

**AUSTRALIA AND NEW ZEALAND FOOD REGULATION MINISTERIAL  
COUNCIL**

**3 JULY 2015**

**REVIEW REQUEST FOR THE VARIATION TO STANDARD 1.3.2  
THAT HAS RESULTED FROM APPLICATION A1090 - VOLUNTARY  
ADDITION OF VITAMIN D TO BREAKFAST CEREALS**

The Australia and New Zealand Food Regulation Ministerial Council (Ministerial Council) has requested that Food Standards Australia New Zealand (FSANZ) review the variation to Standard 1.3.2 – that has resulted from consideration of Application A1090 - Voluntary addition of vitamin D to breakfast cereals.

The grounds for the review of the variation to Standard 1.3.2 is that it does not have sufficient regard for the ‘Ministerial Policy Guideline for the Fortification of Food with Vitamins and Minerals’ (the Policy Guideline).

In particular:

- Permission to fortify should not promote consumption patterns inconsistent with the nutrition policies and guidelines of Australia and New Zealand;
- Permission to fortify should not promote increased consumption of foods high in salt, sugar or fat, or foods with little or no nutritional value that have no other demonstrated health benefit; and
- The fortification of a food, and the amounts of fortification in the food, should not mislead the consumer as to the nutritional quality of the fortified food.

The Ministerial Council also agreed that the Policy Guideline will be clarified in conjunction with the FSANZ review, including options for the use of nutrient criteria to ensure that nutritionally-poor cereals are not to be fortified with further vitamins and minerals.

FSANZ has until 12 May 2016 to finalise the review of the draft standard and re-affirm, re-affirm with amendments, or withdraw its approval of the draft standard.

## **The process for requesting a review**

After Food Standards Australia New Zealand (FSANZ) notifies the Australia and New Zealand Food Regulation Ministerial Council (the Ministerial Council) of a draft standard or variation the Ministerial Council may request a review if the Ministerial Council believes that one or more of the Criteria/Ground/s set out in the Food Regulation Agreement 2000 (as amended in 2008) (the Agreement) or the Agreement between the Government of Australia and the Government of New Zealand concerning a Joint Food Standards System (the Treaty) applies. The Criteria / Ground/s set out in the Agreement and in the Treaty are:

- (i) it is not consistent with existing policy guidelines set by the Ministerial Council;
- (ii) it is not consistent with the objectives of the legislation which establishes FSANZ;
- (iii) it does not protect public health and safety;
- (iv) it does not promote consistency between domestic and international food standards where these are at variance;
- (v) it does not provide adequate information to enable informed choice;
- (vi) it is difficult to enforce or comply with in both practical or resource terms; and / or
- (vii) it places an unreasonable cost burden on industry or consumers.

In exercising this power the Ministerial Council must comply with the Agreement and the Treaty. Under the Agreement the Ministerial Council will request a review if the Ministerial Council considers that one or more of the Criteria applies. The Ministerial Council would also, at this point in the process, request a review if New Zealand notifies the Ministerial Council of concerns that the standard would be inappropriate for New Zealand (Annex C(2) of the Treaty).