



2 March 2015

Project Officer Labelling Recommendation 17  
Food Standards Australia New Zealand  
PO Box 10559  
The Terrace  
WELLINGTON 6036

Dear Sir/Madam

## **Consultation Paper – Labelling Review Recommendation 17: Per serving declarations in the nutrition information panel**

Thank you for the opportunity to comment on this Consultation Paper. The Ministry for Primary Industries (MPI) has the following comments to make.

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

MPI uses “per serving” information on labels predominantly for checking compliance of the label. In particular this would include checking compositional requirements for claims where the requirements are based on a per serve quantity (such as nutrient content claims about certain vitamins and minerals or health claims about food health relationships). Per serve information is also used to check compositional requirements for some special purpose foods such as foods for infants, formulated meal replacements etc.

### **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.**

MPI considers the “per serve” information to be particularly useful on Special Purpose Foods regulated under part 2.9 of the Australia New Zealand Food Standards Code (the Code). These products are likely to be consumed for specific purposes (as indicated by their name) and generally have specific nutritional composition to meet that purpose. They also often have quite specific directions for use, including serving directions and size. Consumers of these products may be more likely to use the “per serve” nutritional information to ensure they are getting what they require for their specific purpose.

Dietitians and other health professionals rely on the “per serve” information in developing their advice to clients/patients. This is for both special purpose foods and general purpose foods, in cases where energy or nutrients intakes need to be monitored or known.

MPI also considers that per serving information on any foods making nutrient or health claims on their labels could be beneficial for consumers. Many of the conditions for claims are on a per serve basis, and consumers should be reassured that if they consume the recommended serve size they will be receiving the quantity of the nutrient or substance, consistent with the nutrient or health claim.

MPI considers that consumers would also find per serve (per pack) information particularly useful on single serve packs.

**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.**

No, MPI do not support “per serve” information being voluntary. If “per serve” information was to be voluntary it should be mandatory when a daily intake claim is made. This information is necessary (for a consumer, or enforcement officer) to verify the %DI or %RDI claim, because the %DI calculation is made on a per serve basis, not a per 100 gram or 100 ml basis.

One situation where the “per serve” information could be voluntary is when the serving size is 100g or 100mL. Currently in this situation two identical columns of information are required to meet the mandatory requirements for “per serve” and “per 100g/mL”.

**Q4 As noted in Section 4, 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?**

There is some evidence that consistency in presentation of nutrition information increases consumer attention paid to that information (Food Standards Agency, 2009) <http://www.food.gov.uk/multimedia/pdfs/pmpreport.pdf>

Relevant key conclusions of that research are:

A bottleneck exists in the process of using nutrition information to make food choices occur due to lack of consumer attention to the nutrition information on pack. This appears to be due to the fact that there are many other considerations apart from health that motivate food choice.

Attention is increased when

- consumers have a health goal (ie motivated by health)
- the nutrition label is monochrome
- the label is bigger
- the label is familiar or consistent
- 100% penetration of label in market

Consistency and familiarity are more important than adoption of any particular format.

Therefore it is possible that with numerous variations of the NIP available on packs that the ability to draw consumer attention to this information may be lessened.

**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.**

Yes. MPI consider the “per serve” information should be retained as mandatory for all foods, however if the “per serve” column was to become voluntary then MPI considers the “per serve” information should be mandatory for foods making nutrient content (or health) claims because these claims often are conditional on compositional requirements based on “per serve” content. For the consumer to be able to verify a nutrition content claim about vitamins, minerals, protein, etc the “per serve” information would need to be present. Therefore if the “per serve” information was voluntary it would be necessary for this information to be mandated when such nutrient content claims are made.

Moreover, having certain instances in which the “per serve” column is required to be on the label and other instances where it is not required could increase the confusion industry face in getting their NIP correct on label. In our experience, the NIP is the labelling element where currently the most technical errors are made. Adding a further level of variability to the requirements for the NIP may cause even more technical non-compliances to occur with the NIP.

Therefore MPI favours retaining “per serve” information as mandatory in the NIP for all foods.

**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**

MPI consider the “per serve” information should be retained as mandatory in the NIP. However if the “per serve” information was voluntary MPI considers there is merit in mandating “per serve” information for special purpose foods, ie those regulated under part 2.9 of the Code, and foods making a nutrient content or health claim under part 1.2.7 of the Code. (See answer to Q2)

In the case of single serve packs, MPI considers that consumers would also find per serve (per pack) information particularly useful.

**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.**

In Europe the FLABEL group have published a range of research in this area, found here:

<http://flabel.org/en/FLABEL-Research/Creating-a-benchmark/>.

**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.**

Advantages	Disadvantages
Industry may advise that this is less of a regulatory burden, however they may support continuation for other reasons. Industry comments on this aspect will of course inform the FSANZ review	Introducing more variability into NIPs may reduce consumer understanding of, and attention to, the NIP.
NIP takes up less label space (important for small labels)	Per serving information could be useful for consumers across all foods, but particularly special purpose foods and foods making nutrient and/or health claims. Many foods are also consumed in quantities which differ markedly from 100 g/100 mL both in much larger and much smaller quantities. Therefore the “per serve” information in the NIP provides valuable information to consumers seeking it. Removing this information would not be in line with the objectives FSANZ must meet in developing or reviewing food regulatory measures and variations of food regulatory measures, namely the second objective “the provision of adequate information relating to food to enable consumers to make informed choices;”.
A sensible option when the serve size is actually 100g/mL.	MPI compliance officials find per serving information useful
	The lack of this information on certain foods (in particular special purpose foods) may hinder the ability of health professionals and consumers alike in determining appropriate consumption to meet their specific needs.
	This allows manufacturers to further help communicate to consumers what is considered to be a reasonable serve size.

	In many cases, manufacturers formulate a food to provide specific amounts of nutrients in that reference serve size.
	Further variability in the regulations for nutrition information may increase confusion for industry and has the potential to increase non compliances in a label element for which the number of technical non compliances is already high.

**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 disadvantages out-weigh the advantages – as outlined in the response to Q8.

Yours sincerely

**Manager Food Science and Risk Assessment**