

AUSTRALIA AND NEW ZEALAND FOOD REGULATION MINISTERIAL COUNCIL

Food Regulation Standing Committee

Intent of Part 2.9- Special Purpose Foods Working Group

Recommended Policy Guideline on the intent of Part 2.9 - Special Purpose Foods

SCOPE/AIM

This policy guideline provides guidance and clarity on the intent of Part 2.9 – Special Purpose Foods of the *Australia New Zealand Food Standards Code* (the Code).

Part 2.9 - Special Purpose Foods, of the Code is intended to contain food standards that prescribe specific requirements for foods processed or manufactured for use by physiologically vulnerable individuals and population sub-groups. Requirements within food standards in Part 2.9 are prescribed relative to the particular intended dietary use of the food.

For the purposes of Part 2.9, physiological vulnerability relates only to situations where there is risk of dietary inadequacy to support:

- physical and physiological need arising from specific life stages (e.g. infancy), physical disease, disorder and disability; or
- physical and physiological conditions that require altered energy intake;

that occasion the use of special purpose food.

This policy guideline does not apply to products that are regulated as therapeutic goods. There remains a need for clarity at the food medicine interface to differentiate foods from therapeutic goods. Similarly this policy guideline does not apply to foods as regulated by standards other than those in Part 2.9 of the Code.

Policy guidance in relation to nutrition, health and related claims on special purpose foods is covered by the *Policy Guideline on Nutrition, Health and related claims*.

HIGH ORDER POLICY PRINCIPLES

The *Food Standards Australia New Zealand Act 1991* (the Act) establishes a number of objectives for FSANZ (the Authority) in developing or reviewing of food standards.

1. The objectives (in descending priority order) of the Authority in developing or reviewing food regulatory measures and variations of food regulatory measures are:
 - (a) the protection of public health and safety; and
 - (b) the provision of adequate information relating to food to enable consumers to make informed choices; and

- (c) the prevention of misleading or deceptive conduct.
2. In developing or reviewing food regulatory measures and variations of food regulatory measures the Authority must also have regard to the following:
- (a) the need for standards to be based on risk analysis using the best available scientific evidence;
 - (b) the promotion of consistency between domestic and international food standards;
 - (c) the desirability of an efficient and internationally competitive food industry;
 - (d) the promotion of fair trading in food;
 - (e) any written policy guidelines formulated by the Council for the purposes of this paragraph and notified to the Authority.

A number of other policies are also relevant to the development of food standards, including COAG Principles (Australia only), New Zealand Code of Good Regulatory Practice (Nov 1997), the Agreement between the Government of Australia and the Government of New Zealand concerning a Joint Food Standards System and WTO agreements.

SPECIFIC POLICY PRINCIPLES

Food Standards contained within Part 2.9 of the Code should maintain a clear distinction between special purpose foods and other foods as regulated elsewhere in the Code.

In particular:

- Special purpose foods should be targeted only to those population groups satisfying the definition presented in the Scope/Aim section.
- The composition of special purpose food should be consistent with the intended purpose.
- Adequate information should be provided, including through labelling and advertising of special purpose foods, to:
 - assist consumer understanding of the specific nature of the food, the intended population group and intended special purpose of the food; and
 - provide for safe use by the intended population and to help prevent inappropriate use by those for whom the special purpose food is not intended.
- Consideration, where appropriate, should be given to application of controls to restrict access to a special purpose food on the basis of risk to public health and safety.

ADDITIONAL POLICY GUIDANCE

Where relevant standards contained in Part 2.9 of the Code should be consistent with internationally recognised codes of practice, such as Codex and the World Health Organisation (WHO) recommendations/guidelines, relating to the manufacture and/or labelling of special purpose foods.