

ACKNOWLEDGED

6 August 2002

ENTERED IN DATABASE

14.8.02

The Project Manager  
Proposal P235  
ANZFA  
PO Box 7186  
Canberra Mail Centre Act 2610

[Redacted]

Dear Sir

**Submission to ANZFA's Proposal P235 – Review of Food Type Dietary Supplements from the Confectionery Manufacturers of Australasia Limited**

Please find the CMA's submission in response to Proposal P235 attached.

Yours sincerely

[Redacted]

Operations Director



## **SUBMISSION: Proposal P235 – Review of Food-Type Dietary Supplements**

As the peak industry body representing the Australian and New Zealand confectionery industry, the **Confectionery Manufacturers of Australasia Limited** (CMA) writes in relation to Proposal P235 – Review of Food-Type Dietary Supplements. The CMA represents 236 **manufacturers** of sugar, chocolate and gum confectionery – ranging from the multinationals (Cadbury, Nestle, Mars, Wrigley's to the small to medium enterprises and niche operators, eg Chocolatier, Haighs); **suppliers** of ingredients, machinery, packaging materials and services to the industry; and **wholesaler/distributor** firms (Appendix 1).

### **General Comments:**

The CMA supports Food Standards Australia New Zealand's (FSANZ) proposal P235 to review the regulatory arrangements for food-type dietary supplements in Australia and New Zealand. Furthermore, harmonisation of the existing arrangements in Australia and New Zealand is necessary to ensure both countries operate on a level playing field and that one country is not unfairly disadvantaged, which is currently the situation for Australia as it does not have access to the New Zealand Dietary Supplements Regulations (NZDSR).

Where possible, international regulatory consistency is also desirable in the interests of trade and access to global markets. Equally, however, enforcement of the local regulations must apply to imported product.

A harmonized regulatory approach between Australia and New Zealand is also important given the NZDSR is likely to be revoked by the New Zealand Ministry of Health.

### **Food-type dietary supplements v/s therapeutics**

In designing a new approach to regulate food-type dietary supplements (FTDS), this must be assessed in terms of the current framework and delineation between foods and therapeutics should be maintained.

The Food Standards Code should regulate foods and FTDS. Therapeutic claim, however, should be reserved for products made under the Therapeutic Goods Administration or Medicines Act as the case may be in Australia and New Zealand, respectively or by the Joint Therapeutic Agency (JTA) as and when it is established.

Therefore, it is necessary, at the outset to determine the intended application of the product, whether or not it is a FTDS or therapeutic good.

## **The current market**

It would appear that the New Zealand confectionery industry is currently using the NZDSR to a minimal extent. However, the same cannot be said for product of this nature that is imported to New Zealand. Despite current minimal take up in the confectionery sector, local confectionery manufacturers' investment in new product development is well established as operators have identified a potential market opportunity and growing consumer demand for FTDS.

## **Regulatory Framework**

For the purpose of regulation it is proposed that FTDS be regulated within the existing framework of the Food Standards Code (for example Part 2.9 – Special Purpose Foods).

## **Conclusion**

The CMA recommends harmonization of regulations for FTDS within Australia and New Zealand in the Food Standards Code, whilst maintaining distinction between FTDS and therapeutic-type dietary supplements (TTDS). The latter, where therapeutic type claims are made, should continue to be regulated by the appropriate joint, or country specific, therapeutic legislation.

