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From: standards.management@foodstandards.gov.au
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Subject: FSANZ: Applications and Submissions - Submission [SEC=INCONFIDENCE]
Attachments: A1065 Phytosterols in milk response 2012.docx

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FSANZ: Applications and Submissions - Submission

Thursday, 3 May, 2012

1. **Assessment Report Number:** A1065
2. **Assessment Report Title:** Packaging Size for Phytosterol-enriched Milks
3. **Organisation Name:** Population Health
4. **Organisation Type:** Government Agency
5. **Representing:** Department of Health and Human Services Tasmania
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12. **Submission Text:** Call for Submissions Application 1065 – Packaging Size for Phytosterol-enriched milk March 2012 Population Health Department of Health and Human Services (DHHS) Tasmania [REDACTED]

[REDACTED] The Department of Health and Human Services Tasmania (the Department) appreciates the opportunity to comment on the assessment report for Application 1065 - Packaging Size for Phytosterol-enriched milk. The Department notes that removing the volume restriction aims to allow additional package size options for phytosterol-enriched milk. No evidence of public health or safety issues has been presented arising from the consumption of phytosterols. Section 18 of the Food Standards Australia New Zealand Act 1991 (the FSANZ Act) provides that the objectives of Food Standards Australia New Zealand (FSANZ) in developing or reviewing food regulatory measures requires that FSANZ have regard to any written policy guidelines formulated by the Council (the Australia New Zealand Food Regulation Ministerial Council now the COAG Legislative and Governance Forum on Food Regulation) [1]. The Department notes that FSANZ has indicated that: No Policy Guideline is applicable. Specifically the Policy Guideline on the Addition to Food of Substances other than Vitamins and Minerals does not apply because the application does not relate to a new permission for adding phytosterols to foods (p8,[2]). FSANZ implicitly recognises that a new permission to add phytosterols would trigger consideration of the Policy Guideline. However the Department notes that as

phytosterols have been restricted to one litre containers removing that restriction, in essence, provides an additional permission for phytosterols in milk in containers larger than one litre. In addition the Ministers agreed that the Policy Guideline should apply to new applications or proposals and should not trigger a review of existing permissions in the Australia New Zealand Food Standards Code (the Code) [3]. Application 1065 would appear to be a new application. The Ministerial Policy Guideline on the Addition to Food of Substances other than Vitamins and Minerals notes under Implementation that: It may be necessary to review existing standards that are impacted by this policy in order to achieve optimal public health outcomes over time. Particularly, there needs to be consideration of the cumulative impact of particular substances being added to multiple food products[4] . FSANZ reports that cumulative impact of larger containers is unlikely to have a negative public health outcome. The Department is comfortable that no significant public health risk has been identified. However, the Department is concerned that the Ministerial Policy Guideline has not been considered and no mechanism has been identified to assess the issue of cumulative impact over time. References 1. Australian Government. Food Standards Australia New Zealand Act 1991. 2011 [cited 2012 30 March]; Available from: <http://www.comlaw.gov.au/Details/C2012C00311>. 2. Food Standards Australia New Zealand. Call for Submissions Application 1065 – Packaging Size for Phytosterol-enriched milk April 2012 [cited 2012 30 March]; Available from: <http://www.foodstandards.gov.au/foodstandards/applications/applicationa1065pack5285.cfm>. 3. Australian and New Zealand Food Regulation Ministerial Council. Communiqué 11th Australian and New Zealand Food Regulation Ministerial Council 2008 [cited 2012 30 March]; Available from: <http://www.health.gov.au/internet/main/publishing.nsf/Content/foodsecretariat-communications-08-02may>. 4. Australia and New Zealand Food Regulation Ministerial Council. Policy Guideline: Addition to Food of Substances other than Vitamins and Minerals. 2008 [cited 2012 30 March]; Available from: <http://www.health.gov.au/internet/main/publishing.nsf/Content/foodsecretariat-policy-guidelines#2>.

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**Call for Submissions Application 1065 – Packaging Size for Phytosterol-enriched milk
March 2012**

Population Health
Department of Health and Human Services (DHHS) Tasmania
Contact Officer [REDACTED]

The Department of Health and Human Services Tasmania (the Department) appreciates the opportunity to comment on the assessment report for Application 1065 - Packaging Size for Phytosterol-enriched milk.

The Department notes that removing the volume restriction aims to allow additional package size options for phytosterol-enriched milk. No evidence of public health or safety issues has been presented arising from the consumption of phytosterols.

Section 18 of the *Food Standards Australia New Zealand Act 1991* (the FSANZ Act) provides that the objectives of Food Standards Australia New Zealand (FSANZ) in developing or reviewing food regulatory measures requires that FSANZ have regard to any written policy guidelines formulated by the Council (the Australia New Zealand Food Regulation Ministerial Council now the COAG Legislative and Governance Forum on Food Regulation) [1].

The Department notes that FSANZ has indicated that:

No Policy Guideline is applicable. Specifically the Policy Guideline on the Addition to Food of Substances other than Vitamins and Minerals does not apply because the application does not relate to a new permission for adding phytosterols to foods (p8,[2]).

FSANZ implicitly recognises that a new permission to add phytosterols would trigger consideration of the Policy Guideline. However the Department notes that as phytosterols have been restricted to one litre containers removing that restriction, in essence, provides an additional permission for phytosterols in milk in containers larger than one litre.

In addition the Ministers agreed that the *Policy Guideline should apply to new applications or proposals and should not trigger a review of existing permissions in the Australia New Zealand Food Standards Code (the Code)* [3]. Application 1065 would appear to be a new application.

The Ministerial Policy Guideline on the Addition to Food of Substances other than Vitamins and Minerals notes under *Implementation* that: *It may be necessary to review existing standards that are impacted by this policy in order to achieve optimal public health outcomes over time. Particularly, there needs to be consideration of the cumulative impact of particular substances being added to multiple food products*[4] .

FSANZ reports that cumulative impact of larger containers is unlikely to have a negative public health outcome. The Department is comfortable that no significant public health risk has been identified. However, the Department is concerned that the Ministerial Policy Guideline has not been considered and no mechanism has been identified to assess the issue of cumulative impact over time.

References

1. Australian Government. *Food Standards Australia New Zealand Act 1991*. 2011 [cited 2012 30 March]; Available from: <http://www.comlaw.gov.au/Details/C2012C00311>.
2. Food Standards Australia New Zealand. *Call for Submissions Application 1065 – Packaging Size for Phytosterol-enriched milk* April 2012 [cited 2012 30 March]; Available from: <http://www.foodstandards.gov.au/foodstandards/applications/application1065pack5285.cfm>.
3. Australian and New Zealand Food Regulation Ministerial Council. *Communiqué 11th Australian and New Zealand Food Regulation Ministerial Council 2008* [cited 2012 30 March]; Available from:

4. <http://www.health.gov.au/internet/main/publishing.nsf/Content/foodsecretariat-communicues-08-02may>.
Australia and New Zealand Food Regulation Ministerial Council, *Policy Guideline: Addition to Food of Substances other than Vitamins and Minerals*. 2008 [cited 2012 30 March]; Available from:
<http://www.health.gov.au/internet/main/publishing.nsf/Content/foodsecretariat-policy-guidelines#2>.