

MINISTERIAL COUNCIL POLICY GUIDELINES ON NOVEL FOODS

High Order Principles

- To ensure that priority is given to the protection and improvement of public health and safety in relation to food matters.
- To ensure that consumers have access to sufficient information to enable informed and healthy food choices.
- Be consistent with and complement Australian and New Zealand national policies and legislation including those relating to nutrition and health promotion.
- To draw on the best elements of international regulatory systems (ie protocols, standards, guidelines, assessment processes) and be responsive to future trends and developments (ie CODEX, WHO/FAO).
- To provide a regulatory environment that is timely, cost effective, transparent and consistent with minimum effective regulation, and which encourages fair trade, industry growth, innovation and international trade.

Specific Principles

- To ensure that public and industry confidence in the food system is maintained.
- To provide an assessment process that aims to protect commercially sensitive information and recognise industry's intellectual property to the maximum extent possible.
- To ensure consumers are not misled by novel foods or food ingredients, which appear similar to existing foods but may differ in terms of nutrition or function.

Novel Foods

Policy Guidance

ANZFRMC requests that FSANZ:

1. Raise a proposal to review Standard 1.5.1 of the *Australia New Zealand Food Standards Code*.
2. Recognise that the standard is there to ensure the safety of new foods coming on to the market and that the standard reflects a risk based approach.
3. Use a reference group that includes representatives from relevant Australian Government,
4. New Zealand and State and Territory enforcement agencies to provide advice in reviewing the Standard.
5. Consider, as part of the review process, the following issues as raised by stakeholders during the FRSC consultation:
 - a) Subjectivity – the current definition in the standard tends to be too open to subjective interpretation as to whether a food is novel or not. In particular, stakeholder feedback indicates concern with the use of the words ‘non-traditional’ and ‘insufficient knowledge in the community to enable safe use’. In each of these components of the novel food definition this wording is seen to be contradictory or open to interpretation.
 - b) Scope of the definition – the scope of the novel foods definition needs to be refined and particular attention given to the identification of the appropriate triggers of a pre-market assessment of novel foods.
 - c) Protection of information - to provide an assessment process that aims to protect commercially sensitive information and recognise industry’s intellectual property to the maximum extent possible.
 - d) Level of assessment to be commensurate with level of risk – the use of a decision tree approach to determine if an application/premarket assessment is required should be considered. A decision tree should provide industry and enforcement agencies with clear guidance in such a determination.
6. Review the user guide to include the above changes to the novel foods definition. In addition the guide should provide greater clarity about the process that FSANZ undertakes in determining if a food is a novel food. These revisions should be developed with industry, government and consumer input to ensure that the revised guide appropriately meets their needs.