

Comments from the Victorian Department of Health and the Victorian Department of Energy, Environment and Climate Action.

Due date of submission – 15 December 2023

The Victorian Departments of Health and Energy, Environment and Climate Action (the departments) welcome the opportunity to provide comments on Application A1254 – Rosemary extract as a food additive – extension of use.

Application A1254 proposes to amend Schedules 15 of the *Australia New Zealand Food Standards Code (the Code)* to extend the uses of rosemary extract to an additional thirteen food classes with a maximum permitted level specified for each requested food class.

From the FSANZ assessment report it is understood that:

- The applicant seeks to extend the permissions to more food categories beyond those already permitted for rosemary extract in Schedule 15 with the technological purpose of antioxidant.
- The Code currently permits the use of rosemary extract as a food additive in certain foods up to specified maximum permitted levels.
- Rosemary leaves have a long history of use as a seasoning herb and safe consumption in the human diet. Rosemary extract has also been used as a flavour in food preparations.
- Rosemary extract is approved as a food additive in the EU, Japan, China, Vietnam, Brazil, Brazil and Singapore.
- The Joint FAO/WHO Expert Committee on Food Additives (JECFA) evaluated rosemary extract at the 82nd meeting and established a temporary acceptable daily intake pending further data in order to refine the dietary exposure estimates. FSANZ has assessed more recent scientific literature concluding that there is a lack of recent evidence to justify decreasing the acceptable daily intake from the temporary acceptable daily intake set by JECFA at its 82nd meeting.
- FSANZ's risk assessment has concluded extending the use of rosemary extract as a food additive at the proposed maximum limits to newly requested food categories and food classes (that could include flavourings and colourings containing rosemary extract), is unlikely to pose a public health and safety risk for the Australian and New Zealand population groups assessed.

On the basis of this understanding, the departments generally support the progression of the Application A1254 with further considerations regarding the efficacy of rosemary extract as an antioxidant. The departments note that the evidence the applicant provided did not cover all the individual foods requested in the application. Given rosemary extract is a fat-based antioxidant and noting that some of the food categories are inherently low fat, the departments request that further consideration is given to the food categories to form FSANZ's technical assessment regarding the efficacy of rosemary extract as an antioxidant.