



AUSTRALIAN
**FOOD &
GROCERY**
COUNCIL

AFGC SUBMISSION

RESPONSE TO: *FSANZ A1173 – MINIMUM PROTEIN
IN FOLLOW ON FORMULA*

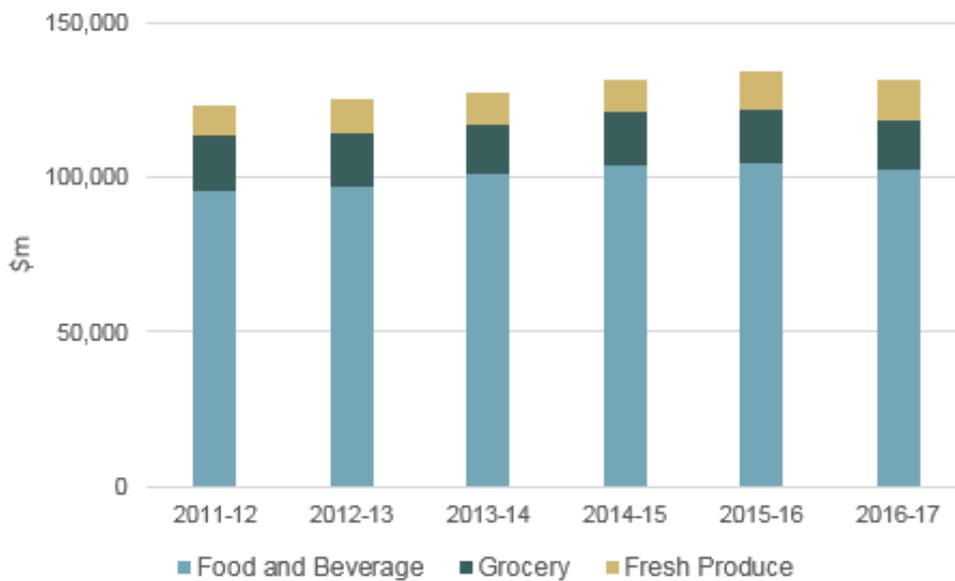
Sustaining Australia

PREFACE

The Australian Food and Grocery Council (AFGC) is the leading national organisation representing Australia's food, drink and grocery manufacturing industry.

The membership of AFGC comprises more than 180 companies, subsidiaries and associates which constitutes in the order of 80 per cent of the gross dollar value of the processed food, beverage and grocery products sectors.

Composition of industry turnover (2016-17)



With an annual turnover in the 2016-17 financial year of \$131.3 billion, Australia's food and grocery manufacturing industry makes a substantial contribution to the Australian economy and is vital to the nation's future prosperity.

Manufacturing of food, beverages and groceries in the fast-moving consumer goods sector is Australia's largest manufacturing industry, representing 36 per cent of total manufacturing turnover in Australia.

The diverse and sustainable industry is made up of over 36,086 businesses and accounts for over \$72.5 billion of the nation's international trade. These businesses range from some of the largest globally significant multinational companies to small and medium enterprises. Industry made \$2.9 billion in capital investment in 2016-17 on research and development.

The food and grocery manufacturing sector employs more than 324,450 Australians, representing almost 40 per cent of total manufacturing employment in Australia.

Many food manufacturing plants are located outside the metropolitan regions. The industry makes a large contribution to rural and regional Australia economies, with almost 42 per cent of the total persons employed being in rural and regional Australia. It is essential for the economic and social development of Australia, and particularly rural and regional Australia, that the magnitude, significance and contribution of this industry is recognised and factored into the Government's economic, industrial and trade policies.

Australians and our political leaders overwhelmingly want a local, value-adding food and grocery manufacturing sector.

INTRODUCTION

Following an application made by Nestlé Australia Limited and Nestlé New Zealand Limited to lower the minimum protein in follow on formula, FSANZ has prepared a draft food regulatory measure. The AFGC membership includes food manufacturers, importers and marketers that will be directly impacted by FSANZ's proposal to change the Food Standards Code (the Code).

The consultation documents have been reviewed and the comments below relate to these specific documents:

- [Call for submissions](#)
- [Supporting document 1 – Nutritional safety assessment report](#)
- [Supporting document 2 – Ministerial Policy Guideline](#)

In response to the Consultation, this submission will expand upon the AFGC's views in the Comments section.

COMMENTS

The AFGC welcomes the opportunity to comment on the Call for Submissions – *Application A1173 – Minimum protein in follow-on formula*.

The AFGC supports government policies for the protection and promotion of breastfeeding and recognises the role of scientifically-developed infant formula product as the only suitable and safe alternative when an infant is not given breast milk.

The AFGC supports a reduction to the minimum level of protein in follow-on formula in [Standard 2.9.1](#) of the Code because:

- The protein content proposed (no less than 0.38 g/100 kJ and no more than 1.3 g/100 kJ) is within the range of protein levels in human milk;
- Normal growth and development of infants consuming follow on formula can be achieved with the reduced protein level; and
- Similarities can be drawn with the EU regulations and drafted (at step 7) Codex requirements for Follow-Up Formulas (FUFs) which may reduce future trade barriers.

FSANZ concluded that an amendment to the Code should be limited to a reduction in the minimum level of protein in *milk-based* follow-on formula (from 0.45g/100kJ to 0.38 g/100kJ) and not applied to soy-based follow-on formula and, has drafted its proposed Code amendment accordingly.

The AFGC has had the opportunity to review the submission to this consultation by the Infant Nutrition Council of Australia and New Zealand (INC) and shares its concern that the draft amendment of the Code proposed by FSANZ (Attachment A in the [Call for Submissions](#) document) does not cover the full range of protein sources in the definition of infant formula products in Standard 2.9.1 and thus creates a regulatory gap which may necessitate additional Code amendments in future. Further, the AFGC supports the INC's request to FSANZ to consider an alternative draft (option A in the INC submission) that proposes the minimum level of protein in follow-on formula is reduced from 0.45g/100kJ to 0.38 g/100kJ *conditional on appropriate supporting evidence* (such as paediatric growth and development research). This avoids the regulatory gap (covering all protein sources) and may assist to future-proof this part of the Code.

CONCLUDING REMARKS

In summary, the AFGC is broadly supportive of FSANZ's response to A1173, that is to reduce the minimum level of protein in *milk-based* follow-on formula. However, it requests FSANZ consider other drafting options for the associated amendment of the Code given the concerns with the proposed Code amendment outlined in the comments above. The AFGC would welcome consideration of alternative options by FSANZ (including the INC's Options B and C) and is ready to engage with FSANZ further if indicated.