



# Infant Nutrition Council

Industry supporting both  
Breastfeeding & Infant Formula

AUSTRALIA & NEW ZEALAND

27 February 2020

Food Standards Australia New Zealand  
PO Box 7189  
CANBERRA BC ACT 2610  
AUSTRALIA

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

Dear Sir/Madam

## **INC SUBMISSION ON SECOND CALL FOR SUBMISSIONS – PROPOSAL P1044 – PLAIN ENGLISH ALLERGEN LABELLING**

The Infant Nutrition Council (INC) welcomes the opportunity to provide written comment to Food Standards Australia New Zealand (FSANZ) in response to the *Second Call for Submissions – Proposal P1044 – Plain English Allergen Labelling*.

The INC represents the majority of companies marketing and/or manufacturing infant formula products and toddler milk drinks (formulated supplementary foods for young children) in Australia and New Zealand.

INC aims to:

1. Improve infant nutrition by supporting the public health goals for the protection and promotion of breastfeeding and, when needed, infant formula as the only suitable alternative; and
2. Represent the infant formula product and toddler milk drink industry in Australia and New Zealand.

INC is a responsible group that voluntarily restricts its marketing practices for infant formula products to support government policies for the protection and promotion of breastfeeding.

### Members:

- A2 Infant Nutrition Ltd
- Sanulac Nutritionals Australia Pty Ltd
- Danone Nutricia Early Life Nutrition
- Fonterra Co-operative Group Ltd
- H J Heinz Company Australia Ltd and H J Heinz Company (New Zealand) Ltd
- Nestlé Australia Ltd and Nestlé New Zealand Limited
- Synlait Milk Ltd

### Associate Members:

- Abbott Australasia Pty Ltd
- Adams Australia Pty Ltd
- Australian Dairy Park
- Mataura Valley Milk Ltd
- NIG Nutritionals
- New Zealand New Milk Ltd

- Bakels Edible Oils (NZ) Ltd
- Bayer Ltd
- Blend and Pack Pty Ltd
- Bodco Dairy Ltd
- Bubs Australia Ltd
- Burra Foods
- Cargill Australia
- Dairy Goat Co-operative Ltd
- DSM Pty Ltd
- Freedom Foods
- Fresco Nutrition Ltd
- GMP Dairy Ltd
- Great Ocean Ingredients Pty Ltd
- GrainCorp Ltd
- Jamestrong Packaging Pty Ltd
- Nuchev Food Pty Ltd
- Nu-Mega Ingredients
- Oceania Dairy
- Reckitt Benckiser
- Saputo Dairy Australia Pty Ltd
- Snow Brand Aust Pty Ltd
- Spring Sheep Milk Co
- Tatura Milk Industries
- The H&H Group
- Wattle Health Australia Ltd
- Westland Co-operative Dairy Company Ltd
- Winston Nutritional New Zealand
- Yashili Dairy New Zealand

INC believes that breastfeeding is the normal way to feed infants as it has numerous benefits for both mothers and babies. When an infant is not given breast milk the only suitable and safe alternative is a scientifically developed infant formula product. For these infants, infant formula is the sole source of nutrition for around the first 6 months. It is important that scientific advances in infant nutrition are captured and incorporated into these products to ensure the best possible outcome for infants who do not receive breast milk.

We welcome the opportunity to provide written comment to Food Standards Australia New Zealand (FSANZ) in response to the 2<sup>nd</sup> *Call for Submissions – Proposal P1044 Plain English Allergen Labelling*.

Yours sincerely

## SUBMISSION

Allergen labelling is a matter of considerable manufacturer and public concern. Its greatest impact is for food allergic consumers and their ability to make informed food choices. INC is therefore supportive of the intent of the proposed revision. Indeed, many manufacturers already include either emboldening of ingredients of allergy concern or summary statements or both.

