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Subject: SUBMISSION P1064 - Infant Formula
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Dear Standards Team

SA Health supports the proposed amendments to Standard 2.9.1 – Infant Formula Standard to be clear that the new Standard applies only in Australia.

SA Health would however, like to note the following concerns about inconsistencies between Australia and NZ going forward (noting these issues are out of FSANZ control).

Background

The Trans-Tasman Mutual Recognition Arrangement (TTMRA) is designed to facilitate trade between Australia and New Zealand by allowing goods legally sold in one country to be sold in the other. If New Zealand does not adopt the Australian standard for infant formula, several issues may arise:

1. Regulatory Divergence

- **Regulatory Compliance:** The TTMRA's core principle of mutual recognition could be compromised if the two countries maintain different standards for infant formula composition, labelling, and safety requirements. The primary issues revolve around legal interpretation, enforcement mechanisms, and the practical difficulties of maintaining consistent product safety across jurisdictions. The most critical concerns include:
 - a. Potential legal ambiguities in product compliance
 - b. Increased regulatory burden on state agencies.
 - c. Challenges in maintaining consistent consumer protection.
 - d. Complexities in market surveillance and product monitoring
- **Market Access Barriers:** Manufacturers would need to potentially reformulate products or create separate production lines to meet divergent national standards, increasing production costs and complexity.

2. Safety and Nutritional Standards

- Differences in infant formula standards could lead to:
 - a. **Nutritional Discrepancies:** Variations in required nutrient levels, fortification requirements, or permitted ingredients could create challenges for cross-border trade.
 - b. **Consumer Protection Concerns:** Inconsistent standards may raise questions about the safety and nutritional adequacy of infant formula sold across borders. The infant formula products may be labelled differently in Australia and New Zealand.

3. Economic Implications

- **Increased Compliance Costs:** Manufacturers would need to invest in separate testing, packaging, and marketing for each market.
- **Reduced Market Efficiency:** The TTMRA's goal of creating a seamless trans-Tasman market would be undermined.

Regards [REDACTED]

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