

Response to proposal P1024 from TATA Global Beverages

Revision of the Regulation of Nutritive Substances & Novel Foods

TATA Global Beverages (TGB), owner of the Tetley brand, has a global presence and is a major player in the tea business. We have a presence in Australia offering a wide range of products under the tea and herbal infusions category to our consumers and have plans to cater the customer with expanded range of products.

Current standard of FSANZ regulation 1.3.2 prohibits the addition of vitamins and minerals to Tea. In this regard, we would like to submit feedback on proposal P1024 - Revision of the regulation of Nutritive Substances and Novel Foods.

Currently there is uncertainty and ambiguity for the manufacture and sale of fortified teas in Australia, since they are prohibited as per 1.3.2 and it is not clear whether they fall under novel food category or non-traditional foods. This needs clear definition from the authorities.

We would like to bring to your attention the current EU regulation EC No. 1170/2009 which lists vitamin and minerals and the forms that they can be added to foods, including food supplements. This reference is also quoted in SD4 document of the proposal 1024. Hence we would request a similar approach be adopted in the FSANZ regulations as well.

The aim of this proposal which is outlined as below is much appreciated and in line with our companies intentions. *‘In addition to the protection of public health and safety, an approach should be 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’*. Please see below our feedback to specific questions as requested by FSANZ.

Response to option 1 - (4.2.1)

Maintaining the status quo regulation is not supported as this does not permit fortification in tea and coffee.

Response to option 2 - (4.2.2)

The proposal for amending the definitions of 'novel food' and 'used as a nutritive substance' in the Code is supported as it gives better clarity to industry.

Response to option 3 - (4.2.3)

Development of an alternate framework with graduated risk approach can be supported provided EFCs are well defined for foods that do not require regulatory approval.

More basic food products like tea and coffee should be allowed or permitted to be fortified with vitamins and minerals like other formulated beverages.

Eligible Food Criteria (EFC) - (4.2.3.1)

We strongly believe that the EFC should be defined in an unambiguous way with clear guidance to the regulatory bodies as well as the industries to identify whether their product meets EFC or not. There are many products which would not meet EFC, but could still be considered eligible, for example fortified tea or coffee.

As per FSANZ, tea is defined under 'PROCESSED FOODS OF PLANT AND ANIMAL ORIGIN' under schedule 4 of standard 1.4.2., and coffee is defined under 'seeds for beverages and sweets' under same standard. However mere addition of vitamins and minerals for the same standardized products will not qualify under EFC.

Industry self- assessment (4.2.3.2)

TGBL would support the industry self- assessment pathway as this would

1. Add the least amount of work to FSANZ

2. Speed up the process and facilitate safe foods to enter the market in a quick period of time. Moreover the accountability of product food safety lies with the industry.

Gateway tests (4.2.3.2)

TGB would support the gateway test methodology being proposed by FSANZ, as it seems reasonable to accept a product which is already approved by other regulatory standards like JECFA / USFDA, etc., rather than duplicating this work. Additionally, the same documentary evidence can be shared with the FSANZ authorities.

Data and Dossier requirements (4.2.3.3)

We would like to justify that the below information provided by the food industries should help the food safety risk assessment and can be part of dossier.

1. The product formulation.
2. Allergen information
3. GMO information
4. Material Safety Data Sheet
5. Food safety information
6. Food contact packaging material details
7. Vendor approval through proper audit procedures

In conclusion, the draft framework presented in option 3 is a viable option. The addition of vitamins and minerals in selected food/beverage classes should be suitable for industry self-assessment.