This submission is focussed exclusively on the impact of the proposals on infant formula products as set out in Standard 2.9.1. This standard is unique insofar as it contains extensive additional labelling requirements (additional to the provisions in Standards 1.1.1 and 1.2.4), many prescriptive requirements and additional warnings and declarations.

Labelling for infant formula products additionally requires:

- Warning to follow instructions
- Important notice
- Preparation guide (text and graphic)
- Feeding guide
- Storage guide.

Adding further requirements has a cumulative effect in terms of what consumers need to focus on most and how best to ensure their attention is not diluted. Many cans of infant formula are already crowded and this is particularly the case in relation to the ingredients listing and the nutrition information (see example opposite). This could be exacerbated by requiring additional allergen information and careful consideration needs to be given to these particular products.



We note that other approaches to allergen labelling have been taken by countries/regions such as Canada and the EU<sup>1</sup> which offer a greater level of flexibility that captures different packaging realities. INC agrees with allergens being declared on the label of the food using mandatory specified terms in bold font in the list of ingredients **and** in a separate "contains:" statement.

We support the FSANZ proposal for the allergen summary statement to commence with the prefix 'Contains:'. We also support the proposal that specified terms/required names are used for allergens.

### ***Infant Formula Products for Special Dietary Uses (IFPSDU)***

There is a special and strong case for exempting IFPSDU from the prescription of terms. INC has made it very clear in several previous consultations that the vast majority of IFPSDUs are imported in small specialist quantities for use under medical or health professional supervision. The supply of most of these products is especially critical for these vulnerable populations. In general, INC does not support prescribed terms, warning statements or preparations for these products. INC considers that to do so unnecessarily constrains compliance for a category of

<sup>1</sup> EU: Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, article 21

Canada: [LINK](#), [LINK](#)

products that are almost all imported, often teim critical and in very small and specialist volumes. We therefore believe that, while acknowledging the value and supporting the intent of the proposals, there are clear and overriding health and safety reasons (ie the products not arriving at all) to exempt IFPSDU from the prescriptive requirements that would otherwise be a barrier to the harmonisation with their manufacture overseas.

In the *Literature review consumer knowledge, attitudes and behaviours relating to allergen labelling* (Supporting Document 2), only one study referred to infants (Weber et al 2007) although a number mentioned children. This highlights the importance of special considerations for the most vulnerable population group and that a 'one size fits all' approach could have more serious health and safety consequences for infants reliant on IFPSDUs.

### **Transition**

INC supports the transition proposals in principle but recommends that consideration be given to providing for a stock in trade provision after the transition that is for the shelf life of the product and not time limited (currently proposed as 12 months). In an environment where food waste is a key consideration and rural/small town supplies are potentially held for some time, shelf life is a more efficient means of transitioning rather than by specifying a fixed time period. We believe this would only affect a very small volume of infant formula products since the vast majority of manufacturers would commence manufacturing to the new requirements as soon as possible following gazettal but any waste of food and packaging should be avoided.

### **Drafting**

INC does not oppose the principle that "terminology used for allergens should always reflect the source allergen, and synonyms which are not the name of the source allergen should not be used" (p18, Second CFS). This approach is captured in new 1.2.3—4(a) and (b):

'(3) This section applies to:

- (a) a food that is listed in column 1 of the table to section S9—3; or
- (b) a derivative of such a food.'

However, we believe it would be helpful for the information in 1.2.3-4(b) to also be clearly evident in the relevant section of Schedule S9 and suggest that the heading for column 1 for the new table to be inserted in S9-3 be amended from, "food," to, "food (and derivatives thereof)," or other similar wording. As this table will be the primary 'go to' place for information on allergens to be declared, this would reduce the risk of derivatives of the foods concerned being overlooked by any stakeholders and further emphasise that the terminology used for allergens reflects the source of allergen. This would be similar to that in Codex (CXS 1-1985) which uses the qualifier "and products of these" or from the EU (EC 1169/2011) which uses the qualifier "and products thereof" to reflect the desired intent. In our view this better captures the importance of terminology used for allergens reflecting the source of allergen.