

**Comments from the Victorian Department of Health and Human Services and the Victorian Department of Jobs, Precincts and Regions.**

**Due date of submission – 13 June 2019**

The Victorian Departments of Health and Human Services and Jobs, Precincts and Regions (the departments) welcome the opportunity to respond to this application to amend the Australia New Zealand Food Standards Code (the Code).

Application A1173 – Minimum Protein in Follow-on Formula has been submitted by Nestle Limited, seeking to amend Standard 2.9.1 to reduce the minimum protein requirement for follow-on formula for infants aged six to twelve months.

From the Food Standards Australia New Zealand (FSANZ) call for submissions, it is understood that:

- The Applicant is seeking to reduce the minimum protein level in follow-on formula, for infants aged six to 12 months, from 0.45 g/100 kJ to 0.38 g/ 100 kJ to align with the recently amended European Commission standard on follow-on formula (Commission Delegated Regulation (EU) No 2016/127).
- FSANZ proposes to apply this only to milk-based follow-on formula and retain the current minimum protein requirement of 0.45 g/100 kJ for soy-based follow-on formula. This is due to the lower bioavailability of soy protein and the lack of evidence to support lowering the minimum protein for soy-based formula.
- The Applicant has not indicated how total energy, or the content of other macronutrients will be affected in formulas with lower protein levels, however it is understood that the macronutrient composition of proposed lower protein formulas will be required to fall within regulatory ranges covered under Standard 2.9.1.
- FSANZ has assessed that the proposed minimum protein requirement falls within the range of human milk protein content. Dietary modelling of infants aged between 6-12 months indicates adequate protein intake is achieved with the proposed minimum protein requirement for follow-on formula, in combination with introductory foods.
- There are limited studies of moderate quality that have assessed formula with protein levels as proposed. Two studies presented in the application found that infants fed formula with protein levels similar to that proposed had a growth rate more closely aligned to breastfed infants between 6-12 months, compared with a higher protein formula.
- FSANZ has had regard to the Ministerial Policy Guideline on Infant Formula Products.
- This change will benefit trade, support business competitiveness and innovation.
- FSANZ's risk assessment has concluded that there are no health and safety risks.

On the basis of the information above, the departments support the progression of Application A1173.