

**27 July 2021**

**164-21**

**Administrative Assessment Report – Application A1230**

Very Low Energy Diets (VLED)

1. **Application details**

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| **Date received:** 1 June 2021  **Date due for completion of administrative assessment:** 24 June 2021  **Date completed:** 24 June 2021 | | |
| **Applicant:** Nestlé Australia Ltd. and Nestlé New Zealand Ltd. | | **Potentially affected standard/s:**  *Standard 2.9.5 –* Food for special medical purposes  *Standard 2.9.6 –* Transitional standard for special purpose foods (including amino acid modified foods) |
| **Brief description of Application:**  Application to amend the Food Standards Code to include foods suited for Very Low Energy Diets (VLEDs) in foods for special medical purposes (FSMPs). | |
| **Procedure:**  General | **Estimated total variable hours:**  540 hours  **Reasons why:**  The application is requesting the addition of VLED products to Standard 2.9.5, requiring detailed safety and efficacy assessments. | **Estimated start date:** Early-August 2021 |

1. **Decision**

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| **Application accepted**  **Date**: 24 June 2021 |

1. **Additional matters**

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| **Has the Applicant requested information in the application is confidential commercial information (CCI) or confidential?**  Yes  **What documents are affected?**  Attachment 4  **Has the Applicant provided justification for why information is CCI or confidential?**  Yes |

1. **Charges**

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| **Does FSANZ consider that the application confers an exclusive capturable commercial benefit (ECCB) on the Applicant?**  No |
| **Does the Applicant want to expedite assessment (i.e. pay) for this Application?**  No |

1. **Assessment against FSANZ Act 1991 requirements**

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| **Subsection 26(2)** |
| **(b) Does the Application relate to a matter that may be developed as a food regulatory measure, or that warrants a variation of a food regulatory measure?**  Yes |
| **(c) Is the Application so similar to a previous application or proposal for the development or variation of a food regulatory measure that it should not be accepted?**  No |
| **(d) Are there any other matters relevant to the decision whether to accept or reject the application?**  No |

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| **Does the application meet each of the following criteria required by subsection 22(2)?** |
| 1. **The application is in writing**   Yes |
| 1. **The application is in the form specified in guideline 3.1.1 of the Application Handbook**   Yes |
| 1. **The application includes all information and each thing that the section 23 guidelines of the Act state must be included in such an application.**   Yes – Guidelines 3.1.1, 3.6.3 |
| **Did the Applicant identify the Procedure that, in their view, applies to the consideration of this Application?**  Yes  **Indicate which Procedure:**  General |
| **Other Comments or Relevant Matters:**  Nil |

1. **Consultation & assessment timeframe**

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| **Proposed length of public consultation period:**  4-6 weeks |
| **Proposed timeframe for assessment**  **‘Early Bird Notification’ due: 29 July 2021**  General Procedure:  Commence assessment (clock start) Early August 2021  Completion of assessment & preparation of draft food reg measure November 2021  Public comment January - February 2022  Board to complete approval Late April 2022  Notification to Food Ministers’ Meeting Early May 2022  Anticipated gazettal if no review requested Mid-July 2022 |