

## **Comments from the Victorian Departments of Environment & Primary Industries and Health**

**Due date for submissions: 12 November 2013**

The Victorian Departments of Environment & Primary Industries and Health (referred to as the Departments) welcome the opportunity to comment on the Proposal P274 which is considering amending the youngest minimum age labelling requirements in Standard 2.9.2 of the Australian New Zealand Food Standards Code to reflect the national infant feeding guidelines of Australia and New Zealand.

It is acknowledged that Proposal P274 was prepared at request of the Ministerial Council (now Legislative and Governance Forum on Food Regulation) as the youngest minimum age labelling prescribed in Standard 2.9.2 was not consistent with the 2003 Australian Infant Feeding recommendations. Standard 2.9.2 was also inconsistent with the 2008 revision of the New Zealand Infant Feeding Guidelines and did not support World Health Organization recommendations on exclusive breastfeeding. More recently, the National Health and Medical Research Council (NHMRC) Infant Feeding Guidelines (2013) have been released encouraging, supporting and promoting exclusive breastfeeding to around 6 months of age and recommending introduction of solid foods at around 6 months to meet infant's increasing nutritional and developmental needs<sup>1</sup>.

The Departments recognise the importance of providing consistent nutrition advice to the public, particularly the recommendation that exclusive breastfeeding is encouraged, supported and promoted to around 6 months of age. However, unlike the Infant Feeding Guidelines released by the NHMRC, Standard 2.9.2 has been adopted as law by jurisdictions. It should be noted that as a matter of due course, proposals to change laws must apply the principles of best regulatory practice agreed by the Council of Australian Governments. To that end, before any changes to Standard 2.9.2 are considered by the Legislative and Governance Forum on Food Regulation, FSANZ is urged to strengthen the rigour used in its assessment of the actual benefits that would be realised by the introduction of the proposed changes and whether those changes will result in a net benefit.

This view notwithstanding, the Departments have addressed some of the questions outlined in the FSANZ Risk Management Considerations Supporting Document 2 P274 – Minimum age labelling of infant foods where there is additional information or further comments.

### **Use of the term 'around'**

Introduction of solids at 'around 6 months' as recommended by the 2013 NHMRC Infant Feeding Guidelines<sup>2</sup> acts primarily to support the recommendation for exclusive breastfeeding to around 6 months of age to provide infants the healthiest start to life. The term 'around' is deliberately ambiguous to account for variability in physiological development among infants and the Departments support the alignment of food

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<sup>1</sup> National Health and Medical Research Council. Infant Feeding Guidelines. Canberra: NHRMC; 2013.

<sup>2</sup> National Health and Medical Research Council. Infant Feeding Guidelines. Canberra: NHRMC; 2013.

regulations and key nutrition messaging to support exclusive breastfeeding to around 6 months.

The critical period to minimise risk of allergy development has been identified as between 4-7 months of age. In this regard, FSANZ has adequately considered the literature concerning timing of solid introduction and risk of developing allergy and other immune-mediated diseases. FSANZ consumer research indicated that interpretation of 'around 6 months' to mean 2-3 weeks either side of 6 months of age indicating first foods are likely to be introduced between 5-7 months of age. This suggests that the proposed change to Standard 2.9.2 poses little risk to infants' development of allergy.

Should the proposed changes to Standard 2.9.2 proceed, the Departments would encourage FSANZ to evaluate the influence of 'around 6 months' labelling has had on the introduction of solid foods to infants.

### **First foods**

*Is the concept and definition of first food a useful way to apply certain labelling and formulation requirements?*

The AIHW National Infant Feeding Survey (2010) reported that 35.3% of infants had received soft/semi-solid/solid food within the previous 24 hours prior to survey at 4 months or age, steadily increasing to 91.5% at 6 months of age<sup>3</sup>. This evidence indicates that within the study cohort, one third of infants were introduced to other foods of varying texture by 4 months of age. This evidence, combined with the research as reported in the FSANZ P274 Supporting Document 2 reviewing the effects of infant food labels on timely introduction of solids, should be considered. In particular, Hamilton *et al* concluded that timely introduction of solids was influenced by beliefs of partner/spouse and doctors, particularly noting the 'influence of marketing messages regarding suitability of commercial food for infants less than six months is an additional significant influence'<sup>4</sup>. Although this study cannot be generalised to the general Australian population due to a predominantly Caucasian sample population, it does provide insight into the influences of introduction to solid food timing. It also reinforces the significant impact of marketing and guidance which appropriate labelling of infant foods can have. This supports the 'around 6 months' labelling of infant foods designed as first foods to discourage the introduction of solids prior to 4 months of age.

