

Response ID ANON-JN9Z-F8F3-2

Submitted to P1062 - Defining added sugars for claims
Submitted on 2023-10-05 14:55:08

Complete your submission

Your details

What is your name?

Contact person:

[REDACTED]

What is your email address?

Email address:

[REDACTED]

What is your telephone number?

Telephone:

[REDACTED]

Which one of the following groups do you most affiliate with?

Food industry

If other, please specify:

What is the name of your organisation?

Please write N/A if this does not apply.:

Sanitarium Health Food Company

What is your position title?

Please write N/A if this does not apply.:

[REDACTED]

Are you the contact person for your organisation?

Yes

If you are not the contact person for your organisation, please provide an alternative contact and details. If not applicable, please leave blank.

Contact person's name:

Email address:

Telephone:

Position title:

Have you read the P1062 – Defining added sugars for claims call for submission paper?

Yes

Confidential information

All submissions will be published, including redacted versions of confidential submissions. We will not publish material that we accept as confidential. Does your submission contain confidential information?

No. My submission does not contain confidential information.

Proposed changes to 'no added sugar(s)' claim conditions

1 FSANZ proposes to continue to set 'no added sugar(s)' claim conditions based on the addition of ingredients to foods (see section 5.2 of the Call for submissions document).

Do you have any comments on this approach?:

Sanitarium supports the proposed approach to set 'no added sugar(s)' claim conditions based on the addition of ingredients to foods. However, Sanitarium is concerned that the ingredients to be finalized in the claims conditions will automatically be included as "added sugars" or sources of added sugars for the purposes of labelling (eg nutrition information panel - NIP) resulting from P1058. There should be a separate, thorough consideration of whether these ingredients should be regarded as sources of added sugars for NIP or other labelling purposes within P1058.

2 FSANZ proposes a food displaying a 'no added sugar(s)' claim must not contain an 'added sugars' as an added ingredient including an ingredient of a compound ingredient. FSANZ proposes defining 'added sugars' for this claim condition (see section 5.2.1.4 of the Call for submissions document).

Do you have any comments on this approach or the defined added sugars (see below)?:

Sanitarium supports the approach of defining 'added sugars' for the purpose of making "no added sugar(s)" claims however with respect to maltodextrin and malt extracts, it is requested that FSANZ consider the interplay of P1062 and P1058. Specifically, consideration needs to be given to the impacts of the definition of 'added sugars' for claims on any labelling proposed as part of P1058. With respect to any calculation required for added sugars content, which may be needed for P1058, Sanitarium recommends that only the mono- and disaccharides portion of maltodextrin and malt / malt extracts be counted as added sugars. This would align with the current approach for sugar labelling in nutrition information panels in Standard 1.2.8 of the Food Standards Code.

3 FSANZ proposes 'no added sugar(s)' and 'unsweetened' claims are not permitted on foods containing the hexose monosaccharide D-tagatose, as an ingredient, consistent with existing claim conditions in the Code. As D-tagatose is a hexose monosaccharide, it is captured in the definition of 'added sugars' (see section 5.2.2 of the Call for submissions document).

Do you have any comments on this approach?:

4 FSANZ proposes foods containing low energy sugars (mono- and disaccharides), as ingredients, listed in subsection S11—2(3) of Schedule 11 not be permitted to display 'unsweetened' claims (see section 5.2.2 of the Call for submissions document).

Do you have any comments on this approach?:

Sanitarium supports this approach.

5 FSANZ proposes a food displaying a 'no added sugar(s)' claim must not contain the fruit products listed below as an added ingredient (including as an ingredient of a compound ingredient). FSANZ proposes to exempt fruit products which are lemon or lime fruit (see section 5.3 of the Call for submissions document).

