



INTERNATIONAL CHEWING GUM ASSOCIATION

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Shanghai, March 26 2012

Delivered by Email to submissions@foodstandards.gov.au

Food Standards Australia New Zealand (FSANZ)
PO Box 7186
Canberra BC ACT 2610
AUSTRALIA

**Re: ICGA Comments On Proposal 293 – Nutrition, Health and Related Claims
-Ref. Consultation Paper 17 February 2012**

Dear Sir/Madam,

We are writing to you on behalf of the International Chewing Gum Association (ICGA) to provide comments on Proposal 293-Nutrition, Health and Related Claim which was issued for public consultation on 17 February 2012 on the website of Food Standards Australia New Zealand Food¹.

ICGA is the global trade association of the world's leading manufacturers of chewing gum, chewing gum base, and ingredients used in chewing gum. Headquartered in Washington D.C., ICGA represents the interests of the chewing gum industry on a global basis. It was formed in 2005 as successor to two organizations, the (U.S.) National Association of Chewing Gum Manufacturers and the European Association of the Chewing Gum Industry (E.U.). ICGA's members produce at least 90% of the world's supply of chewing gum, and its members include Wrigley, Kraft (Cadbury), Perfetti Van Melle, Gumlink, Leaf, Arcor Group and Lotte.

ICGA submitted comments on the old drafts of Proposal 293 three times requesting FSANZ to make clear as to whether or not "100% sugar free" is permitted, and seeking an exemption from the application of NPSC (Nutrient Profiling Scoring Criteria) for chewing gum due to its insignificant contribution to an unhealthy diet. However, the February Proposal remain neither clarifies the sugar free claim nor specifies the NPSC exemption procedure. ICGA requests FSANZ to clarify these two issues in the standard. Details are provided in a table in Annex I which is suggested by FSANZ to submit comments.

¹<http://www.foodstandards.gov.au/scienceandeducation/mediacentre/mediareleases/mediareleases2012/callforsubmissionson5443.cfm>

ICGA appreciate the opportunity of submitting the comments and should you have any questions or need further information, please do not hesitate to contact me (email: eldred@khlaw.com, tel: 86 6335 1000, fax: 86 6335 1618).

Respectfully,

John S. Eldred
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Annex I
ICGA Comments on Proposal 293

Table 1: Revised draft Standard 1.2.7

Submitter name: International Chewing Gum Association	
<p>1. Does the revised drafting accurately capture the regulatory intent as provided in Attachment B? Please consider the clarity of drafting, any enforceability issues and the level of ‘user-friendliness’.</p> <p>If not, please provide specific details in the table below. Ensure that the relevant clause number, schedule number or consequential variation item number that you are commenting on is clearly identified in the left column. Lines may be added if necessary.</p>	
Clause number	Comment
Clause 17(1) (2) Conditions for making health claims, Page 25 of the Proposal	<p>ICGA requests that a clear and enforceable path should be set forth as to how a food in a small serving size can be exempt from meeting the nutrient profiling scoring criteria in order to a make health claim. FSANZ responded in 2008 that “if manufacturers of individual foods which are ineligible but are consumed in small quantities can demonstrate that the foods offer net health benefits, then this could be considered on a case-by-case basis as part of the usual application process.” ICGA appreciates the response but asserts that a regulatory certainty is needed to ensure such a case-by-case framework will be available if and when our members need to apply for an exemption. For example, take a sugar-free chewing gum that also includes a permitted tooth-whitening ingredient which is a sodium salt. Since the product could contain a “disqualifying” amount of sodium per 100 g of product, but in reality, given the small intake of chewing gum, contribute an insignificant amount of dietary sodium, the health claim should be permitted for a sugar-free tooth whitening gum if the applicant can demonstrate a “net health benefit.” We therefore request the codification of this exemption from NPSC on a case-by-case basis, along with criteria as to how this would be handled as a procedural matter.</p>

Schedule	Comments
Schedule 1, Sugar or Sugars, Page 33 of the Proposal	ICGA seeks clarification and allowance for the use “100% sugar free” for chewing gum which contains less than 0.5g per 100g sugar. The global regulatory practice of making “free” claim for sugar is that the food contains less than 0.5% of sugar. We understand that Australia and New Zealand accept “sugar free” only if a food contains a “non-detectable amount” or “zero” sugar. ICGA requests FSANZ to permit “100% sugar free”, or “sugar free”, which does not contravene your current practice and benefits consumers who are likely to be confused by a cumbersome “99.6% sugar free” declaration.