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**SALE OF FOOD ACT
(CHAPTER 283)**

FOOD (AMENDMENT NO. 2) REGULATIONS 2019

In exercise of the powers conferred by section 56(1) of the Sale of Food Act, the Minister for the Environment and Water Resources makes the following Regulations:

Citation and commencement

1. These Regulations are the Food (Amendment No. 2) Regulations 2019 and come into operation on 1 September 2019.

Amendment of regulation 252

2. Regulation 252 of the Food Regulations (Rg 1) is amended by inserting, immediately after paragraph (6), the following paragraph:

“(7) In the case of infant formula that is sold or to be sold as infant formula which is lactose free, low lactose or words of similar import, the total lactose content must not be greater than 10 mg per 100 kcal.”.

Amendment of regulation 254

3. Regulation 254 of the Food Regulations is amended —

(a) by inserting, immediately after sub-paragraph (a) of paragraph (2), the following sub-paragraph:

“(aa) a warning statement about the health hazards of improper use, preparation or storage of infant formula;”;

(b) by deleting the word “and” at the end of paragraph (2)(e);

(c) by deleting the full-stop at the end of sub-paragraph (f) of paragraph (2) and substituting the word “; and”, and by inserting immediately thereafter the following sub-paragraph:

“(g) prominently displayed statements, starting with the words “IMPORTANT NOTICE” or words of similar import, to ensure that a consumer understands that —

(i) breast milk is best for infants; and

(ii) the infant formula should be used on the advice of a doctor or healthcare practitioner.”; and

(d) by inserting, immediately after paragraph (2), the following paragraphs:

“(3) Without limiting paragraph (2), the label on a package of any infant formula for infants, or an advertisement about any infant formula for infants, must not (and without affecting regulations 8A, 9, 9A, 9B, 11 and 12) contain —

(a) a claim which states, suggests or implies that the infant formula or a component, ingredient, constituent or other feature of the infant formula, has, or may have, a health effect;

(b) a claim which directly or indirectly compares the infant formula, or a component, ingredient, constituent or other feature of the infant formula, to breast milk;

(c) any of the following prohibited matter:

(i) a pictorial, graphic or symbolic representation of an infant or infants (whether or not accompanied by text);