

## **Review of the intent of Part 2.9 - Special Purpose Foods**

### **Terms of Reference**

Part 2.9 of the *Australia New Zealand Food Standards Code* (Part 2.9), that is Special Purpose Foods, was intended to ensure the availability of foods that delivered adequate nutrition to at-risk groups whose dietary requirements cannot be satisfied by consumption of a normal (solid food) diet.

In developing the policy guideline on the *Fortification of Foods with Vitamins and Minerals* (fortification policy) it was recognized that foods falling within Part 2.9 required fortification in a manner not necessarily appropriate for general foods and for that reason, Special Purpose Foods were excluded from the scope of the fortification policy.

However, some foods produced in accordance with Part 2.9 are marketed to the community and consumed as if they are general food. Should this continue to occur, it will undermine the objectives of the fortification policy.

For these reasons, the Australia and New Zealand Food Regulation Ministerial Council (Ministerial Council) is seeking a review by Food Standards Australia New Zealand (FSANZ) of Part 2.9. The purpose of the review is to ensure that Part 2.9 is only applied to those foods that are prepared for at-risk groups whose dietary requirements cannot always be satisfied by a normal (solid food) diet and not to foods that will, as a matter of course, be promoted and consumed as a general food. Consideration should also be given to appropriate labeling requirements, restrictions on access and advertising that are consistent with this intent, and which do not generally promote consumption as if the food is a general food.

Specifically, it is requested that FSANZ:

1. Undertake a review of the intent of classification and interpretation of Part 2.9 Special Purpose Foods of the *Australia New Zealand Food Standards Code* (the Code).
2. Use a reference group that includes representatives from relevant Australian Government, New Zealand and State and Territory enforcement agencies to provide advice during the review.
3. Consider, as part of the review process, the following issues:
  - a) Scope of the definition of special purpose foods.
  - b) Consistency in the application of the definition of special purpose foods to each of the standards within Part 2.9.
  - c) Identification, if required, of more appropriate locations in the Code for any standards that are found to be inconsistent with the classification as a special purpose food.
  - d) Other requirements, such as restrictions on access, and advertising
4. Report back to the Ministerial Council through the Food Regulation Standing Committee on the outcomes of the review.