

**What is ANZFA?**

ANZFA's role is to protect the health and safety of people in Australia and New Zealand through the maintenance of a safe food supply.

ANZFA is a partnership between ten governments: the Federal, State and Territory governments of Australia and the New Zealand Government. It is a statutory authority under Australian Commonwealth law and an independent, expert body.

ANZFA is responsible for developing, varying and reviewing standards for food available in Australia and New Zealand and for a range of other functions including coordinating national food surveillance and recall systems, conducting research, assessing policies about imported food and developing codes of practice with industry.

ANZFA staff include toxicologists, microbiologists, food technologists, nutritionists and a range of professionals who provide legal, communications, policy and administrative advice.

**ANZFA contact details**

PO Box 7186 Canberra BC 2610 Australia	PO Box 10559 Wellington 6036 New Zealand
Ph: (02) 6271 2222 Fax: (02) 6271 2278 www.anzfa.gov.au Email: info@anzfa.gov.au	(04) 473 9942 (04) 473 9855 www.anzfa.govt.nz nz.reception@anzfa.gov.au

Call the **Food Code Hotline** for information on the new standards on **1 300 652 166** in Australia or **0 800 441 571** in New Zealand.  
 Email: advice@anzfa.gov.au

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**Chief Scientist Dr Marion Healy talks about dietary supplements**

A continuum of products ranging from conventional foods to prescription medicines is available in supermarkets, health food shops and pharmacies. At the extremes of the continuum, the products are readily recognised and regulated as either foods or as therapeutics. However, in the middle of the continuum are products approaching the interface of foods and therapeutics that are variously referred to as functional foods, dietary supplements or nutraceuticals. While there is currently no agreed definition for foods near the interface, the key characteristic is that their role is supplementary to the normal diet, and importantly, they are presented as foods.

Currently there is no consistent and comprehensive framework regulating these food products. In Australia, products have to be considered as either food or as therapeutics and neither volume 1 nor volume 2 of the Food Standards Code permits the manufacture and sale of these food type dietary supplements in Australia. In New Zealand, products fall into three categories: food, therapeutics and dietary supplements. Some foods that fall within the dietary supplement category, can be manufactured in New Zealand and, under the Trans Tasman Mutual Recognition Arrangement, can be imported into Australia.

ANZFA is examining the most appropriate regulatory framework for food type dietary supplements with a view to developing harmonised regulatory requirements for these products for inclusion in the Food Standards Code. Food type dietary supplements raise three major regulatory issues.

The first of these is ensuring the safety of the foods, which may contain substances that have not generally been present in food, or significantly higher levels of substances that have been present in the conventional food supply. The general approach to regulating foods/ substances that do not have a history of safe use in the community is to require adequate evidence of safety prior to the food entering the food supply. This approach has been implemented for novel foods, caffeinated formulated beverages, and food additives.

The second issue is the impact on the diet of our community of food products that contain novel nutritive substances, or substances at levels much higher than has been traditionally considered necessary to maintain optimum nutrition and health. Our conventional approach to the addition of nutritive substances to food has been based on restoration, with fortification generally permitted only for public health purposes. As food type dietary supplements have a function over and above normal nutritional adequacy, they generally fall outside the traditional nutritional approach.

The third issue is the claims that could be associated with the food type dietary supplements. Nutrition claims, which include nutrition content claims and nutrition function claims, are permitted under current regulations. However claims that a relationship exists between the food or its active ingredient and a health outcome (ie health claims), are not permitted at this time. If health claims are permitted in the future, a critical question will be the level of evidence required to substantiate the claim.

**Reminder... Have you registered with our new electronic subscriber service?**

Recently, you would have received a letter from ANZFA advising you about our new electronic facilities and how you can access this electronic subscription service for Food Standards News and other items.

As a current subscriber, you would have been provided with a user name and password and information on how to register your details through our website.

Make sure that you activate your access to this information by completing the steps described in the letter as soon as possible. Once you have registered your details you will not only receive Food Standards News by email but also the Food Standards Update email service which will notify you of any media release, fact sheet, recall information or other news we may issue in between editions. Both will be provided free of charge.

**Food Regulation Secretariat website**

The Food Regulation Secretariat is based in the Commonwealth Department of Health and Ageing and is responsible for managing the implementation of these new regulatory

arrangements. The Secretariat has now a website [www.foodsecretariat.health.gov.au](http://www.foodsecretariat.health.gov.au) with information on all the new arrangements.

