

27 July 2021

164-21

## Administrative Assessment Report – Application A1230

### Very Low Energy Diets (VLED)

#### 1. Application details

<p><b>Date received:</b> 1 June 2021  <b>Date due for completion of administrative assessment:</b> 24 June 2021  <b>Date completed:</b> 24 June 2021</p>		
<p><b>Applicant:</b> Nestlé Australia Ltd. and Nestlé New Zealand Ltd.</p>		<p><b>Potentially affected standard/s:</b>  <i>Standard 2.9.5</i> – Food for special medical purposes  <i>Standard 2.9.6</i> – Transitional standard for special purpose foods (including amino acid modified foods)</p>
<p><b>Brief description of Application:</b>          Application to amend the Food Standards Code to include foods suited for Very Low Energy Diets (VLEDs) in foods for special medical purposes (FSMPs).</p>		
<p><b>Procedure:</b>          General</p>	<p><b>Estimated total variable hours:</b>          540 hours</p> <p><b>Reasons why:</b>          The application is requesting the addition of VLED products to Standard 2.9.5, requiring detailed safety and efficacy assessments.</p>	<p><b>Estimated start date:</b>          Early-August 2021</p>

#### 2. Decision

<p><b>Application accepted</b></p> <p><b>Date:</b> 24 June 2021</p>
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### 3. Additional matters

**Has the Applicant requested information in the application is confidential commercial information (CCI) or confidential?**

Yes

**What documents are affected?**

Attachment 4

**Has the Applicant provided justification for why information is CCI or confidential?**

Yes

### 4. Charges

**Does FSANZ consider that the application confers an exclusive capturable commercial benefit (ECCB) on the Applicant?**

No

**Does the Applicant want to expedite assessment (i.e. pay) for this Application?**

No

### 5. Assessment against FSANZ Act 1991 requirements

**Subsection 26(2)**

**(b) Does the Application relate to a matter that may be developed as a food regulatory measure, or that warrants a variation of a food regulatory measure?**

Yes

**(c) Is the Application so similar to a previous application or proposal for the development or variation of a food regulatory measure that it should not be accepted?**

No

**(d) Are there any other matters relevant to the decision whether to accept or reject the application?**

No

**Does the application meet each of the following criteria required by subsection 22(2)?**

**(a) The application is in writing**

Yes

**(b) The application is in the form specified in guideline 3.1.1 of the Application Handbook**

Yes

**(c) The application includes all information and each thing that the section 23 guidelines of the Act state must be included in such an application.**

Yes – Guidelines 3.1.1, 3.6.3

**Did the Applicant identify the Procedure that, in their view, applies to the consideration of this Application?**

Yes

**Indicate which Procedure:**

General

**Other Comments or Relevant Matters:**

Nil

### 6. Consultation & assessment timeframe

**Proposed length of public consultation period:**

4-6 weeks

**Proposed timeframe for assessment**

**'Early Bird Notification' due: 29 July 2021**

General Procedure:

Commence assessment (clock start)	Early August 2021
Completion of assessment & preparation of draft food reg measure	November 2021
Public comment	January - February 2022
Board to complete approval	Late April 2022
Notification to Food Ministers' Meeting	Early May 2022
Anticipated gazettal if no review requested	Mid-July 2022

