

submissions

From: Perkins, Matthew <Matthew.Perkins@tataglobalbeverages.com>
Sent: Thursday, 15 March 2012 9:43 PM
To: submissions
Cc: Sagarra, Laurent; Perkins, Matthew
Subject: Call for submissions - Proposal 293: '% Fat Free' Nutrition Content Claims

Categories: Blue Category

FSANZ Call for submission – Proposal P293

Table 2: Fat Free and % Fat Free Claims:

Submitter Name:

Matthew Perkins, Global Regulatory Manager, on behalf of Tata Global Beverages.

Q2: What evidence can you provide that shows consumers are purchasing foods of lower nutritional quality because they are being misled by fat free or % fat free claims? (FSANZ is interested in substitution of foods from higher nutritional value to lower nutritional value)

A2: It is well documented that “x% fat free” claims are commonly used on dairy products, crackers, ready meals and spreads. In terms of an example of where consumers may be influenced to choose a food of lower nutritional quality due to the presence of this claim, a “98% fat free” claim for chips may persuade a consumer to purchase this food (which contains a higher fat and sodium content) instead of potatoes.

Q3: Do you support option 1 (status quo), option 2 (voluntary action through a code of practice) or option 3 (regulate with additional regulatory requirements for fat free “x% fat free” claims)

A3: Tata Global Beverages (TGB) supports **option 1 (status quo)** with respect to “x% fat free” claims:

We believe “X% fat free” claims are well understood by consumers and the claim is providing a statement of fact on the front of the label, repeating the same information to what is already declared in the nutrition information, albeit in a different way.

Tata Global Beverages (TGB) supports **option 3 (regulate with additional regulatory requirements)** for “fat free” claims:

For “fat-free” claims, TGB considers these are generally understood by consumers providing that a food or drink contains a minimal amount of fat. We believe that the average consumer expects that some foods will contain a trace amount of fat i.e. no more than 0.5g total fat per 100g/ml. By permitting “fat free” claims on foods/drinks that contain no more than 0.5% fat it would allow an approach that is consistent with regulations in the EU (foods and drinks), as well as in Canada and the US (foods).

Q4: Please comment on the possible options for additional regulatory requirements for fat free and % fat free claims (option 3) as follows:

Which option do you support and why?

A4:a) TGB supports **option 3d**: Not permit claims on foods above a sugar concentration threshold (regulate with additional regulatory requirements) for “x% fat free” claims. The provision of a total sugar concentration threshold on foods would restrict those foods high in sugars from applying a x% fat free claim in a misleading way. In order to ensure this restriction is applied fairly, such a threshold should relate to foods/drinks on a 100g/100ml basis instead of per serving.

b) What is an appropriate sugar concentration threshold for options 3b and 3d?

Whilst we consider “99% fat free” claims are generally well understood by consumers, they can be misused on foods that contain significant levels of sugars which renders these claims as misleading to the consumer. It seems prudent therefore to permit these types of claims on foods and drinks that are below a threshold level of total sugars. In the UK, the Scientific Advisory Committee for Nutrition (SACN) and Committee for the Medical Aspects of Nutrition (COMA) both consider a food to be ‘high in sugars’ if it contains more than 12.5% sugars and a drink if it contains more than 6.3% sugars. These threshold values could be put in place to control the use of the claim “x% fat free” on foods and drinks in Australia to ensure the claim is not used on foods with a high sugars content.

c) Are there any other suitable options for additional regulatory requirements for fat-free and % fat free claims?

- Restrict claim to ‘99% fat free’ only (i.e. prohibit 98% or 97% claims) and have an accompanying statement on same label to clarify the claim e.g. “Contains 1% fat”
- Prohibit the use of the term “healthy”, “healthier” “good for you” on foods/drinks that use the claim “% fat free” to avoid misleading consumers into thinking this claim makes the food/drink a healthy choice.
- With regard to “fat-free” claims, we consider these claims to be clearly understood by consumers and that they would expect a minimal amount of fat to be still present. In order for this type of claim to be completely clear and understood, there could be an additional requirement to label the exact amount of fat per serving next to this claim, or “for fat content per serving see nutrition information”.

Matthew Perkins
Global Regulatory Manager

Tata Global Beverages,
325 Oldfield Lane North,
Greenford,
London, UK. UB6 0AZ
Office: +44(0)20 8338 4455
Mobile: +44(0)7585 903 797
Email: matthew.perkins@tataglobalbeverages.com