# FOOD STANDARDS NEWS



The Newsletter of the Australia New Zealand Food Authority

June 2002



FROM THE  
MANAGING  
DIRECTOR'S  
DESK

On 20 December 2002, the new Food Standards Code is due to take effect. It is intended to eliminate unnecessary red tape, be outcome-based and contain substantial benefits for industry and consumers.

The new Code harmonises Australian food standards with those of New Zealand, condensing 103 standards in the old Australian Food Standards Code and about 270 standards in the New Zealand Food Regulations into 29 broader standards.

Many food businesses have acted quickly during the two-year transition period and have achieved good progress on reviewing and printing their labels. Some have already achieved full compliance with the new Code and many others expect to be fully compliant by December 2002.

But some food industry businesses have been very slow to start and have said they will have difficulty meeting the December deadline. They need to recognise that non-compliant foods produced after the deadline will not be able to be sold lawfully in Australia and New Zealand.

In their meeting of 24 May, the Ministerial Council made it clear that they recognised that there would need to be a stock-in-trade provision to provide a reasonable period for foods produced before 20 December to be sold after the transition date. But this should not be confused with an intention to extend the transition date beyond 20 December 2002.

We are not expecting a regulatory blitz on supermarkets in late December. However, I am sure that consumers – after two years of waiting for improved label information on food products – will soon identify non-compliant items. I am sure that industry competitors also will be vigilant when the new Code comes into full effect. In addition, I understand from major retailers that they do not want to be associated with non-compliant foods and, indeed, may insist on compliance before the official transition date. Non-compliance will not be a risk-free option.



## New Zealand Health Minister launches food labelling video

New Zealand Health Minister, the Hon Annette King, recently launched the educational video, 'Reading food labels' at St Catherine's College in Wellington.

Mrs King said the video explained the new food labelling rules that are to appear on packaged food by December 2002.

'Improved labelling information, in particular the requirement to have a nutrition information panel on virtually all packaged foods, would

equip consumers with more knowledge about the foods,' Mrs King said.

The video launched was produced by Video Education Australasia who generously donated a copy of the video to the college. This follows the launch in Australia by the Parliamentary Secretary to the Minister for Health and Ageing, the Hon Trish Worth.

Photo: New Zealand Health Minister, the Hon Annette King pictured with Year 10 students from St Catherine's College, Wellington, NZ.

We are maintaining an industry help desk as our main source of assistance to industry to comply with the new Code. We are also preparing checklists and advice for environmental health officers to help them with their task of being the frontline enforcement staff.

I especially ask that industry groups pass on information about these changes to their members, even if they have already done so, and that businesses tell others that may also be affected by the changes. Individuals who

register with us on our website will be sent updates and additional information.

As I mentioned earlier, the new Code has considerable benefits for industry and consumers. It will enable industry to become more innovative in the foods it produces and technologies it employs. Consumers have every right to expect their benefits of product information to be available on time.

Ian Lindenmayer  
Managing Director

## Joint Communiqué:

# FOOD MINISTERS AGREE TO A RANGE OF POLICY INITIATIVES AND APPROVE A NUMBER OF FOOD STANDARDS

Australian and New Zealand Food Standards Ministers meeting in Sydney on 24 May 2002 agreed on a number of important food issues. They issued this official communiqué.

### Health and Nutrient Claims Policy Framework

Ministers agreed to overarching policy principles for health and related claims in food labelling and advertising. When deciding on the policy principles, Ministers took account of the views presented by various stakeholders, which were canvassed through a consultation paper. Ministers have asked the Food Regulation Standing Committee for further advice of a risk management approach that will protect public health and safety through scientific substantiation of high risk claims, generic health claims for ease of use where evidence is clear and minimal regulation where there are no risks to public health. Included in this will be investigation into the creation of a 'watchdog' to monitor the use of health and related claims. Ministers have asked that this advice be presented as a draft policy guideline at their meeting in November 2002.

### Extension of the Timeframe for Folate Health Claim

Ministers agreed to extend the temporary provision allowing the folate/neural tube defect health claim under certain conditions from 13 August 2002 to 13 February 2004 or until a new health claims standard commences, whichever occurs sooner. Extending the time frame for permission to make folate/neural tube defect claims, while the issue of health claims is being resolved, will ensure industry will not have to revise labels and marketing arrangements, public education on the outcome of the review of health and related claims can be delivered in one step and increased burden on enforcement agencies to monitor compliance with regard to making folate/neural tube defect claims can be avoided. Folate fortification is used to address a preventable condition as it decreases the number of pregnancies affected by neural-tube defects (NTDs).

