

[LEGAL NOTICE NO. 50]

FOOD SAFETY ACT 2003
(ACT NO. 10 OF 2003)

Food Safety (Amendment) Regulations 2016

IN exercise of the powers conferred upon the Board by section 70 of the Food Safety Act 2003, the Board hereby makes these Regulations—

Short title and commencement

1.—(1) These Regulations may be cited as the Food Safety (Amendment) Regulations 2016.

(2) These Regulations come into force on 23 June 2016.

(3) In these Regulations, the Food Safety Regulations 2009 is referred to as the “Principal Regulations”.

Regulation 3 amended

2. Regulation 3 of the Principal Regulations is amended by inserting the following new definitions—

““Codex Stan 72-1981” means the standard for infant formula and formulas for special medical purposes intended for infants;

“Codex Stan CAC/GL 10-1979” means the advisory lists of nutrient compounds for use in foods for special dietary uses intended for infants and young children;

“follow-on formula” means an infant formula product that—

(a) is represented as either a breast milk substitute, or replacement for infant formula; and

(b) is suitable to constitute the principal liquid source of nourishment in a progressively diversified diet for infants from the age of 6 months;

“infant formula” means an infant formula product that—

(a) is represented as a breast milk substitute for infants; and

(b) satisfies by itself the nutritional requirements of infants under the age of 4 to 6 months;

“infant formula product” means a product based on milk or other edible food constituents of animal or plant origin which is nutritionally adequate to serve by itself either as the sole or principal liquid source of nourishment for infants, depending on the age of the infant;

“pre-term formula” means an infant formula product specifically formulated to satisfy particular needs of infants born prematurely or of low birthweight;

“protein substitute” means—

- (a) L-amino acids;
- (b) the hydrolysate of one or more of the proteins on which infant formula products are normally based; or
- (c) a combination of L-amino acids and the hydrolysate of one or more of the proteins on which infant formula products are normally based;

“soy-based formula” means an infant formula product in which soy protein isolate is the sole source of protein;”.

Twenty-third Schedule amended

3. The Principal Regulations is amended by deleting the Twenty-third Schedule and substituting the following—

“TWENTY-THIRD SCHEDULE
(Regulation 45)

STANDARDS ON FOOD FOR INFANTS AND OTHER VULNERABLE
POPULATIONS

23.1 Standard on infant formula and follow-on formula

Without limitation to the generality of these Standards, the Codex Stan 72-1981 and the Codex Stan CAC/GL 10-1979 shall be the base standard for infant formula products in Fiji and the following specific product requirements for infant formula products shall apply—

- (a) Infant formula, prepared ready for consumption in accordance with instructions of the manufacturer, shall contain—
 - (i) an energy content of no less than 2500 kJ/L and no more than 3150 kJ/L;
 - (ii) a protein content of no less than 0.45 g/100 kJ and no more than 0.7 g/100 kJ; and
 - (iii) a fat content of no less than 1.05 g/100 kJ and no more than 1.5 g/100 kJ.
- (b) Follow-on formula, prepared ready for consumption in accordance with instructions of the manufacturer, shall contain—
 - (i) an energy content of no less than 2500 kJ/L and no more than 3550 kJ/L;
 - (ii) a protein content of no less than 0.45 g/100 kJ and no more than 1.3 g/100 kJ; and
 - (iii) a fat content of no less than 1.05 g/100 kJ and no more than 1.5 g/100 kJ.

- (c) Infant formula products shall contain—
- (i) per 100kcal, 9-14g total carbohydrates, unless otherwise specified by the Codex Stan 72-1981 and the Codex Stan CAC/GL 10-1979;
 - (ii) a minimum value of 2.25g/100kcal or 0.5g/100kJ for soy-based formula based on soy protein isolate; and
 - (iii) vitamins, minerals, trace elements and other components at levels as specified by the the Codex Stan 72-1981 and the Codex Stan CAC/GL 10-1979,
- and shall be free of lumps and large coarse particles.
- (d) Additional non-essential ingredients may be added in accordance with the Codex Stan 72-1981 and the Codex Stan CAC/GL 10-1979 to infant formula products only so far as they are required to ensure the product is satisfactory as a sole source of nutrients for infants.
- (e) L-amino acids must be present in infant formula products and follow-on formula or protein substitutes may be added to infant formula products only in an amount necessary to improve protein quality.
- (f) Commercially hydrogenated oils and fats shall not be used in infant formula products.
- (g) The content of trans fatty acids must have a ratio of linoleic acid to alpha-linolenic acid of no less than 5 to 1 and no more than 15 to 1.
- (h) All ingredients and food additives shall be gluten-free and all infant formula products must not contain detectable gluten, and more than 3.8mg/100kJ of nucleotide-5-monophosphates.
- (i) The product and its contents shall not have been treated by ionising radiation.
- (j) The product shall be packed in containers which will safeguard the hygienic and other qualities of the food. When in liquid form, the product shall be packed in hermetically sealed containers in which nitrogen and carbon dioxide may be used as packing media.
- (k) In addition to the general requirements on labelling of pre-packaged food, the following specific provisions apply—
- (i) the name of the product shall be either “Infant Formula”, “Follow-on Formula”, “Soy-based Formula”, “Pre-term Formula” or an alternative appropriate designation indicating the true nature of the product, as may be approved by the Board;
 - (ii) the sources of protein or protein substitutes in the product shall be clearly shown on the label;
 - (iii) products containing not less than 0.5 mg Iron (Fe)/100 kilocalories shall indicate that such product contains added Iron;

- (iv) products containing less than 0.5 mg Iron (Fe)/ 100 kcal shall indicate that if such product is given to infants over the age of 4 months, their total iron requirements must be met from other additional sources;
- (v) the declaration of nutrition information shall contain information as required by the Codex Stan 72-1981 and the Codex Stan CAC/GL 10-1979;
- (vi) adequate directions for the appropriate preparation and use of the product, including its storage and disposal after preparation, shall appear on the label. The directions shall be accompanied by a warning about the health hazards of inappropriate preparation;
- (vii) labelling shall require statements indicating that—
 - (A) for infant formula, the infant formula product may be used from birth;
 - (B) for follow-on formula, the infant formula product should not be used for infants under the age of 6 months;
 - (C) it is recommended that infants from the age of 6 months should be offered foods in addition to the infant formula product, except that such statements shall not be applicable to pre-term formula; and
- (viii) no commercial product may be marketed or otherwise represented as suitable for satisfying by itself the nutritional requirements of normal healthy infants during the first 6 months of life.
- (l) The label on a package of any infant formula product must not contain—
 - (i) a picture of an infant;
 - (ii) a picture that idealises the use of infant formula products;
 - (iii) the words ‘humanised’ or ‘maternalised’ or any word or words having the same or similar effect; or
 - (iv) words claiming that the formula is suitable to all infants.
- (m) No label shall serve the purpose of discouraging breastfeeding.”

Consequential amendment

4. The Marketing Controls (Foods for Infants and Young Children) Regulations 2010 is amended by deleting Part IV.

Made this 21st day of June 2016.

M. TUICAKAU
Chairperson
Central Board of Health