



7th July 2023

Food Standards Australia New Zealand
PO Box 7189
CANBERRA BC ACT 2610
AUSTRALIA

Email: submissions@foodstandards.gov.au

Dear Standards Management Officer,

Re: Submission to Proposal P1028 Infant Formula

Woolworths welcomes the opportunity to provide comments on *Proposal P1028 Infant Formula (P1028)* by Food Standards Australia and New Zealand (**FSANZ**).

Please find below our submission regarding the consultation paper, which is provided on behalf of Woolworths Supermarkets (Australia), Countdown Supermarkets (New Zealand) and BIG W Australia, (collectively, "**Woolworths**").

Regards,

[Redacted signature block]

Woolworths' submission in response to P1028 Consultation Paper

Thank you for the opportunity to provide this submission in response to the *Proposal P1028 Infant Formula (P1028)* by Food Standards Australia and New Zealand (**FSANZ**)

We acknowledge that breastfeeding is the recommended way to feed infants as it provides numerous benefits for both mother and baby. However, when an infant is not breastfed for any reason, the only safe and suitable alternative is an infant formula product. Data from the Australian Institute of Health and Welfare indicates that 39% of caregivers rely on infant formula for the health and development of Australian infants under the age of four months¹.

FSANZ plays an important role in setting standards to protect infant health and safety, ensuring appropriate information is given to caregivers to make informed choices about the nutrition for their infants and to align with advances in scientific knowledge. In this context, we wish to draw FSANZ' attention to the unintended adverse impact on access to infant formula products which would likely arise from the proposal.

We do not support the restriction of sale for special medical purpose products for infants (**SMPPi**) from supermarkets or other such retailers. We have concerns that, if implemented, the proposed restriction of sale of SMPPi products as part of P1028 will significantly impact caregivers that heavily rely upon supermarkets to provide convenient access to these products. Of particular concern is the impact the proposed restrictions may have in rural and remote communities. We are also concerned about the potential impacts it may have on those who require emergency relief assistance and depend upon supermarket vouchers to be able to access essential foods and household items. Woolworths Group partners with a number of food relief organisations who provide supermarket vouchers at times of emergency and these changes may impact on the ability of vulnerable populations to access at times of need.

Our expertise in supply chains, logistics, retailing and consumer service ensures Australians have access to safe, affordable and high quality consumer products. We offer over 30,000 lines of food and other goods to consumers across nearly 2.5 million square metres of trading area in over 1000 supermarkets in Australia, 92 Metro Stores, over 185 supermarkets in New Zealand and 179 BIG W stores and via our e-commerce channels. Our stores in Australia operate across extended retail trading hours often not afforded to local pharmacies and are within a 10km radius of 90% of the Australian population. Additionally, a Woolworths supermarket has the shelf space required to stock a large range of infant formula products, including SMPPi products, for caregivers that may require them after seeking medical advice from their healthcare practitioner.

¹ <https://www.aihw.gov.au/reports/children-youth/australias-children/contents/health/breastfeeding-nutrition>

Restricting SMPPi products from supermarket and other retail sales will mean that caregivers who rely on supermarkets for these products as part of their weekly shop or as they need them will no longer be able to do so and will be forced to purchase SMPPi products from pharmacies or chemists where they will pay a premium and where shelf space is particularly limited, such that they may not be able to obtain SMPPi products at all. This is particularly concerning given that SMPPi products may be the single source of nutrition for some infants.

Customers need reasonable access to SMPPi outside of the regular trading hours available at other retail outlet options. In FY22, 161,000 Australians purchased SMPPi products at over 1,000 Woolworths retail outlets on over 450,000 occasions. On 155,700 occasions, SMPPi products were purchased outside of regular trading hours (9am-5pm). We also note that Sunday is the most common day SMPPi products are purchased from Woolworths retail outlets, a trading day which many other outlets operate at reduced hours (or may not operate). In the context of this data, it is reasonable to assume that a similarly large volume of demand for SMPPi products on weekends and after regular trading hours exists across competitor supermarkets more broadly.

We therefore recommend FSANZ give careful consideration to the potential unintended consequences to access of products arising from the proposals being considered².

Reducing accessibility for caregivers may also further add to the stress that often comes with caring for infants, particularly if they are distressed or unwell. It is of significant practical assistance and reassurance to many caregivers to know that, should they not have formula available at a time of need (which, in the case of infants, can frequently be outside pharmacy opening hours), convenient after hours access is available at a local supermarket. These stressors associated with infant care can be particularly heightened when there are food shortages, such as in the case of the COVID-19 pandemic, or in weather events such as a fire or flood when access is particularly limited. In these cases, restricted sales could force caregivers to feed their babies alternatives that may be unsuitable.

Whilst we understand that FSANZ has undertaken some consultation with consumer groups with regards to the potential effects of P1028, we would strongly encourage consultation with remote and regional communities specifically, and with charitable organisations, to understand how the restriction on sales may affect vulnerable populations. A sound understanding of the alternatives available to these populations when access is restricted and reliance on a community pharmacy proves difficult will be an important element to this further consultation.

In the event that P1028 is implemented and SMPPi products are restricted from sale within supermarkets and other retailers, Woolworths anticipates that customers will

² Quantum Checkout - Time of Day, Day of Week Report on Woolworths sales of SMPPi products in FY22

seek answers as to why this is the case from our store teams across the country. This may place additional pressures on our team members who will not have expertise in handling these queries from caregivers. As such, Woolworths recommends FSANZ provides a robust and considered communications plan to educate customers should any changes ultimately be made.