

## Executive summary

### **An Application from Nestlé Australia Ltd and Nestlé New Zealand Ltd (Applicant) to vary Standard 2.9.5 to include Very Low Energy Diet (VLED) products.**

The Application seeks to vary Standard 2.9.5 to include provision for Very Low Energy Diet (also known as Very Low Calorie Diet) products. Very Low Energy Diet (VLED) products are formulated for the dietary management of overweight and obesity and are developed to be used under medical supervision. They are recommended for individuals who are overweight (Body Mass Index (BMI) 27+) with health conditions, or those who are obese (BMI 30+).

Used under medical supervision, VLED products are a total diet replacement and are used for a prescribed duration, typically 12 weeks. The VLED (total diet replacement) provides 800 kcal (3.35MJ) or less per day, whilst consisting of sufficient protein, fatty acids, carbohydrates, vitamins and minerals for safe and fast weight loss. A daily intake typically consists of 3 serves of VLED products, and a portion of low starch vegetables. Following the initial 12-week period, an ongoing program gradually introduces low calorie meals allowing program participants to transition from a very low energy diet to a more regular dietary pattern.

The Applicant, has been importing VLED products into the Australia New Zealand (ANZ) marketplace for more than 20 years. These products have been manufactured according to the international standard CODEX STAN 203/1995 and are supplied by the Applicant, using a harmonised approach to production, to Australia and New Zealand and a number of other important markets.

VLED products have been in the Australia New Zealand (ANZ) market, without issue, for more than 20 years, however there is no specific standard covering these products in the Australia New Zealand Food Standards Code (Code). VLED products were included in Food Standards Australia New Zealand (FSANZ) Proposal P242, Food for Special Medical Purposes (P242) which commenced in 2000, but were omitted from that Proposal at Final Assessment Report (FAR) in 2012. In the P242FAR, FSANZ committed to commence a project to address VLED products on completion of that Proposal, but this has not eventuated. Meanwhile imported and locally produced VLED products have remained on the ANZ market, but without coverage of an applicable standard.

The Applicant seeks regulatory clarity and certainty through development of an applicable standard to meet the requirements of Very Low Energy Diet products. The regulatory recognition of such products will provide the certainty of a regulated product to consumers, and assurance of the continued trade and availability of VLED products in the ANZ market.

The Applicant notes that products currently in the ANZ marketplace are aligned with the internationally recognised CODEX Standard for Formula Foods for use in Very Low Energy Diets for Weight Reduction (STAN 203-1995) and that as a proven safe and suitable standard, this standard be considered as a model for the proposed variation to Standard 2.9.5.