU are restricted. Consumers will need to make greater efforts to obtain the products, possibly without satisfactory justification, and the cost of purchasing them will increase.

We accept the NZ Infant Formula Council's proposition that IFPSDU are a different category of product from IFSMP, carry a different level of risk, and warrant a different approach to access. We understand the Council has proposed a more nuanced risk-based framework, with a IFSMP sub-category for which restrictions are justified, and we are comfortable with this approach.

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