*July 2002*

## **Appendix 1 – CMA Members**

### **AUSTRALIAN MEMBERS**

#### **Manufacturers**

A Wyatt Pty Ltd  
Allsep's Pty Ltd  
Angelica Enterprises Pty Ltd  
Aussie Sweets Pty Ltd  
Ballantyne Confectionery  
Bellis Fruit Bars  
Betta Foods Pty Ltd  
Buderim Ginger Ltd  
Cadbury Schweppes Asia Pacific  
Capri Confectionery  
Chocolate Fare Pty Ltd  
Chocolate Gems  
Chocolate Grove Pty Ltd  
Chocolatier (Australia) Pty Ltd  
Colonial Confectionery  
Cooks Confectionery  
Corvina Quality Foods Pty Ltd  
Crest Chocolates  
Darrell Lea Chocolate Shops Pty Ltd  
David Medlow Chocolates Pty Ltd  
Dolci D'oro Pty Ltd  
Dollar Sweets Company Pty Ltd  
Dullo Chocolates  
Duncan Mann Pty Ltd  
Energy Products Pty Ltd  
English Style Confections Ltd  
Ernest Hillier Pty Ltd  
Evans Confectionery Pty Ltd  
Ferrero Australasia Manufacturing Pty Ltd  
Flying Swan Manufacturing  
Fresh Food Industries Pty Ltd  
Fyna Foods Australia Pty Ltd  
George Weston Foods Limited  
GKC Foods Pty Ltd  
Go Natural Australia  
Gran's Fudge Pty Ltd  
Haighs Manufacturing Pty Ltd  
Heritage Fine Chocolates (Aust) Pty Limited  
James A Smyth Pty Ltd  
Johnsons Confectionery Pty Ltd  
Kaygees (Aust) Pty Ltd  
Kellys Candy Co Pty Ltd  
Kenman Kandy Australia Pty Ltd  
Kinnerton Confectionery Australia Pty Ltd  
Kronos Fine Foods Pty Ltd  
Lagoon Confectioners Pty Ltd  
Lewins Pty Ltd  
Lewis Confectionery  
Lindt & Sprungli (Australia) Pty Ltd  
Manna Confectionery Pty Ltd  
Mars Confectionery of Australia  
Melba's Australia Pty Ltd

Nestlé Confectionery  
 New Express Foods Pty Ltd  
 Nina's Chocolates Pty Ltd  
 Nutters Australia Pty Ltd  
 Orchard Manufacturing Co Pty Ltd  
 Paddington Chocolates  
 Patons Macadamia Plantations  
 Pink Lady Chocolates  
 Pittsworth Confectionery  
 Players Biscuits Pty Ltd  
 Praline Chocolates  
 Prydes Sweets Pty Ltd  
 Quinzi's Confectionery  
 Ricci Remond Chocolate Co Pty Ltd  
 Robern Menz Pty Ltd  
 Ronnoco Foods Pty Ltd  
 Ropan Candy Makers  
 RTD Confectionery Pty Ltd  
 S Alexanders Chocolates Pty Ltd  
 Snack Brands Australia  
 Snow Confectionery Pty Ltd  
 Sunrise Confectioners (Aust) Pty Ltd  
 Superpop Pty Ltd  
 Sydney Popcorn Company Pty Ltd  
 The Confectionery House Pty Ltd  
 The Fudge A' Fare  
 The Nut Shop Pty Ltd  
 The Soy Chocolate Company Pty Ltd  
 The Wrigley Company Pty Ltd  
 Wawi Chocolate (Aust) Pty Ltd  
 Willow Confectionery Pty Ltd  
 Yours Truly Chocolates

## **Suppliers**

Aarhus Australia Pty Ltd  
 Abel Lemon Trading Pty Ltd  
 ADM Australia Pty Ltd  
 AEP Flexipac  
 AFIS Pty Ltd  
 Agency Contracting Services Pty Ltd  
 Allied Industries Pty Ltd  
 Amcor Fibre Australasia  
 Angas Park Fruit Co  
 Asia Pacific Blending Corporation  
 Asia Pacific Specialty Chemicals Ltd  
 Australian Ingredient Centre  
 Australian Mint Oils Pty Ltd  
 Australia's Commercial Trader Pty Ltd  
 Barry Callebaut Asia Pacific  
 Bedarra Pty Ltd  
 Bizane Pty Ltd  
 Bonlac Foods Limited  
 Bronson & Jacobs Pty Ltd  
 Buhler AG  
 Bundaberg Sugar Ltd  
 Burgess Printing & Packaging Pty Ltd  
 Capral Aluminium  
 Charles Gabb Flexible Packaging  
 Chr Hansen Pty Ltd