### Added Caffeine in Foods

Ministers agreed to a policy being developed on added caffeine in foods. There has been community concern about products such as caffeinated beverages and guarana bars particularly with children. The health, safety and behavioural aspects of added caffeine and the views of industry will be examined in addition to toxicological research.

### Implementation of the Joint Food Standards Code

Ministers discussed transition issues concerning the implementation of the Joint Food Standards Code. Pending a formal recommendation from the ANZFA Board, expected in June 2002, Ministers indicated in-principle support for a 12 months stock-in-trade for all general food products; a 24 month stock-in-trade provision for long shelf-life products; and a 12 months extension to the transition period for labelling requirements for food packaged at the point of sale. Ministers confirmed that the transition period will end on 20 December 2002.

### Infant Formula Standard

Ministers agreed to a new infant formula standard signifying the end of an extensive public consultation and development process by ANZFA. ANZFA's recommendation recognises that breast feeding provides the best nutritional outcomes for babies but that it is not always possible for babies to be breastfed. Therefore ANZFA has sought to optimise the health benefit to formula fed infants whilst recognising that there are limits to how closely infant formula can replicate the unique and complex properties of breast milk. The new standard represents a harmonised Australian and New Zealand standard for infant formula products. It reflects contemporary scientific and technological advances in safety and nutritional quality of infant formula products and explicitly recognises all types of infant formula currently available including infant formula for special dietary uses.

Ministers asked ANZFA to do further work around the labelling of soy-based infant formula products.

### Labelling of Duty Free Spirits

Currently, the Australian Food Standards Code imposes labelling requirements on spirits and liqueurs regardless of where these are sold and whether they are manufactured domestically or imported. However, this requirement has not been enforced for duty free spirits. There is currently no equivalent requirement in the New Zealand Food Regulations but such a requirement is included in the new Joint Food Standards Code.

Ministers rejected an application to exempt alcoholic beverages from the labelling requirements of the Food Standards Code, when sold through duty free shops for export, or in the case of in-bound duty free, for personal import ('domestic duty free sale').

### Industrial Hemp as a Novel Food

There has been an application for approval of the inclusion of industrial hemp seeds and oil in food and these are a good source of unsaturated fats. These are a by-product of industrial hemp which is now being grown experimentally as an alternative source of fibre for paper, fabrics and other purposes.

Ministers decided to retain the total prohibition on the use of industrial hemp as a novel food. Ministers believe that the use of hemp in food may send a confused message to consumers about the acceptability and safety of Cannabis. There are also concerns about law enforcement issues, particularly from a policing perspective there are difficulties in distinguishing between high THC Cannabis and low THC hemp products.

### Maximum Residue Levels for Cephalosporins (Australia Only)

Ministers deliberated on this issue at the last meeting in July 2001 and requested further information from the Expert Advisory Group on Antimicrobial Resistance (EAGAR). After considering EAGAR's advice, Ministers today approved a set of maximum residue limits for ceftiofur (for cattle meat and milk only) and for cephalosporin antibiotics cephuroxime, cephalonium. However, Ministers asked ANZFA and the National Registration Authority (NRA) for further advice on the proposed maximum residue limit for ceftiofur for cattle edible offal and fat.

### Tall Oil Phytosterols

Ministers agreed to approve the use of tall oil phytosterols as novel food ingredients in edible oil spreads. Phytosterols are found naturally in plants at low levels. Studies suggest that total cholesterol and low-density lipoproteins were reduced when tall oil phytosterols were included in a range of foods. The inclusion of tall oil phytosterols as an ingredient in edible oil spreads will carry with it a mandatory advisory statement to help ensure the product is used safely and not used by those members of the population for whom it is not recommended other than under medical supervision.

### Glyphosate-Tolerant Corn Line NK603

Ministers agreed to a recommendation from ANZFA to approve food derived from glyphosate-tolerant corn line NK603 for sale and use in Australia and New Zealand. The glyphosate-tolerant corn line has undergone a robust scientific safety assessment by the

*continued over* »

#### « Joint Communiqué cont.

Australia New Zealand Food Authority (ANZFA) and no evidence of any public health and safety risk associated with the consumption of the food has been found.

#### Mandatory Fortification of Foods

Ministers asked ANZFA to investigate the issues of fortifying bread with thiamin, margarine with Vitamin D and bread or flour with folate.

#### Mints

Ministers expressed concern about the availability of certain tablet-shaped mints which look like the illegal drug ecstasy. Ministers asked ANZFA and the Commonwealth Department of Health and Ageing to provide advice at their next meeting on measures to address the marketing of products that may encourage drug or alcohol abuse by children and teenagers.

