

August 2019

**CLARIFICATION NOTE FOR INDUSTRY** – Interpretation of the age range for *formulated supplementary food for young children* (FSFYC) as defined in the Australia New Zealand Food Standards Code.

Standard 1.1.2 – 3 of the Australia New Zealand Food Standards Code ('the Code') defines **formulated supplementary food for young children** as follows:

**Formulated supplementary food for young children** means a formulated supplementary food for children aged 1 to 3 years.

It also defines **formulated supplementary food** as meaning:

A food specifically formulated as, and sold on the basis that it is, a supplement to a normal diet to address situations where intakes of energy and nutrients may not be adequate to meet an individual's requirements.

Schedule 1 of the Code includes the recommended dietary intakes (RDIs) for children aged 1 to 3 years.

Important information for manufacturers of **formulated supplementary food for young children**

- **Formulated supplementary food for young children (FSFYC)** is for children aged 1 to 3 years.
- MPI interprets this age range to be from the child's first birthday up until immediately before their fourth birthday.
- MPI interprets the use of the word "aged" to indicate a reference to the child's age rather than a period of time between two points or events. Therefore, a child who is "aged 1 to 3 years" is understood to be 1 year old, 2 years old, or 3 years old up until the day immediately before their next birthday.
- This interpretation is supported by FSANZ and has been recently communicated in [Application A1155 – 2'-FL and LNnT in infant formula and other products](#) in the 1<sup>st</sup> and 2<sup>nd</sup> Call for Submissions Public Consultation Papers (November 2018 and July 2019 respectively). Both reports communicate that; '*Specific compositional and labelling requirements for FSFYC (for children aged 1-4 years) are set out in Division 4 of Standard 2.9.3 and in Schedules 17 and 29*'.
- The text of the relevant provisions in the Code for FSFYC (e.g. Standards 1.1.2 and 2.9.3) states: "for children aged 1 to 3 years". If the provisions were intending to refer to a period of time between two points or events, MPI is of the view the Code would state "for children aged *between* 1 and 3 years".
- FSFYC manufactured for the domestic market must meet the requirements of Division 4 of Standard 2.9.3. An exemption from these requirements can be applied for if the product is to be exported to a country other than Australia, and does not meet the compositional requirements in the Code.

## International Alignment

- MPI acknowledges that the Code age range does not align with Codex which defines a young child as 12 – 36 months, and the Animal Products Notice: Labelling Requirements for Exports of Dairy Based Infant Formula Products and Formulated Supplementary Food for Young Children, which aligns with the Codex definition.

## **Background**

In interpreting the age range of 1 to 3 years, we can look back at Proposal P199 – *Formulated meal replacements and formulated supplementary foods* which was the Proposal that created Standard 2.9.3. The Division for formulated supplementary foods for young children was included in the projects and proposed standard at the Inquiry Report stage in 1999 (the 2<sup>nd</sup> assessment stage at the time).

This Proposal and the associated documents confirm that the intent of the age range for young children was from a child's first birthday up until immediately before their fourth birthday, to align with the RDI age groups at that time.

The Inquiry Report, states that *“any Formulated Supplementary Food for young children be required to reference RDIs for the age group 1 -3 years”* and *“that it is essential that product aimed at young children should only be permitted to add nutrients at the levels appropriate for the age group. This is particularly the situation for children under three years of age who are more vulnerable to excess intakes of nutrients. Specific RDIs for children aged 1 - 3 years of age have been referenced in the standard and must be used for product marketed at this age group.”*

Furthermore, *“Formulated Supplementary Foods for young children be required to label vitamin and mineral claims by referencing RDIs prescribed for 1 - 3 year olds, and that a minimum protein and energy content/serve be prescribed.”*

The Australian and New Zealand RDIs at the time included the following age groups for children: 1 to 3 years and 4 to 7 years (the RDIs for children 1 to 3 years are the intake levels currently referenced in the Code). The 1 to 3 years age grouping for RDIs continues in the more recently reviewed (2006) Nutrient Reference Values, noting that the 1 to 3 years and then 4 to 8 years RDI categorisation intends that RDIs for children 1 to 3 years go up to immediately before a child's fourth birthday. To interpret this otherwise, would result in a RDI gap for children 3 to 4 years.