

# **PI024 Revision of the Regulation of Nutritive Substances & Novel Foods**

Submission by the Department of Health and Human Services Tasmania

Contact details:

██████████  
Senior Public Health Nutritionist (Regulation)  
Public Health Services, DHHS  
PO Box 125 Hobart 7001  
██  
████████████████████

Thank you for the opportunity to comment on the Review Consultation Paper for Proposal PI024, *Revision of the Regulation of Nutritive Substances & Novel Food*.

Our interest in the regulation of nutritive substances and novel foods is underpinned by a commitment to protecting public health and safety through using regulation that is proportionate to the risk posed.

Tasmania is supportive of managing the introduction of these substances through a modified framework that minimises confusion. We see the proposed new framework as a positive step towards removing the confusion which presented problems for both regulators and industry. We also acknowledge that because there is more work to be done to clarify critical aspects of the new framework, including the eligible food criteria and data requirements, it is difficult to comment on the overall value in the new framework before detail on these are worked through.

We are supportive of removing the industry self-regulation pathway and supportive of an approach where novel substances are assessed through a pre-market evaluation that has centralised and scientific oversight via the FSANZ pathway. While we acknowledge that this pathway comes at a cost to government, it is our view that by FSANZ taking this role it enables transparency and consistent scientific responses based on the complete picture of the total industry activity across the Australian New Zealand food supply.

As was stated in our recent submission to AI134 on phytosterols, Tasmania is concerned about the sequential addition of novel substances into the food supply and the need for rigorous risk assessment that accounts for the cumulative amounts of these substances in the food supply as food companies progressively include them. For example, we support the need for dietary modelling that considers the risk posed by people consuming a full range of enhanced products, such as phytosterol enriched cereal, milk, spread and yogurt. This concern also highlights the importance of a rigorous food monitoring and evaluation system that is able to detect exposure to novel foods from different dietary patterns, identify the emergence of any concerning trends and stimulates action to address identified concerns.

We support the position that nutritive type substances (in addition to vitamins, minerals, electrolytes and L-amino acids) should always be subject to pre-market approval by FSANZ on the basis that a cautious approach is taken which is supportive of public health nutrition priorities.

We support the position that substances for use in infant formula should always be considered through the FSANZ assessment on the basis this is a particularly vulnerable population group. We note and support that infant formula will be addressed separately in PI028 for Standard 2.9.1.

The proposed grandfathering approach would be a pragmatic response to implementing the new framework. However, given there have been some recalls and post-market regulatory interventions with Standard 2.9.4, Formulated Supplementary Sports Food, this standard may warrant further consideration with respect to a single broad grandfathering approach across all foods. Having FSANZ carry out a market scan on these foods would provide useful evidence to inform if a different and more cautious approach would be warranted for this group.

Tasmania looks forward to engaging in the next steps of the process regarding eligible food criteria and data requirements.