#### Primary Product Standards (Australia Only)

Ministers agreed to a model for the development of primary production and processing standards. This is another step in the transfer of primary products standard setting to the food regulatory system. The model proposes that a Standards Development Committee of Food Standards Australia New Zealand will develop primary product and processing standards according to a set protocol. The Committee will comprise senior representatives of peak industry organisations, members with relevant scientific and technical knowledge and affected stakeholders, as well as representatives from the new Authority, Food Standards Australia New Zealand. The model is the cornerstone to the new arrangements and will ensure that necessary expertise on primary production and processing matters is injected into the process.

The Ministers also asked ANZFA to proceed urgently with the development of a wine standard for Australia to maintain the requirement of the old Food Standards Code and, thus, ensure continuation of the current access of Australian wine to the European Community market.

#### Other matters decided

The Ministers also agreed to the following food standards:

- A435 Triacylglycerol Lipase as a processing aid.
- A422, A440, A447, A450, A451 and P241 (all for maximum residue limits).
- A428 Marine micro-algae as a novel food.
- P245 Minor omnibus amendments to Volume 2 of the Food Standards Code.



## The countdown to Food Standards Australia New Zealand

This Food Standards News may be the final edition published by ANZFA before we become Food Standards Australia New Zealand, a change that is likely to happen in July 2002.

We will be writing to all our stakeholders about the change (don't forget to log into our website and ensure your details are on our email list) as well issuing a special edition Food Standards News.

## Release of sodium data for the AUSNUT 1999 Database

ANZFA's Food Composition Team is pleased to announce the release of a data file containing sodium values for the 4,500 foods contained on the *AUSNUT 1999* database (*Australian Food and Nutrient Database 1999*).

*AUSNUT 1999* is a food and nutrient database released by ANZFA in November 1999 on CD ROM. A major limitation of *AUSNUT 1999* is that it does not contain sodium values. This is because it is based on the technical support files used to analyse 1995 National Nutrition Survey (NNS) food intake data, and, due to the difficulty in measuring discretionary salt use, an analysis of sodium intake was not undertaken as part of this Survey.

Sodium is a nutrient of particular public health concern. High sodium intakes (primarily through salt consumption) may be associated with an increased risk of developing hypertension, which is a risk factor for heart disease. Thus, the provision of sodium values will supplement the data in *AUSNUT 1999* and assist particularly software developers producing dietary analysis systems, health professionals and academic institutions.

Food manufacturers and retailers should note that to derive average nutrient quantities for labelling purposes, ANZFA has developed the Nutrition Panel Calculator (NPC), a web-based nutrition-labelling tool that is supported by a revised version of *AUSNUT 1999* called *AUSNUT Special Edition (2)* (Australian Food

and Nutrient Database for Nutrition Labelling – Release 2). The NPC can be accessed from ANZFA's website. *AUSNUT Special Edition (2)* contains nutrient data and associated information for approximately 4,000 of the 4,500 *AUSNUT 1999* foods. Food manufacturers are strongly recommended to use these products in preference to *AUSNUT 1999*, as the data presented have been revised specifically for labelling purposes.

Due to the overwhelming demand for the NPC and resulting access problems, ANZFA is in the process of expanding the bandwidth for the website. This work will be completed mid August 2002 and result in speedier access to the website and the NPC.

The *AUSNUT 1999* sodium data are being provided free of charge as a downloadable data file from ANZFA's Food Composition web page <http://www.anzfa.gov.au/whatsinfood/foodcompositionprogram/index.cfm>.

The data file has been formatted in tab-delimited ASCII and has been supplied in both Macintosh™ and Windows™ based formats. It is accompanied by a set of Explanatory Notes that gives background information and describes how to load the data into database or spreadsheet applications. Further information can be obtained by contacting Louisa Trevisan at ANZFA on (02) 6271 2277.

## Health Canada and the Canadian Food Inspection Agency visits ANZFA



ANZFA was recently visited by a delegation from Health Canada and the Canadian Food Inspection Agency. The Canadian's were most interested in ANZFA's approach to transparent and consultative food regulation, especially in the area of genetically modified foods.

Pictured (l to r) Scott Crerar (ANZFA), Amanda Hill (ANZFA), Paul Mayers (Health Canada), Mirelle Prud'homme (Health Canada), Karen Dodds (Health Canada) and Sally Hasell (ANZFA-NZ).