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Department of **Health**
Public Health Division
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Submission in response to the Consultation Paper – Labelling Review
Recommendation 17: Per serving declarations in the nutrition information panel

The Department of Health Western Australia (DOH) would like to thank Food Standards Australia New Zealand (FSANZ) for seeking comment on the Consultation paper Labelling Review Recommendation 17: Per serving declarations in the nutrition information panel (NIP).

This submission has been prepared by the DOH, Environmental Health Directorate. Comments in response to this consultation paper are as follows:

Q1 How do you or your organisation use per serving information in the nutrition information panel on food labels?

The DOH considers that there are a wide variety of uses of the 'per serving' nutritional information by the organisation including, but not limited to:

- use by health practitioners such as clinicians, nutritionists, dietitians, diabetes educators in their regular practice in providing dietary advice/education and food and nutrition therapy for patients/clients.
- use in education programs to help inform consumer on appropriate portion sizes.

Q2 Are there any particular food categories or types of food packages (e.g. single serve packages) for which per serving information is particularly useful? If so, what are they? Explain why the information is useful.

The DOH notes that the use of the nutritional information is not limited to the comparing between food products on a "per 100g" basis. The DOH considers that the 'per serving' information is valuable for all packaged food products, and is of particular value including the following:

- food products containing nutrients of significance for persons diagnosed with diseases/conditions and requiring dietary management such as:

- carbohydrate content - where the information is used to match the carbohydrate load 'per serving' with insulin doses. For example: carbohydrate content of 2 slices of bread.
- protein content - where the information is used to determine the protein intake 'per serving' for a person diagnosed with Phenylketonuria (PKU). For example, a person with diagnosed PKU may be able to decide on whether a single bar serve, or half a bar serve of a food is safe to consume, i.e. will keep protein intake within their daily protein limits.
- salt content - where the 'per serving' information is used to manage a low salt diet. For example, a person with diagnosed heart disease/ high blood pressure.
- food products where the product's specific nutritional information is tailored to special nutritional requirements. For example, Standard 2.9.3 of the Australia New Zealand Food Standards Code (the Code) - Formulated Meal Replacements and Formulated Supplementary Foods.
- food products containing nutrients of public health significance in Australia and New Zealand such as saturated fat, trans fat, sugar, salt, dietary fibre, folate, iodine, calcium and vitamin D.

concentrated food products that are usually consumed in small quantities such as spreads, conserves, sauces and condiments (pickles and relishes). For example, vegemite is a very high dietary source of sodium and may need to be restricted in the diet of a person diagnosed with kidney or heart disease, and for general population health benefits.

energy dense food products such as oils and oil spreads.

- food products carrying nutrition and health claims regulated under Standard 1.2.7 of the Code.
- formulated caffeinated beverages products regulated under Standard 2.6.4 of the Code that require a declaration of the amount of caffeine 'per serving'.

Q3 The Labelling Review recommendation suggests that per serving information be voluntary *unless a daily intake claim is made*. Do you support this approach? That is, do you think declaration of per serving information in the nutrition information panel should be mandatory if a daily intake claim is made (e.g. %DI or %RDI)? Give reasons for your answer.

The DOH does not support the Labelling Review approach that 'per serving' information should be voluntary. The DOH considers that there are many additional uses for the 'per serving' nutritional information in addition to daily intake claims, as discussed in the response to Questions 1 & 2 of this submission.

Q4 As noted above, there is currently variation in the format of NIPs on food labels because of voluntary permissions for the use of %DI labelling and the option to include a third column for foods intended to be prepared or consumed with at least one other food. If per serving information in the NIP was voluntary this would result in more variability in the format of NIPs across the food supply. Do you think this would be a problem? Why/why not?

The DOH considers that permitting 'per serving' information to be voluntary, is likely to result in an increased variability in the format of the NIP across the food supply. The DOH considers increased variability of the NIP label risks impacting consumer understanding and confusion due to the lack of consistency in the message. Further variability may also occur should other food products continue to require 'per serving' information, such as formulated caffeinated beverages, food products carrying 'claims requiring nutrition information' and Formulated Meal Replacements and Formulated Supplementary Foods. Changing the NIP content may also confuse consumers who are used to the current format.

Q5	If per serving information in the nutrition information panel was voluntary, do you think the inclusion of per serving information in the nutrition information panel should be mandatory when a nutrition content claim about vitamins, minerals, protein, omega-3-fatty acids or dietary fibre is made? Give reasons for your answer.
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The DOH considers 'per serving' information in the NIP should be mandatory as currently specified in Standard 1.2.8 of the Code for all food products including products carrying nutrition content claim about vitamins, minerals, protein, omega-3-fatty acids or dietary fibre. The DOH notes that it is reasonable and necessary for consumers to be informed of the amount of a bioactive substance/nutrient provided 'per serving' by a food product carrying the claim.

