Regulation of Infant Formula Products in the *Australia New Zealand Food Standards Code* – consultation summary and next steps

(March 2013)

Introduction

Over the past year, FSANZ has developed a detailed record and understanding of issues related to the current regulation of infant formula products in the *Australia New Zealand Food Standards Code* (the Code).

As part of this work, we released a consultation paper for public comment in September 2012 to seek feedback on issues relating to current regulations. Issues covered in the paper included how the current standards operate, composition of products, and labelling and advertising.

FSANZ released a Consultation Paper in September 2012.

This report summarises the responses we received and outlines the next steps for our work.

Feedback – what submitters told us

We received 56 submissions during the six-week consultation period from 26 September to 7 November 2012. Submitters included infant formula manufacturers, state and territory and New Zealand food authorities and departments of health, public health professionals and organisations, and individuals.

We received 56 submissions from jurisdictions, the food industry, public health professionals and consumers

Overall, issues outlined in the paper were confirmed as key issues for our various stakeholders. There were very few new issues raised by submitters. Also, we expected that certain issues would draw differing perspectives from the various stakeholder groups, and this was evident in comments we received.

The key themes from submitter comments are summarised below.

Composition

There was widespread support from jurisdictions and infant formula manufacturers to consider aligning the essential composition of infant formula suitable from birth with the relevant Codex Alimentarius standard.

Infant formula manufacturers also would like consideration of different compositional requirements for infant formula and for follow-on formula to reflect the different physiological requirements for each age group.

Key issues related to product composition, labelling, category definitions, and advertising & marketing

Jurisdictions called for greater clarity about adding optional substances to infant formula products, noting the intent of the Ministerial Policy Guideline on the *Regulation of Infant Formula Products* is that pre-market assessment be required for all new substances.

A new issue raised by some individuals was a request that manufacturers be required to inform consumers and health professionals when a change to the composition of an infant formula product is made.

Labelling

A range of views on the labelling of infant formula products were received – some requested stricter labelling requirements, some supported current provisions, and others requested more information be permitted on labels.

As an example, some infant formula manufacturers requested consideration of permissions for nutrition content claims on labels for optional ingredients to assist caregivers in making an informed choice. Many other submitters supported retaining the prohibition on nutrition and health claims.

Advertising and marketing

Two key concerns about the advertising and marketing of infant formula products were raised by submitters—the use of line-marketing (i.e. the almost identical presentation of infant formula products and toddler milks with a prominent number indicating a particular stage of progression); and that advertising of toddler milk is being used as a proxy for infant formula advertising (which is not permitted).

Some submitters called for stricter controls on the advertising and marketing of infant formula products to uphold *The World Health Organization International Code of Marketing of Breast-milk Substitutes* (WHO 1981) and to help prevent consumers from being misled.

Definitions

There were mixed views on whether current definitions for infant formula products, including infant formula and follow-on formula, should be revised. Some submitters considered that the current definitions are fit for purpose, whereas others suggested alignment with the Codex definitions or those in the Ministerial Policy Guideline.

Some submitters suggested that additional terms should be defined in the Code, such as ‘infant formula products for special dietary use’ and ‘hypo-allergenic formula’, and that the definition of ‘pre-term’ be revised.

Where to from here?

We will soon be preparing a proposal to revise the infant formula product provisions in the Code. The feedback from the consultation paper has assisted us to develop the scope, and identify issues to be addressed in this proposal.

As we progress the proposal, we will work in close consultation with jurisdictions, infant formula manufacturers and other interested stakeholders. We will also release a series of assessment reports for public comment to give interested parties the opportunity to provide us with feedback. The first of these is expected to be released for public comment later in 2013.

The next step is to prepare a proposal to revise the provisions related to infant formula products in the Code.

We will consult further as part of this process.