



Labelling Exported Infant Formula, Follow-on Formula, Formulated Supplementary Foods for Young Children

Introduction

Verifiers have raised a number of questions regarding requirements where there are differences between Chinese and NZ legislation for the labelling of Infant Formula, Follow-on Formula and Formulated Supplementary Foods for Young Children. MPI have compiled the questions below along with the current legislation and guidance. Additional advice is also supplied for verifiers in response to the questions raised.

MPI will make changes to the Guidance to further clarify requirements as many of the questions raised are generic for all markets.

Interpretation

Notice means the Animal Products Notice: Labelling Requirements for Exports of Dairy Based Infant Formula Products and Formulated Supplementary Food for Young Children (18 December 2014)

Guidance means the MPI Guidance Document: Labelling of retail-ready dairy-based infant formula products and formulated supplementary food for young children intended for export.

ANZFSC means Australia New Zealand Food Standards Code.

IF means infant formula.

FOF means follow-on formula.

FSFYC means Formulated Supplementary Food for Young Children.

GB means Chinese national standards issued by the Standardization Administration of China, the Chinese National Committee of the ISO and IEC.

CFDA means China Food and Drug Administration.

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Question	Animal Products Notice	Guidance Document	Chinese Requirements and Guidelines	MPI advice to industry and verifiers, for China
Clarification of “Conflict”				
<p>Clarification of what a “conflict” is in 2.1 (3) of the Notice and Section 2 Background, of the Guidance Document.</p>	<p>2.1 (3) If the requirements set out in this Notice and the importing country or market requirements are in conflict, the importing country or market requirements, as expressly contained in the importing country’s or market’s laws or executive directives, take precedence over the requirements in this Notice.</p>	<p>2. Background para 3. If the requirements of the importing country or market as set out in regulation or equivalent documents or in executive directives are in conflict with the requirements in the Notice, the Notice provides that the importing country or market requirements take precedence.</p> <p>8.2 para 2: The absence of a specific requirement in an importing country’s or market’s regulation is not considered a conflict with the Notice. In cases where the importing country or market does not have requirements for the labelling of infant formula, or is silent on some labelling matters, the Notice applies</p>	<p>N/A</p>	<p>If Guidance and/or Notice contains a provision or requirement that the importing county is silent on, then this is not a conflict. This is clearly articulated in para. 2 of Section 8.2 of the Guidance document. The NZ Notice requirements should be applied.</p>

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Protein Source				
Protein source	2.3 (IF) and 2.4 (FOF) (1) All labels of retail-ready infant formula/follow-on formula to be exported must contain the following information - b) protein source	5.1.2 Protein source The Guidance requires that labels must identify whether the formula is derived from cow, goat or sheep milk.	GB 10765-2010: Infant Formula and GB 10767-2010: Older Infants and Young Children Formula 5.1.1 Labelling of products shall comply with specifications in GB 13432 , and the content of nutrient and nutritional substances as per 100kJ shall be indicated. GB 28050: General Rules for Nutrition Labelling (3.1) states that information on labels should be truthful, objective and free from deceptive information.	The assessment of this provision in labels is case by case, and the context of the complete label is relevant. For IF and FOF based on a certain protein source it is sufficient to communicate the protein source in the ingredient list, so long as declaration by this method does not mislead the consumer. A total absence of any reference is not acceptable. Where multiple protein sources are present the labels for IF and FOF should contain information of all protein sources”
Is the protein source required to be declared on FSFYC?	2.5 (1) FSFYC – no specific requirement for the label to state the protein source as per for IF and FOF. Note 2.5 (1)(a) requires a name or description of the food sufficient to indicate the true nature of the food, or the name of the food as used in the importing country or market, (b) requires a list of ingredients and (c) requires declaration of allergens.		NOTE: GB 13432-2013 covers Labelling of Prepackaged Foods for Special Dietary Uses The CFDA Labelling Guidance section V (i) states that “Where there is animal source in product name, the animal source of raw materials of such dairy products as raw milk, milk powder and whey (protein) powder, etc, used shall be truthfully marked in the list of ingredients according to product formula. In case there are more than two animal sources in the raw materials used for dairy products, the proportion of raw materials of various animal sources shall be marked.	For FSFYC, there is no explicit requirement to state the protein source, however there is a requirement to have a name or description of the food sufficient to indicate the true nature of the food – therefore for example a sheep milk derived product should clearly identify this somewhere on the label.
Do all sources of dairy protein need to state “cows” if derived from cow? (e.g. whey protein), or is stating Cow’s Milk in the ingredients list sufficient for cow derived IFs?				The context of the whole label is the relevant factor. If the formula is clearly of bovine origin, and (for example), this is evident from the listing of cows’ milk in the ingredient list, it is not necessary to state that each of the ingredients are of bovine origin. However where ingredients are derived from other protein sources this should be clearly stated.