Colorpak Packaging Pty Ltd  
Controlled Climate Logistics Pty Ltd  
Cumberland Industries Ltd  
Dairy Farmers  
Davis Gelatine  
Dragoco Australia Pty Ltd  
Edward Keller Australia Pty Ltd  
EFCA Pty Ltd  
Essential Flavours & Ingredients Pty Ltd  
Fernz Specialty Chemicals  
Firmenich Ltd  
Food Chem Trading Pty Ltd  
Friedensruhe Pty Ltd  
Galpac (Australia) Pty Ltd  
Givaudan Australia Pty Ltd  
Goodman Fielder Consumer Foods  
Haarmann & Reimer (Aust) Pty Ltd  
Heat & Control Pty Ltd  
Henderson McPherson  
International Flavours & Fragrances (Australia) Pty Ltd  
Itochu Australia Ltd  
Johnson & Johnson  
Juremont Pty Ltd  
Keith Harris & Co Ltd  
Kerry Ingredients  
Kingfood Australia Pty Ltd  
Krebs Engineering Pty Ltd  
Langdon Ingredients  
Le Mac Enterprises Pty Ltd  
Macadamia Exports Australia Pty Ltd  
Mandurah Australia Pty Ltd  
Manildra Group  
Michael Waring Trading Pty Ltd  
Murray Goulburn Co-operative Co Ltd  
NID Pty Ltd  
Nutrinova (Australasia) Pty Ltd  
Pacific Resources International Pty Ltd  
Packovation Pty Ltd  
Peanut Company of Australia Limited  
Penford Australia Limited  
Pointing Hodgsons Pty Ltd  
ProMinent Fluid Controls Pty Ltd  
Renshaw Foods  
Richard Foot Pty Ltd  
Sabpac Pty Ltd  
Salkat Australia Pty Ltd  
Savannah Bio Systems Pty Ltd  
Scalzo Food Industries  
Selpak Automation Pty Ltd  
Sensient Technologies Australia  
Shorko Australia Pty Ltd  
Stahmann Farms Inc  
Sugar Australia  
Sunbeam Foods Pty Ltd  
Swift & Company  
Targeted Training  
The Carton House  
The Product Makers (Aust) Pty Ltd  
TNA Australia Pty Ltd  
Toyo Ink Australia Pty Ltd

UCB Films (Asia Pacific) Pty Ltd  
Unilever Australasia  
Walls Machinery Pty Ltd  
William Angliss Institute of TAFE  
Wolf's Pty Ltd  
Woods & Woods Pty Ltd

### **Distributors**

Accredited Distributors Pty Ltd  
Allbrand Confectionery Distributors Pty Ltd  
Budget Snack Brokers  
Candy Brokers Pty Ltd  
Confectionery Distributors  
Confectionery Link Pty Ltd  
Corporate Candy  
Cut Price Confectionery  
Double 'D' Products  
James Dickson & Co Pty Ltd  
JNH Confectionery  
Karam's Confectionery  
Kingsway Confectionery  
Lolliland Pty Ltd  
National Confectionery Wholesalers Ltd  
Network Foods Limited  
NQR Grocery Clearance Stores  
Stuart Alexander & Co Pty Ltd  
SweetOz Distributions Pty Ltd  
The Distributors  
The Sugarless Company

### **NEW ZEALAND MEMBERS**

Amcor Kiwi Packaging New Zealand  
Bee & Herbal New Zealand Ltd  
Bronson & Jacobs (NZ) Pty Ltd  
Cadbury Confectionery Limited  
Campanella Confectionery  
Carousel Confectionery Ltd  
Danisco  
Devonport Chocolates  
Donovans Chocolates  
Effem Foods New Zealand  
Exsell Marketing Ltd  
Gilmours  
Givaudan Roure Ltd  
International Flavours & Fragrances NZ Ltd  
Kauri New Zealand Ltd  
Kiwitech Limited  
Mayceys Confectionery Ltd  
Nestlé (NZ) Ltd  
New Zealand Grocery Marketers Association  
New Zealand Sugar Company Ltd  
Nice & Natural Limited  
Packaging Prepress Specialists  
Pop 'N' Good Popcorn Ltd  
Production Techniques Ltd  
RJ's Licorice Limited  
Sensient Technologies New Zealand

Superbroker Strategic Ltd  
Sweetline Limited  
Taura Natural Ingredients Ltd  
Terry Holdings Ltd  
The Silky Oak Chocolate Company  
The Wrigley Co (NZ) Ltd  
TNA New Zealand Ltd  
Waikato Valley Chocolates Ltd  
Waldrons Confectionery

### ***INTERNATIONAL MEMBERS***

CONFECTION Magazine  
K M Packaging Services Ltd  
MC - Manufacturing Confectioner  
Moores of Stalham (UK) Ltd  
PMCA - an international Association of Confectioners