

**Food Standards (Application A1251 – 2'-FL combined with galacto-oligosaccharides and/or inulin-type fructans in infant formula products) Variation**

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The Board of Food Standards Australia New Zealand gives notice of the making of this variation under section 92 of the *Food Standards Australia New Zealand Act 1991*. The variation commences on the date specified in clause 3 of this variation.

Dated 23 February 2023



Dr Nick Fletcher  
Delegate of the Board of Food Standards Australia New Zealand

**Note:**

This variation will be published in the Commonwealth of Australia Gazette No. FSC 156 on 2 March 2023. This means that this date is the gazettal date for the purposes of clause 3 of the variation.

## 1 Name

This instrument is the *Food Standards (Application A1251 – 2'-FL combined with galacto-oligosaccharides and/or inulin-type fructans in infant formula products) Variation*.

## 2 Variation to a Standard in the *Australia New Zealand Food Standards Code*

The Schedule varies a Standard in the *Australia New Zealand Food Standards Code*.

## 3 Commencement

The variation commences on the date of gazettal.

### Schedule

#### Standard 2.9.1—Infant formula products

##### [1] Subsection 2.9.1—7(2)

Repeat the subsection, substitute:

- (2) An infant formula product to which an inulin-type fructan and/or a galacto-oligosaccharides is added must not contain lacto-N-neotetraose as an added substance.
- (3) During the exclusive use period, an infant formula product which contains the following added substances may only be sold if the infant formula product is a prescribed infant formula product:
  - (a) 2'- fucosyllactose; and
  - (b) an inulin-type fructan, a galacto-oligosaccharides, or both.
- (4) For the purposes of subsection (3):
  - (a) **exclusive use period** means the period commencing on the date of gazettal of the *Food Standards (Application A1251 – 2'-FL combined with galacto-oligosaccharides and/or inulin-type fructans in infant formula products) Variation* and ending 15 months after that date; and
  - (b) **prescribed infant formula product** means an infant formula product that:
    - (i) is manufactured by Nutricia Australia Pty. Ltd.; and
    - (ii) contains, as a nutritive substance, 2'-fucosyllactose sourced from *Escherichia coli* BL21 containing the gene for alpha-1,2-fucosyltransferase from *Escherichia coli* O126; and
    - (iii) contains Nutricia Australia Pty Ltd's blend of *short-chain galacto-oligosaccharides and long chain fructo-oligosaccharides, namely scGOS/lcFOS (9:1)*.