A review of infant food labels as they stand currently in the supermarket presents a confusing and most likely daunting scenario for infant caregivers<sup>5</sup>. Among infant foods which would be considered 'first foods', the appropriate age is indicated by '4+ months', 'from 5 months', or 'from 4 months' and may or may not use the term 'first food' on the front of pack. It was observed that one company indicated 'first food' on a product targeting infants aged '4+months' and also on products for '6+ months' as stated on front of pack. The majority of infant foods targeting infants '4+ months' specified a

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<sup>3</sup> Australian Institute of Health and Welfare. 2010 Australian National Infant Feeding Survey: indicator results. Canberra: 2011.

<sup>4</sup> Hamilton K, Daniels, L., Murray, N., White, K., Walsh, A. Mothers' perceptions of introducing solids to their infant at six months of age: Identifying critical belief-based targets to promote adherence to current infant feeding guidelines. *Journal of Health Psychology*. 2012;17(1):121-31.

<sup>5</sup> A range of infant food products were reviewed in a large Victorian metropolitan supermarket October 2013.

smooth or pureed consistency whereas '6+ month' foods were a mixture of textures ranging from puree or smooth to fine grains or mashed.

Infant foods not considered 'first foods' were predominantly indicated by the age labelling on front of pack and varied from '8+ months', 'from 8 months', '9+ months' to '10+ months' with one product indicating it was a 'second food'. Texture and consistency of these products ranged from 'soft lumps', 'coarse puree' or 'soft, chewable pieces' to rice cakes.

Brief consideration of the infant food products currently presented to caregivers in a retail environment demonstrates the complicated and confusing landscape among products targeted towards infants of varying ages. The amendment of Standard 2.9.2 provides an opportunity to ease confusion at the point of purchase and provide clarity in terms of which foods are considered appropriate for infants and in particular which foods are appropriate for consumption as 'first foods'. The age label provides caregivers with a quick reference guide and stating the consistency of the food allows caregivers to choose appropriate products based on their infant's development.

The Departments suggest that FSANZ consider the words 'first food' to be mandated on front of pack labels for 'around 6 months' foods as there is currently precedence within the marketplace. This will provide additional assistance to caregivers specifically when purchasing 'first foods'.

#### **Impact on labelling of other infant food**

*Should the use of the age/number 6 on labels of infant food be prohibited, other than in conjunction with the word 'around'? Please explain your view.*

The Departments believe it is important for the number 6 to be prohibited for use on front of pack of infant foods unless linked with the term 'around' to reduce confusion among infant caregivers and prevent misleading marketing of infant foods.

#### **Mandatory advisory statements on product use before a certain age**

*Do the changes to the wording of the warning statements change the intent of these statements? If so, please explain why.*

No, the Departments feel the warning statements are easily understood and the intent is not altered.

*Should the 'not before 4 months of age' statement apply only to first food represented for infants 'around 6 months' of age? If not, please describe which foods should carry this warning statement and the reasons why.*

Yes.

### **Location of mandatory statements on infant food labels**

*Is it important for minimum age to always be displayed on the front of a product? Please give your reasons. If not, are there any other labelling measure that should be mandated?*

Yes, as this provides a quick reference to caregivers.

*Will the removal of the association between the relevant minimum age statement and the under 4-month warning statement reduce the risk of caregiver on the age of introducing solid foods?*

The Departments acknowledge results from the FSANZ 2004 consumer research which demonstrated consumer misinterpretation in timing of introduction to solids when the minimum age statement and warning statement were co-located. This is consistent with industry current practice (contrary to the current requirements of Standard 2.9.2). To reduce confusion among caregivers, the Departments support the proposal to remove the current requirement for the warning statement to be placed in association with the relevant minimum age statement.

### **Compositional provisions for cereal-based foods**

The Departments agree that clause 3 of Standard 2.9.2 should be amended to omit subclause 3(2) which indicates that foods for infants from 4 months can have iron voluntarily added. All cereal-based infant foods for around 6 months will still require to be iron fortified. The Departments support removing the iron RDI for infants under 6 months; retaining the RDI for infants over 6 months. The Departments acknowledge FSANZ will update the iron RDI as listed in the 2006 NHMRC Nutrient Reference Values.

### **Industry considerations**

The Departments note the proposed amendments to Standard 2.9.2 may limit international trade due to discrepancies among international regulations and therefore recommend FSANZ undertakes further appraisal.

The Departments acknowledge the generous transition period for label compliance to minimise costs to industry.