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Other Animal Based Ingredients				
Does bovine lactose need to be declared as such in goats/sheep IF?	Not stated.	5.1.2 Protein source para 2: If a goat or sheep milk based product contains ingredients derived from cow's milk (e.g. lactose) this should be declared on the product label to avoid false and misleading representations.		<p>This is a truth in labelling matter, and is highlighted in the Guidance for this reason. The assessment of this provision in labels is case by case, and the context of the complete label is relevant.</p> <p>Note: Lactose may not be considered a dairy product by some markets e.g. China</p>
Use of Term "Raw milk"				
Can the label state "Raw milk" in the ingredients if raw milk is an ingredient received onto the manufacturing site?			Use of the term "raw milk" in the ingredient list is acceptable for China.	<p>The use of the term "Raw Milk" is misleading and could be confused with the use of liquid raw milk to reconstitute a powdered product, a current trend.</p> <p>"Raw Milk" milk should not be used in the product name or ingredient list unless it is also made clear that heat treatment has subsequently been applied.</p>

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Important Notice				
<p>Current Guidance (5.1.13) doesn't link the requirement to include a statement on superiority of breastfeeding/breast milk with the need to use the heading "Important Notice"</p>	<p>2.3 (IF) and 2.4 (FOF) (1) All labels of retail-ready infant formula/follow-on formula to be exported must contain the following information - m) under the heading 'Important Notice' (or equivalent), a statement: 'Breast milk is the best food for your baby', or similar statement as to the superiority of breastfeeding or breast milk, and a statement that the product should only be used on advice of an independent health worker as to the need for its use and the proper method of its use:</p>	<p>5.1.13 Statement regarding the importance of breast feeding New Zealand is a signatory to the World Health Organization Code of Marketing for Breastmilk Substitutes (the WHO Code). Under the WHO Code countries have undertaken to require statements on infant formula products to indicate the superiority of breastfeeding or breast milk to infant and maternal health, and that the product should only be used on the advice of an independent health worker. The Notice requires these statements to be included on infant formula and follow-on formula. The wording and format of the statements should follow importing country or market requirements or guidelines. Where the importing country or market does not have specific wording or format requirements, MPI recommends that operators follow the provisions of the Australia New Zealand Food Standards Code.</p>	<p>GB 10765-2010: Infant Formula 5.1.3 Label of the infant formula shall include <i>The best treatment for infants of 0-6 months old is breast milk, this product may be used to fulfil infants'.</i></p>	<p>The statements required under the heading Important Notice are required for product export to China even though this is not specifically required by China. The two statements must be contained together on the label, under the heading 'Important Notice' or equivalent. It is not permissible to separate the two statements. See above advice regarding "conflict".</p>
<p>Is a statement not to change the proportions when making up formula sufficient in fulfilling the requirement that there be a statement that the product should only be used on advice of an independent health worker?</p>				<p>A statement not to change the proportions when making up the formula without advice from a health professional is not sufficient in fulfilling the requirement that there be a statement that product should only be used on advice of an independent health worker.</p>

