



18 Gallagher Drive, PO Box 1398, Hamilton 3240, New Zealand  
Phone (64 7) 839 2919 Fax (64 7) 839 2920 Website [www.dgc.co.nz](http://www.dgc.co.nz)

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To FSANZ: [submissions@foodstandards.gov.au](mailto:submissions@foodstandards.gov.au).

## **SUBMISSION**

### **FSANZ Proposal P1024 Consultation paper June 2017 Revision of the Regulation of Nutritive Substances & Novel Foods**

Submitter:

Dairy Goat Co-operative (N.Z.) Ltd  
18 Gallagher Drive  
Hamilton 3240  
New Zealand

Level at which submission authorised: authorised by Regulatory and Technical Liaison Manager

Contact persons:

Dianne Lowry, [REDACTED]  
[REDACTED]  
[REDACTED]

### **Information regarding the submitter**

Dairy Goat Co-operative (N.Z.) Ltd, (abbreviated as 'DGC'), is a New Zealand manufacturer, developer and exporter of premium consumer packaged nutritional powders primarily for infants and young children. It is a leading New Zealand exporter, and services over 20 international markets via its marketing partner and joint venture relationships. The markets are located primarily in Asia, Europe and Oceania.

### **Introduction**

DGC supports the original intent of the Food Standards Australia New Zealand in reviewing the regulation of nutritive substances and novel foods in Australia and New Zealand and appreciates the opportunity to make a submission on this consultation document. DGC is an associate member of the Infant Nutrition Council (INC) and a member of the Dairy Companies Association of New Zealand (DCANZ), and has participated in the preparation of submissions prepared by these industry organisations. Consequently this submission is brief and serves to highlight the aspects of particular concern for DGC.

## Key points

1. DGC is very supportive of the principles outlined by FSANZ in the previous consultation round regarding its approach to improving the regulation of nutritive substances and novel foods: protection of public health and safety, proportionate to the varying levels of risk posed by different types of foods; should be clear, objective and enforceable; should provide industry with the opportunity to access the market quickly and without undue regulatory burden, when appropriate; and should aim to be consistent with international regulations where appropriate.
2. Regrettably, the revised framework proposed in this consultation paper falls short of these principles. The proposal does not, “provide industry with the opportunity to access the market quickly and without undue regulatory burden.”
3. DGC supported the original three pathway concept and seeks re-inclusion of self-assessment with notification pathway. If changes are needed to the FSANZ act for implementation of this pathway this should not result in abandonment of this option. Alternative options should first be explored and if this exercise confirms changes to the FSANZ Act will be needed then a work plan to achieve this should be established.
4. We appreciate that FSANZ recognises that the eligible food criteria (EFC) require further work. We commented on the need for considerable more work on this aspect in our previous submission. In our view additional targeted consultation should be undertaken on the EFC prior to the drafting of revised regulatory measures. We would welcome the opportunity to provide input into this aspect which is pivotal to the revised framework delivering the outcomes sought (as per 1, above).
5. MICRO-ORGANISMS: Micro-organism cultures are biologically active rather than nutritive substances. DGC considers that focus on microorganisms in this consultation paper goes beyond the primary objective for P1024 which was to overcome ambiguity in the current Food Standards Code on nutritive substances. We are not aware of evidence of market failure in this regard but recognise that anti-microbial resistance is emerging as a key issue. It is our view that, if changes to the management of micro-organisms within the regulatory framework are considered to be warranted, then this should be addressed by a separate proposal.
6. TRANSITION ARRANGEMENTS: GRAND-FATHERING PROPOSALS
  - a. It is of paramount importance that any grand-fathering provisions cover products manufactured in Australia and New Zealand for export as well as products available in the domestic market. Exclusion of products manufactured for export could result in potential trading difficulties for some exporters. The impact of the proposed revised framework on export products also needs to be included in the regulatory impact analysis.
  - b. Similarly, if grand-fathering provisions under this Proposal cover intentional addition of micro-organisms as has been proposed, then this needs to encompass all micro-organisms intentionally added to foods and not be restricted to food culture micro-organisms added for purpose of fermentation or flavour development.