

DAIRY COMPANIES ASSOCIATION OF NEW ZEALAND SUBMISSION
TO FOOD STANDARDS AUSTRALIA NEW ZEALAND (FSANZ)
ON
CONSULTATION PAPER – PROPOSAL P1028 INFANT FORMULA
31st MAY 2016

The Dairy Companies Association of New Zealand (DCANZ) appreciates the opportunity to make a submission on this matter in light of its relevance and importance to our member companies. DCANZ member companies collectively account for more than 98% of the milk processed in New Zealand and the vast majority of New Zealand's dairy exports. The role of DCANZ is to represent commonly held policy positions of our eleven member companies.

DCANZ supports the need to review this standard particularly with respect to improved nutritional understanding, regulatory developments and to improve alignment with relevant international standards, such as the CODEX STAN 72-1981 Standard for Infant Formula and Formulas for Special Medical Purposes Intended for Infants and CAC/RCP 66-2008 Code of Hygienic Practice for Powdered Formulae for Infants and Young Children. It is also important that this review results in the development of a revised Standard 2.9.1 Infant Formula Products which provides further clarity to industry.

As an overarching principle DCANZ generally supports harmonisation of national standards with relevant Codex standards as a means of reducing trade barriers, unless there is strong scientific justification for a different approach.

Whilst DCANZ supports the intent to review Standard 2.9.1 Infant Formula Products (P1028 – Infant Formula), there are proposals within P1028 which are of significant concern to DCANZ members, and which require further careful review and consideration with stakeholders. We look forward to further opportunities to engage with FSANZ and submit comments on P1028.

Specific comments are provided below:

Specific comments:

1) Trans Fatty Acids

DCANZ submits that the **Trans Fatty Acids (TFA)** limit in Standard 2.9.1 should not be reduced from a 4% limit to 3%, as contained in the proposed draft standard. The Food Standards Code and Codex define fatty acids differently and it is therefore not appropriate that the same TFA limits should be

applied in the CODEX STAN 72-1981 Standard for Infant Formula and Formulas for Special Medical Purposes Intended for Infants and FSANZ Standard 2.9.1.

2) **Nutrients Naturally Present in Milk at Varying Levels**

DCANZ submits the following specific comments on the FSANZ proposal for **iodine** and optional substances **L-carnitine** and **choline** which are naturally present in milk at varying levels:

- a) DCANZ supports increasing the minimum and GUL level for **iodine** to levels consistent with Codex. We note the current technical challenges of meeting the current Standard 2.9.1 maximum limits (which is lower than Codex) due to variability in iodine levels in milk as a result of on-farm practices.
- b) We wish to express concern regarding the feasibility of achieving the proposed **L-Carnitine** maximum of 0.8mg/100kJ due to natural milk levels. This proposal is not aligned with Codex which does not include a maximum level.
- c) DCANZ supports the proposal to mandate a minimum choline level of 1.7mg/100KJ, and setting a GUL of 12mg/100kcal. To align with Codex the upper limit should be a GUL not a maximum.

3) **Nutritive Substances and Novel Foods**

In relation to **nutritive substances and novel foods** in infant formula, while P1024 excluded infant formula from scope, DCANZ considers Standard 2.9.1 should be included within the scope of Proposal P1024 and its framework going forward, however with potential additional considerations relevant to the infant population. DCANZ therefore reiterates its comments made in P1024 for **nutritive substances and novel foods** and asks that the DCANZ submission on P1024 is read in conjunction with a submission on P1028. The dairy related issues identified in the application to general population foods also apply to dairy ingredients used in infant formula products. DCANZ considers Option 3 of P1024, with modification, should also be applied to infant formula products.

4) **Amino Acid Minimum Levels**

DCANZ agrees with the FSANZ minimum proposals for many of the **amino acids**; however, we submit that there should be alignment with Codex STAN 72-1981 minimums for the sulphur containing amino acids, methionine and cysteine and the flexibility to sum these for compliance purposes as per footnote 3) in this Codex standard. We note that compliance with amino acid requirements is complicated due to the natural variability in amino acid content of milk ingredients.

5) **Food Additives and the Carry Over Principle**

Food additives are technologically necessary for the compliance and quality of both the ingredients and finished product. DCANZ considers the list of food additives permitted in infant formula should include those already permitted under Codex. DCANZ strongly supports continuation of the “carry-over principle” as permitted by Codex.

We appreciate the opportunity to make this submission to FSANZ with respect to P1028 and ask that engagement on this proposal continues in order to resolve issues of concern to the New Zealand dairy industry.

The contact for this submission is:

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