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Statement on Suitability/Intended Purpose Statement				
<p>Infant Formula Guidance states that “Suitable for use from birth” should be used on infant formula (0-6 months) –are we happy this can be met with 0-6 months subtitle?</p>	<p>2.3(1)(n) statement on suitability (e.g.: ‘Product may be used from birth’).</p>	<p>5.1.14 Statement on suitability The Notice requires that labels include a statement of suitability to indicate the age range of the intended consumer. For infant formula a statement the product is ‘suitable for use from birth’ should be used</p>	<p>GB 10765-2010: Infant Formula 5.1.2 Category of products, properties of infant formula (for eg, milk-based or bean-based and states of products) and age range shall be labelled. Infant formula for elder than 6 months old shall be labelled <i>For infants elder than 6 month, supplementary foods shall be used.</i></p>	<p>Infant formula labels for all markets are required to have the suitability statement, as per the NZ Notice. Chinese authorities have accepted product with the suitability statement required by the Notice. Infant Formula: Other representations are acceptable, if the same meaning is conveyed. For example, 0-6 months conveys the same meaning as “product may be used from birth”, as the important public health and safety aspect is that it is suitable from birth.</p>
<p>Follow-on formula Guidance currently doesn’t state that follow-on formula (6-12 months) “Should not be used for infants aged under 6 months” (even though Notice does state this).</p>	<p>2.4(1)(n) statement on suitability (e.g.: ‘Should not be used for infants aged under 6 months; and infants over the age of 6 months should be offered foods in addition to formula’).</p>	<p>5.1.14 Statement on suitability For follow-on formula a statement that ‘infants over the age of six months should be offered foods in addition to formula’, or to similar effect, should be used.</p>	<p>GB 10767-2010: Older Infants and Young Children Formula 5.1.2 Categories of products, properties of older infants and young children formula (for example, milk-based or bean-based and states of products) and age range shall be labelled. Older infants formula shall be labelled as <i>Supplementary foods shall be used.</i></p>	<p>Follow-on formula labels for all markets are required to have the suitability statement, as per the Notice. Chinese authorities have accepted product with the suitability statement required by the Notice. It is a requirement that Follow-on Formula has both statements, ‘should not be used for infants aged under 6 months’ and ‘infants over the age of six months should be offered foods in addition to formula’</p>
<p>FSFYC Is a statement such as: “Young children/Toddlers must also be fed food in addition to this formula” acceptable as a suitability statement for FSFYC?</p>	<p>2.5(1)(l) statement on suitability (e.g. must indicate the role of the food as a supplement to a normal diet, to address situations where intakes of energy and nutrients may not be adequate.)</p>	<p>5.1.14 Statement on suitability For formulated supplementary foods for young children a statement regarding the role of the food in a normal diet should be used. Suitability statements are important on all three product types to differentiate nutritionally complete infant formula from other products.</p>		<p>FSFYC - Labels are required to have the suitability statement, as per the NZ Notice. The statement must make it clear that FSFYC is an addition to normal diet and not the other way round. The example given in the question is not acceptable. Chinese authorities have accepted product with the suitability statement required by the Notice.</p>

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Name or Description of the Food				
Can FSFYC for export to China be named follow-on formula?	2.5 (1) (a) requires the label to contain a name or description of the food sufficient to indicate the true nature of the food, or name of the food used in the importing country or market (e.g. growing up milk; toddler milk; formula for older infants and young children; follow on formula)	5.1.1 The name of the food used will be dependent on the requirement of the importing country or market (e.g. 'infant formula' or 'follow-on formula' or 'follow-up formula'). If the importing country or market does not require a prescribed name to be used, the terms 'infant formula', 'follow-on (or 'follow-up') formula', or 'formula for young children' should be used. The term 'infant formula' can only be used on products suitable as breast milk substitutes for infants from birth.	GB 10767-2010 3 Terms and Definitions 3.3 Older infants and young children formula is defined. The CFDA Labelling Guidance section 1 lists the generic names as follows: 1. Infant Formula Milk powder (0-6 months) 2. Older Infant Formula Milk Powder (6-12 months) 3. Young Children Milk Powder (12-36 months)	No, China has stated generic names for the 3 product categories, which must be used. This is a conflict with the NZ requirements, but the local requirements take precedence. For example, for stage 3 product, while the name 'Formulated Supplementary Food for Young Children' is a prescribed name in New Zealand, the appropriate name under China rules is "Young Children Milk Powder 12 – 36 months", and this takes precedence. It is therefore not a requirement to also state the New Zealand name.
Country of Origin Statements				
Is "Produced in NZ factory" the same as saying "Produced in NZ"? If so, can we give these as examples of equivalent or sufficiently similar meaning in guidance?	3.1 (1) and (2) and Schedule 1 set out the requirements for: a) Product of New Zealand b) Made in New Zealand	Guidance material is really long but quite clear		Produced in New Zealand comes under 3.1 (2) (a) i.e. Product of New Zealand. Produced in NZ factory is not one of the listed origin claims, or examples, and should be avoided. Case by case consideration is essential, for dry mix products.
Clarification for dry mix manufacturers - when they write "Packed in NZ from local and imported ingredients" (as per P13 of guidance), if the majority of the dry mix is imported, do they have to instead write "Packed in NZ from imported and local ingredients"? (i.e. Is the order of "local" and "imported" relevant?)				For the origin claim "Packed in NZ from local and imported ingredients", this must be truthful. The reference to local ingredients should be second to imported if the majority of the mix is imported. If local ingredients are not included, they should not be referenced in the statement.