Q6	If per serving information in the nutrition information panel was voluntary, do you think the inclusion of per serving information in the NIP should be mandatory in any other specific regulatory situations? Explain your answer.
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The DOH considers 'per serving' information in the NIP should be mandatory for all food products, including:

- Formulated Meal Replacements and Formulated Supplementary Foods
- food products with specific 'per serve' declarations such as formulated caffeinated beverages require 'per serving' information
- products carrying permitted health claims; where health claims are 'claims requiring nutrition information'. As above, the inclusion of the 'per serving' information is needed to adequately inform the consumer of amount of the bioactive substance that the food contains in relation to a typical serve.

The DOH notes that some health claims have conditions specified in Column 5 of schedule 2 and Column 5 of schedule 3 of Standard 1.2.7 of the Code - Nutrition, Health and Related Claims, that specify the minimum amount of the bioactive substance/nutrient 'per serving'. For example, the approved high level health claims for the bioactive substances of phytosterols, phytostannols and their esters are required to specify the minimum of 0.8 g total plant sterol equivalents content 'per serving'. Margarine products enriched with plant sterols are energy dense foods that are usually

consumed in small quantities, need to have this 'per serving' information provided for consumers to be advised on how much to consume for the health benefit (e.g. 25 g of margarine). Other examples of high and general level claims include claims for beta-glucan, folic acid, calcium and vitamin D

Q7 What additional studies examine consumer use and understanding of per serving information in the nutrition information panel on food labels? Please provide a copy of studies where possible.

- Campos S, Doxey J, Hammond D. Nutrition labels on pre-packaged foods: a systematic review. Public Health Nutrition. 2011;14(08):1496-506¹

Q8 From your perspective, what are the advantages and disadvantages of per serving information in the nutrition information panel being voluntary? Please provide evidence where possible.

The DOH considers that the benefit to industry and consumers resulting from making the 'per serving' nutrition information voluntary is unclear.

The DOH considers that the advantages of **retaining** the 'per serving' information in the NIP being voluntary are discussed in the responses above (refer to response for Question 2- 6). The DOH notes that in making the 'per serving' nutrition information voluntary, there may be reduced nutrition information available to assist consumers to make healthy purchases and consumption choices; and this may not align with the key objective of providing adequate information for consumers to make informed decisions.

Q9 Do you think the declaration of the amount of energy and nutrients per serving in the NIP should be voluntary? YES/NO/UNCERTAIN
Please give reasons and evidence to support your view.
If you are UNCERTAIN, please indicate what information you would need in order to form a view.

No. The DOH **does not consider** the 'per serving' information in the NIP should be voluntary.

The DOH **notes**:

- there are multiple and diverse uses for the 'per serving' nutrition information;
- it is unclear as to how a reduction of the regulatory burden will occur, and whether the change to a voluntary system is warranted, given the cost burden for any labelling changes for the Food Industry;
- the Front of Pack labelling system (HSR system) is a voluntary system, and should not be viewed as a replacement for the NIP information. In the original development stages, the HSR system was designed to compliment the NIP; and

- the potential to create confusion for consumers through multiple NIP formats, that is contrary to the aim of simplifying the NIP for consumers. Consistent labelling information and NIP format should be maintained for consumers.

The DOH supports investigation into the establishment of standardised reference portion sizes for foods. Many consumers in Australia and New Zealand are not aware that food and drink portion sizes have increased significantly over the past 20 – 30 years. Portion distortion is common, where individuals are no longer sure what constitutes an appropriate serve to eat at one sitting.² Increased portion size is associated with the increase in overweight and obesity³, and the importance of portion size is magnified for energy dense foods.²

Justification

The DOH considers that the 'per serving' nutrition information is an important regulatory measure. There is a lack of evidence as to the benefit of changing the 'per serving' nutrition information to a voluntary requirement. The voluntary HSR system is not a replacement for 'per serving' nutritional information. The 'per serving' nutrition information is used by the general population of Australia and New Zealand, and particular sub-groups within this population, for a variety of health related dietary management reasons; and the consistency of the labelling presentation is an important feature to maintain.

Thank you for considering the above comments. [REDACTED]

Yours sincerely

[REDACTED]
**MANAGER
FOOD UNIT
ENVIRONMENTAL HEALTH DIRECTORATE**

References:

1. Campos S, Doxey J, Hammond D. Nutrition labels on pre-packaged foods: a systematic review. *Public Health Nutrition*. 2011;14(08):1496-506
2. Pratt IS, Croager EJ, Rosenberg M. The mathematical relationship between dishware size and portion size. *Appetite*. 2012 2//;58(1):299-302.
3. World Health Organization (2003). Diet, nutrition and the prevention of chronic diseases: report of a joint WHO/FAO expert consultation, Geneva, 28 January–1 February 2002. Geneva: World Health Organization.