

SUPPLEMENTARY INQUIRY REPORT

SUBJECT: P199 – The Review of Formulated Meal Replacements

BACKGROUND

This Supplementary Inquiry Report for Proposal P199 sets out the amendments to the draft joint Australia New Zealand Food Standards Code (the Joint Code) made after the meeting of the ANZFA Board in March 2000. The amendments to the Joint Code have resulted from the extensive public consultation undertaken by ANZFA on the Joint Code from March to August 2000.

ANZFA recommends the adoption of the following changes to standards for these reasons:

- The amended standard/s have been written in accordance with both the section 10 objectives in the ANZFA Act 1991 and the policies of ANZFA;
- The amended drafting is clearer in intent and addresses unintended anomalies and inconsistencies proposed in the drafting provided at Inquiry;
- The provisions are in plain English.

CHANGES TO DRAFTING

Standard 2.9.3 – Formulated Meal Replacements and Formulated Supplementary Foods
[This standard has been renumbered from 2.9.5.]

No substantive issues were identified. The changes made were required to clarify the original intent and to take account of proposed nutrition labelling requirements. These changes are set out below.

Clause 1 –

- Definitions of “average quantity”, “ESADDI” and “RDI” have been moved to Standard 1.1.1 as these are common to the majority of the Code.
- Definition of ‘formulated supplementary food’ amended, deleting ‘vitamins and minerals’ substituting ‘and nutrients’ as ‘vitamins and minerals’ was narrower in scope than originally intended.
- The definition of permitted form now includes references to the Schedules in Standards 1.1.1 and 2.9.4 for the purposes of consistency.
- Definition of ‘serve’ and all references have been changed to ‘serving’.
- All references to ‘amount’ have been changed to ‘quantity’ to be consistent with other Standards.

Paragraph 2(1)(c) – ‘to this Standard’ deleted as these words are superfluous and inconsistent with drafting style of Code.

Subclause 3(1) has been redrafted to require a declaration of all vitamins and minerals listed in Table 1 and those vitamins and minerals listed in Table 2 which have been added to the food, in a nutrition information panel as required by Standard 1.2.8.

Paragraph 3(2)(b) has been redrafted to better reflect the original intent of this subclause ie the limits in Table 1 only apply where vitamins and minerals have been added pursuant to subclause 2(2).

Subclause 3(3) of Inquiry drafting - has been deleted as this was inconsistent with subclause 3(1) which allowed the declaration of 'average quantities'. Subclauses 3(4) and 3(5) of the Inquiry drafting have been re-numbered accordingly.

Subclause 4(2) – has been re-drafted to make it clear that the naturally present and added quantity of a vitamin or mineral must not exceed the amount set in column 4 of Table 3.

Subclause 5(1) has been re-drafted as a consequence of the requirement to include nutrition information panels on certain foods pursuant to Standard 1.2.8. This subclause now requires the declaration the average quantities of the vitamins or minerals listed in column 1 of Table 3 which have been added to a food.

Subclause 5(2) - has been redrafted to better reflect the original intent of this subclause.

Subclause 5(3) of Inquiry drafting - has been deleted as this was inconsistent with subclause 5(1) which allowed the declaration of 'average quantities'. Subclauses 5(4) and 5(5) of the Inquiry drafting have been re-numbered accordingly.

Subclause 7(1) has been re-drafted as a consequence of the requirement to include nutrition information panels on certain foods pursuant to Standard 1.2.8. This subclause now requires the declaration the average quantities of the vitamins or minerals listed in column 1 of Table 3 which have been added to a food.

Subclause 7(2) - has been redrafted to better reflect the original intent of this subclause.

Subclause 7(3) of Inquiry drafting - has been deleted as this was inconsistent with subclause 7(1) which allowed the declaration of 'average quantities'. Subclauses 7(4) and 7(5) of the Inquiry drafting have been re-numbered accordingly.

Reference in Table 3 to micrograms in relation to Vitamin E changed to milligrams.

Table 4 of the Schedule has been moved to column 4 of the Schedule in Standard 1.1.1.

Attachments

1. Summary of Submissions

ATTACHMENT 1

SUMMARY OF SUBMISSIONS

Submitters Contact DetailsName & Address(FPS)	Std No	Scope of Submission(Short Summary)	Review	FAROrIR	Action Taken
Australian Dairy Products FedHelen Dornom	1.3.2	Dairy foods permissions unfair. Allow 2.9.5 low fat fortified milks under 1.3.2 as now illegal under 2.9.5	P166 + P199	nil	Current permissions consistent with policy given in FA and IR report and purposes of special purpose vs general purpose foods
Ministry of Health NZ	1.3.2	RDI definition in 1.1.1 refers to accompanying permitted forms. Permitted form in 2.9.5 refers to those listed in 1.1.1 and 2.9.6	P166/ P199	nil	Corrected.
Blackmores - Lynda McFarlane	2.9.5	Do not agree with requiring minimum protein and energy in supplementary foods	P199		Supp foods aim to supplement n inadequate diet with both macro and micornutrients. The place to consider micronutrients supplementetation will be in the review of dietary supplement products.
Food Liaison - Warren Brown	2.9.5	Do not agree with minimum protein and energy requirements for supp foods.	P199		Supp foods aim to supplement an inadequate diet with both macro and micornutrients. The place to consider micronutrients supplementation will be in the review of dietary supplement products.
Nutra-Life - Shailer Cottier	2.9.5	lack of clarification of permitted forms and substances not permitted in meal replacements that are permitted in sports foods	P199		Clarication of permitted forms being added. No justification for suggested subsatnces in meal replacements whereas they had a performance function in sports foods.

Wyeth - Dr Anna Skulimowski	2.9.5	Levels of vitamin A permitted in formulated supplementary food 1 - 3 year olds has been reduced and will mean product on the market will not be lawful.	P199	IR	Current Wyeth product calculated at 49.8% RDI for 1-3 year olds so no conflict with proposed standard. 50% RDI provides consistency across the standard when no public health justification has been provided to increase levels.
Peters & Brownes Group	2.9.5	Do not agree with minimum protein and energy requirements of supp foods.	P199		Supp foods aim to supplement n inadequate diet with both macro and micronutrients. The place to consider micronutrients supplementation will be in the review of dietary supplement products.
New Zealand Dairy Board Julie Beagley	2.9.5	Scope of standard P199 has been widened from FA. Think RDI table for children out of place in standard.	P199		All changes to FA report discussed in Inquiry report. RDI table for children included as new category of supplementary foods for children included which makes reference to the RDIs.
Food Technology Assoc of WACHris Soames	2.9.5	Do not agree with minimum protein and energy requirements for supp foods.	P199		Supp foods aim to supplement n inadequate diet with both macro and micronutrients. The place to consider micronutrients supplementation will be in the review of dietary supplement products.
Ministry of Health NZ	2.9.5	Errors in drafting and recommendations for clarification with respect to nutrition claims	P199		Amendments made to legislation.
National Foods Dr J A Robertson	2.9.5	States that products are currently manufactured that would not comply.	P199		NO information provided to support that current legal product would not comply and issue not raised at FA or IR.

Nestle Australia Ltd Robyn Banks	2.9.5	RDI for children not in standard and recommended clarification re serve.	P199		RDIs fro children are in Table 4 of standard. Change to drafting to clarify that compositional requirements are based on manufacturers direction for making up product.
Australian Food & Grocery Council Tony Downer	2.9.5	Need to include definitions of ESADDI and RDI in standard 1.1.1	P199		Modify drafting.

