

Proposal P1024: Revision of the Regulation of Nutritive Substances and Novel Foods

July 2017

The Dietitians Association of Australia (DAA) is the national association of the dietetic profession with over 6000 members, and branches in each state and territory. DAA is a leader in nutrition and advocates for food and nutrition for healthier people and healthier nations. DAA appreciates the opportunity to provide feedback on Proposal P1024: Revision of the Regulation of Nutritive Substances and Novel Foods by Food Standards Australia New Zealand (FSANZ).

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DAA interest in this consultation

DAA is the peak professional body for dietitians in Australia and responsible for the Accredited Practising Dietitian (APD) program as the basis for self-regulation of the profession.

DAA advocates for a safe and nutritious food supply in which the community has confidence and which meets the nutritional needs of all Australians, including groups with special needs.

As experts in nutrition, APDs assist the general population and groups with special dietary needs to meet their nutritional needs. APDs also assist with the translation of food labels and nutrition content claims.

Recommendations

- DAA supports the intention of Proposal P1024 to clarify the definitions of – and pathways for – Nutritive Substances and Novel Foods under Part 2.9 of the Code.
- DAA supports this new approach; which simplifies the process down to two pathways and clarifies which foods require pre-market assessment and approval and which are ‘eligible foods’.
- DAA understand the next round of stakeholder consultation will include further details on the criteria used to determine which foods may be self-assessed (eligible food criteria) and agree that this will be a crucial element to ensuring this new pathway is effective, safe and with confidence that correct assessment occurs on all occasions.
- DAA is supportive of the proposed Grandfathering approach for products currently in market that have undergone the appropriate approvals pathway (including pre-market assessment where relevant). DAA recommend evidence around the safety of existing ‘novel’ foods that will be Grandfathered be retained by the business and FSANZ for future monitoring.
- Regarding the scope of this proposal, DAA does not support incorporating Infant Formula and Foods for Infants (Proposal P1028) into the current review. As these foods are solely intended for a vulnerable population, DAA recommend that separate consideration is warranted.

Discussion

The framework

DAA supports the introduction of this modified version of Proposal P1024 to clarify the regulations and pathways for nutritive substances and novel foods to market.

DAA agree with the removal of the self-substantiation option from the pathways as this is likely to improve the monitoring and oversight of the assessment process within the capacity of FSANZ and individual jurisdictions.

The criteria to determine which foods may be self-assessed (eligible food criteria), and which foods will go via the FSANZ assessment pathway, will be a critical element to ensuring the self-assessment approach is functional, safe and ensures that correct assessment occurs on all occasions with an appropriate process of monitoring in place, such as random audits.

DAA note that food additives, processing aids, food produced by gene technology, irradiated food and vitamins, minerals, L-amino acids and electrolytes are separated out from this approach and will be subject to pre-market approval by FSANZ. DAA supports this approach and note that ‘certain other substances’ are also mentioned as possibly being subject to pre-market approval.

DAA also supports the future review, undertaken separately, of the compositional aspects of Standard 2.9.4 Formulated Supplementary Sports Foods.

Micro-organisms

DAA agrees that the use of micro-organisms in food is likely to increase in the future and clarification around their use would be beneficial for manufacturers, regulatory agencies and the public.

Proposed Grandfathering approach to existing products

DAA is supportive of the proposed Grandfathering approach. DAA recommend the papers of evidence around the safety of existing ‘novel’ foods in market that will be Grandfathered be retained by the business and FSANZ to ensure future monitoring or reviews are possible.

DAA also recommend that if there are any existing products currently in market that have not undergone the appropriate approvals pathway (including pre-market assessment where relevant) they should not be covered by the Grandfathering approach.

Scope of the Proposal – Infant Formula and Food for Infants

Regarding the scope of the proposal, DAA does not support the extension of Proposal P1024 to Infant Formula and Foods for Infants. Infant Formula and Food for Infants are intended for use by a vulnerable population. Additionally, they may be the sole source of nutrition for some infants. Together these two points mean that an additional level of safety is required and separate consideration of

nutritive substances and novel foods intended for Infant Formula and Food for Infants is warranted. Ongoing monitoring requirements may also be different to other nutritive substances intended for food for the general population and therefore treating them separately would make appropriate monitoring easier. In the interim period while P1024 is complete but P1028 is not, DAA recommend the existing standards applying to Infant Formula should continue to be applied.