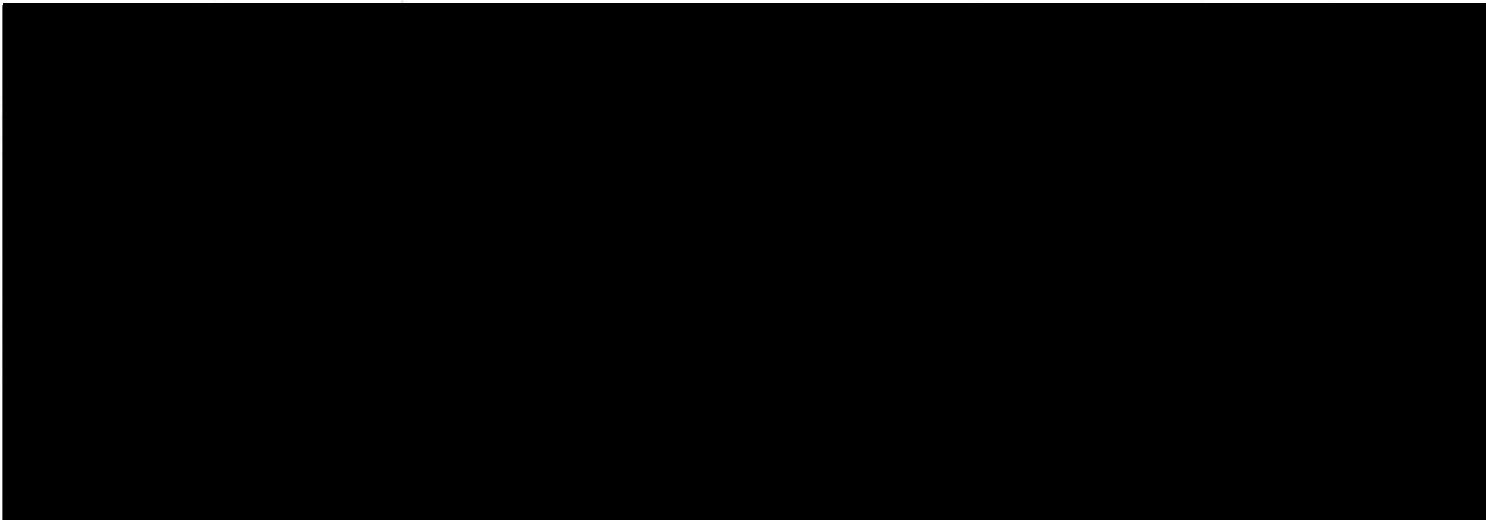


15 December 2021

Re: Application A1230



**Submissions in relation to proposed Variation Standard 2.9.5**

Chemist Warehouse has over 450 pharmacy locations in Australia and internationally. It employs approximately 18,000 people in the pharmacy industry and provides this letter in relation to Nestle's (**Applicant**) application to vary Food Standards Australia New Zealand (**FSANZ**) Standard 2.9.5, pursuant to Application A1230 (**Application**). Chemist Warehouse is a retailer of Very Low Energy Diet ("**VLED**") products throughout Australia, and is a seller of both the Applicant's VLED products as well as Opti-Pharm Pty Ltd's VLED products. Chemist Warehouse has been selling VLEDs through its stores for over 15 years. We are also at the forefront of internet pharmacy in Australia and have been selling VLEDs online for years.

We are not aware of any situation where there has been an adverse risk or health impact on a customer nor are we aware of any questions being raised about the safety of the VLED products that we sell in store or online. I am not aware of having had any legal claims brought against us by a customer who has purchased VLEDs in store or online, nor are we aware of any serious adverse medical incidents caused by

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VLEDs. We question the justification for the Application or its purpose given the longstanding sale and consumption of VLEDs safely by Australian consumers.

Further, over the last 2 to 3 years there has been an increase in the percentage of VLEDs purchased by Chemist Warehouse's customers online. Our data shows approx 45,000 boxes 12/18 or 21 sachets of VLEDs were purchased online over the last 12 months, compared to approx 408,000 boxes 12/18 or 21 sachets purchased in store. The pandemic has changed buyers' behaviour but the proposed variation to FSANZ Standard 2.9.5 does not deal at all with online sales and this could present difficulties for customers looking to purchase VLEDs online. On this basis alone, the Application seems poorly conceived and incomplete.

At a minimum, Chemist Warehouse supports an industry wide consultation process with, amongst others, pharmacists who deal with customers every day in the supply and sale of VLEDs, and who advice customers about VLED products. It does not appear based upon the Application and initial assessment that the role of pharmacists in the process has been widely considered by FSANZ.

Chemist Warehouse is otherwise opposed to the current proposal to vary Standard 2.9.5 as it does not consider VLEDs to be appropriate for regulation as a Food for Special Medical Purpose (FSMP) given their wide spread consumption as an aid to weight loss. To do so opens the door to classifying many other products sold in and outside of pharmacies as FSMPs. It also may lead to a reduction of the use of VLEDs, while adding little to no certainty or clarity in consumers' minds.



We ask FSANZ to consider Chemist Warehouse's position as the largest pharmacy chain in Australia, and, importantly, the single largest seller of VLEDs in Australia and New Zealand. Chemist Warehouse is happy to meet with a representative of FSANZ or to arrange a meeting online using Zoom or MS Teams to discuss Chemist Warehouse's position.

Yours faithfully,

