

Comments from the Victorian Department of Health and the Victorian Department of Jobs, Precincts and Regions.

Due date of submission – 16 November 2022

The Victorian Departments of Health and Jobs, Precincts and Regions (the departments) welcome the opportunity to respond to this proposal to amend the Australia New Zealand Food Standards Code (the Code).

Urgent Proposal *P1057 – Review of the Kava Standard* reviews the measures introduced through the urgent variation to the Code approved by the Food Standards Australia New Zealand (FSANZ) board, as is required by the *FSANZ Act 1991*. The variation intends to affirm the original policy intent of *Standard 2.6.2 – Kava*, that is to permit the sale of kava for traditional cultural use while minimising risk to public health and safety.

From the Call for Submissions and associated Supporting Documents it is understood that:

- On 23 March 2022, FSANZ publicly notified amendments to the Code made under an urgent Proposal which specified that:
 - kava food products sold in Australia and New Zealand must only be obtained from the Noble varieties of the species of *Piper methysticum* that are named in the Codex Regional Standard for Kava; and
 - the use of food additives and processing aids in the manufacture or processing of dried or raw kava root and kava beverages is prohibited (a clarification of the existing Code requirements).
- As required by the *Food Standards Australia New Zealand Act 1991* FSANZ has conducted a full assessment of the variation and determined that:
 - there has been little further evidence identified about the health impacts of kava, and these measures should be reaffirmed for the duration of the pilot importation trial. The results of the evaluation of this trial may prompt a further review or revision of the Code.
 - the existing warning provisions of *Standard 2.6.3 – Kava* should be maintained.

The departments noted that Supporting Document 1 (SD1) contains a risk assessment which highlights the multiple gaps in knowledge regarding the impact of kava consumption on public health and safety for vulnerable consumers, particularly children, pregnant and lactating women and people with reduced liver function.

However, as noted in SD3, there are existing Australian requirements to label dietary supplements, complementary medicines and medicines containing kava to recommend that these medicines and supplements should not be consumed by pregnant and lactating women. Such recommendations are consistent with the advice provided by the Australian Alcohol and Drug Foundation, the New Zealand Kava Society, and the Victorian Better Health Channel. The departments view that consistency of messaging to consumers about the potential harms, albeit poorly understood, related to pregnant and lactating women should be consistent for all kava products including those covered by the Code. It is possible that the importation trial will increase the range of kava products in the Australian market.

Urgent Proposal P1057 – Review of the Kava Standard

On the basis of the information above the departments support FSANZ's conclusion that the amendments to the Code made in March 2022 should be reaffirmed. The departments consider that the issue of label warnings to pregnant and lactating women should be reconsidered to reduce potential adverse outcomes.