

AUSTRALIA AND NEW ZEALAND MINISTERIAL FORUM ON FOOD REGULATION

COMMUNIQUÉ

27 November 2020

The Australia and New Zealand Ministerial Forum on Food Regulation (the Forum) met on Friday 27 November 2020 via video conference to consider a range of food regulation and policy matters. The Forum comprises all Australian and New Zealand Ministers responsible for food and the Australian Local Government Association, and is chaired by Senator the Hon Richard Colbeck.

Key outcomes from the meeting include:

Application A1155 – 2'-FL and LNnT in infant formula and other products

As requested by the Forum in February 2020, Food Standards Australia New Zealand (FSANZ) reviewed its approval report for A1155 - *2'FL and LNnT in infant formula and other products*. The review report reaffirmed FSANZ's original approval of A1155 without amendment.

The Forum considered FSANZ's review report and acknowledged the extensive work undertaken to reassess the application and address Ministers' concerns. This included careful consideration of requirements under the *Food Standards Australia New Zealand Act 1991* (FSANZ Act), relevant Ministerial Policy Guidelines, reassessment of safety and health benefits including independent expert reviews, further cost benefit analysis and additional risk management analysis. FSANZ confirmed that the oligosaccharides 2'-O-fucosylactose (2'FL) and Lacto-N-neotetraose (LNnT) do not pose a public health and safety risk to infants.

The Forum agreed to permit the voluntary addition of 2'FL and LNnT to infant formula products in Australia and New Zealand. While breastfeeding is the best choice for infants, infants who are not able to be breastfed may benefit from 2'-FL and LNnT. The oligosaccharides pose no health and safety risks to infants, are naturally found in breast milk and enable the composition of infant formulas to be more closely aligned to breast milk.

The Forum agreed by majority (not supported by New Zealand) to an amendment to A1155 to review within five years from gazettal the permission to allow addition to infant formula products to determine whether there is sufficient evidence of a 'substantiated beneficial role in the normal growth and development of infants, or a technological role'. The Forum also agreed to not allow voluntary addition of 2'-FL and LNnT to formulated supplementary foods for young children (FSFYC). In considering this Ministers outlined concern that the compositional reference for foods for young children is not breast milk and that the application does not support the relevant Ministerial Policy Guideline for FSFYC.

Health Star Rating Matters

On 17 July 2020, the Forum endorsed the Health Star Rating (HSR) Review Implementation Plan with a two year transition period commencing 15 November 2020.

At the meeting on 27 November 2020, Ministers agreed a 12-month stock-in-trade provision would be permitted for eligible products following the two-year transition period. Ministers also affirmed the application of an automatic five star rating to all fresh and minimally processed fruit and vegetable products.

Treatment of Fruit and Vegetable Juices under the Health Star Rating System

At the Forum's request, further consideration was given to the treatment of fruit and vegetable juice (no added sugar) and other non-dairy beverages under the HSR system.

The Forum supported a proposal for a minor adjustment to the HSR review calculator to address an anomaly. Diet beverages will now achieve no more than 3.5 stars, as this option best aligns with the intention from the HSR Five-Year Review recommendations and with the Australian and New Zealand dietary guidelines.

The Forum noted the Australian Government Department of Health will provide further advice in relation to adjusting the HSR calculator for 100 per cent fruit and vegetable juices (no added sugar) for discussion at the next meeting, to be held in February 2021.

Commercial foods for early childhood: Australia and New Zealand

In July 2020, the Forum requested background research be undertaken to increase understanding of commercially available foods for infants and toddlers in Australia and New Zealand.

At the meeting on 27 November 2020, Ministers considered the summary of evidence and analysis on this topic. The Forum agreed to refer the matter to the Food Regulation Standing Committee (FRSC) for further consideration and to determine what actions could be explored in the Food Regulation System to improve commercial infant and toddler foods. The Forum also noted the Australian Healthy Food Partnership will consider this topic and opportunities for non-regulatory options to improve infant and toddler foods in Australia.

Food Standards Australia New Zealand Act 1991 (the FSANZ Act) Review Update

The Forum received a presentation on the progress of the review of the FSANZ Act. A scoping paper presenting a number of reform ideas for the FSANZ Act was released for public consultation between 6 October and 16 November 2020. More than 90 submissions were received and workshops were held with key system stakeholders.

Ministers acknowledged the participation of all stakeholders in the review so far, and were provided the opportunity to make comment and ask questions about the presentation. A Regulation Impact Statement will be developed on potential

legislative amendments, which is expected to be released for further consultation in early 2021.

Options for Improving the Composition of the Food Supply

In August 2019, the Forum agreed to a suite of activities to support public health objectives to reduce chronic disease related to overweight and obesity. One of these activities was for the FRSC to explore options for improving the composition of the food supply.

The Forum was provided with a Policy Paper prepared by FRSC which considered food and nutrient intakes, the composition of the food supply, and current actions to improve food composition underway in Australia, New Zealand and internationally.

Voluntary activities are in place in Australia and New Zealand to improve food composition to support public health objectives to reduce chronic disease related to overweight and obesity. The Forum recognised the importance of voluntary initiatives in the first instance, unless there is a demonstrated need to consider regulatory measures.

The Forum noted that FRSC had identified two topics where there are limitations in current voluntary actions to improve food composition - sugary drinks and trans fats. These could be used as case studies to consider regulatory and non-regulatory options to improve the composition of the food supply by progressing work through the Food Regulation Policy Framework.

The Forum also noted there are no organised voluntary reformulation activities in the quick service/fast food sector and for meat alternatives. The Forum agreed that reformulation targets should be established in these categories (sodium, sugar and saturated fat as appropriate for the quick service/fast food sector and sodium for meat alternatives).

The Policy Paper will be published on the Food Regulation website in the coming weeks.

Next Meeting

The next Forum meeting is scheduled to be held in February 2021.

Visit the Food Regulation website for further information on food regulation activities – www.foodregulation.gov.au