



27th July 2015

CLARIFICATION NOTE FOR INDUSTRY – CLAIM REQUIREMENTS FOR INFANT FORMULA PRODUCTS

Currently manufacturers can comply with either Standard 1.1A.2 of the Food Standards Code, or Standard 1.2.7 (but not both). Standard 1.2.7 – *Nutrition, Health and Related Claims*, of the Food Standards Code commenced on 18 January 2013. Standard 1.1A.2 – *Transitional Standard – Health Claims* ceases to operate three years from that date, therefore from 18 January 2016 manufacturers must comply with Standard 1.2.7. There are no stock-in-trade provisions.

Infant formula products are defined in Standard 2.9.1, and include infant formula and follow-on formula.

Important information for manufacturers of infant formula products:

- Health claims are not permitted on infant formula products.
- Nutrition content claims are not permitted on infant formula products.
- Infant formula products must not contain a reference to nutrition information anywhere on the label other than in the nutrition information statement and the statement of ingredients. The nutrition information statement is to be a *singular statement*.
- Advertisements for infant formula products must not contain any statement, information, designs or representations which are prohibited by the Food Standards Code from being included in a label for that food.

The Ministry for Primary Industries is of the view that, as both nutrition content claims and health claims on infant formula products are currently prohibited, in effect, nothing will change for these foods come January 2016 with respect to claims.

The following provisions within the Foods Standards Code are relevant to claims on Infant Formula Products:

Health claims– Standard 1.1A.2

The Code is clear that health claims are not permitted – refer to clause 3 (f) of standard 1.1A2. Standard 1.1A2 expressly prohibits health claims being made in respect to infant formula products. This Standard ceases to operate from 18 January 2016, however Standard 1.2.7 remains in force after this date.

References to nutrients or nutritive substances - Standard 2.9.1

Standard 2.9.1 contains further detail regarding claims. Clause 20 (1) (f) limits infant formula manufacturers from referring to nutrients or nutritive substances anywhere on the label other than in accordance with clause 30, in the nutrition information statement (in accordance with cl 16) or in the statement of ingredients (in accordance with Standard 1.2.4). Any reference to nutrients or nutritive substances outside of these is prohibited by Clause 20 (1) (f). Clause 16 requires the average amount of protein, fat and carbohydrate to be expressed.

Health claims and nutrition claims - Standard 1.2.7

Clause 3 (c) of Standard 1.2.7 states that infant formula products are prohibited from carrying nutrient content or health claims.

Compliance going forward

Standard 1.2.7 is explicit with respect to the prohibition on nutrition content claims on infant formula products.

Currently manufacturers can comply with either Standard 1.1A.2 of the Food Standards Code, or Standard 1.2.7 (but not both). From 18 January 2016 Standard 1.1A.2 will cease to operate and there are no stock-in-trade provisions. Therefore, manufacturers must comply with Standard 1.2.7 from that date.

MPI encourages all manufacturers of infant formula products to review their labels and ensure compliance with the Food Standards Code requirements. Individual companies that leave any non-compliant products on supermarket shelves post January 18th 2016 do so at their own risk. MPI monitors infant formula labels, and compliance action may be taken at any time if non-compliant products are found.



Steve Hathaway
Director, Biosecurity Science, Food
Science and Risk Assessment



Gary Orr
Manager Compliance Operations