Do you have any comments on this approach or the fruit products listed?:

Sanitarium does not support the proposed claim condition that dried fruit (other than whole, cut or chopped), fruit juice (lime and lemon excepted), fruit powders, fruit pulp and purees are not permitted in products bearing 'no added sugar(s)' claims. If these ingredients are not in concentrated form when the food they are added to is eaten, then it is recommended that these foods continue to be able to bear a 'no added sugar(s)' claim if other claim conditions are met. When consumed in single strength form, such as purees, pastes, single strength juice and reconstituted powder, the sugar content should be similar to either the fresh, dried or juice form of fruits. These ingredients can provide not only flavour but texture, often along with valuable nutrients, such as fibre and bioactives. Permitting these ingredients in products bearing 'no added sugar(s)' claims would continue to drive innovation and product development options for food industry.

6 FSANZ proposes a fruit product which is the food for sale (e.g. fruit juice) be permitted to make a 'no added sugar(s)' claim. This includes when the food is sold as a singular fruit (e.g. apple juice) or a blend of different fruits (e.g. blend of fruit juices), providing the food contains no 'added sugars' or other products identified in claim conditions, as added ingredients. A blend or combination of different fruit products (e.g. fruit juice and fruit purée) will not be permitted to make the claim. FSANZ also proposes to clarify that fruit does not include legumes, fungi, herbs, nuts and spices for the purpose of the claim conditions (see section 5.3 of the Call for submissions document).

Do you have any comments on this approach?:

7 FSANZ proposes 'no added sugar(s)' claims are not permitted when the concentration of sugars in the food is increased from the hydrolysis of carbohydrates during food manufacture, except when the sugars concentration in cereal-based plant milks made using hydrolysis is $\leq 1.5\%$ (and the product otherwise meets claim conditions) (see section 5.3.2 of the Calls for submissions document).

Do you have any comments on this approach?:

Sanitarium supports the approach by FSANZ that 'no added sugar(s)' claims are not permitted when the concentration of sugars in the food is increased from the hydrolysis of carbohydrates during food manufacture, except when the sugars concentration in cereal-based plant milks made using hydrolysis is $\leq 1.5\%$ (and the product otherwise meets claim conditions).

The level of $< 1.5\%$ sugars proposed by FSANZ for cereal based plant milks made using hydrolysis strikes a sensible balance. It allows manufacturers the opportunity to create the levels of viscosity required for an acceptable / drinkable product so important for the continued viability of the category, whilst also accommodating technological differences between manufacturers. The process of hydrolysis in cereal-based plant milks is vital for the removal of grittiness to create a smooth texture and a positive drinking experience for the consumer.

This approach also recognises that at the level of sugars proposed for cereal-based plant milks, there will be enhanced alignment relative to other plant-based milks such as almond and soy milks and their ability to claim 'no added sugar(s)'. Limiting 'no added sugar(s)' claims to cereal-based plant

milks with lower sugar levels will remove the potential to influence consumer understanding of sugar concentration when comparing different types of plant milks that have similar levels of sugars concentration. Importantly, the approach is well aligned with international guidelines and legislation, such as Codex US and Canada. Sanitarium strongly supports this proposed approach.

8 FSANZ proposes to maintain the existing condition that a food displaying an 'unsweetened' claim must meet the conditions for a 'no added sugar(s)' claim, noting that the amended 'no added sugar(s)' claim conditions will apply (see section 5.4 of the Call for submissions document).

Do you have any comments on this approach?:

Sanitarium supports this proposed approach.

9 FSANZ proposes to maintain the existing condition for intense sweeteners, sorbitol, mannitol, glycerol, xylitol, isomalt, maltitol syrup or lactitol. FSANZ proposes a food containing low energy sugars (mono- and disaccharides) listed in subsection S11—2(3) of schedule 11, as an ingredient (including an ingredient of a compound ingredient), not be permitted to display an 'unsweetened' claim (see section 5.4 of the Call for submissions document).

Do you have any comments on this approach?:

Sanitarium supports the approach that the existing condition for intense sweeteners along with sorbitol, mannitol, glycerol, xylitol, polydextrose, isomalt, maltitol, maltitol syrup or lactitol are maintained such that they are not permitted in products bearing 'unsweetened' claims. Sanitarium recommends that intense sweeteners and the listed low energy alternatives be able to be added to foods claiming 'no added sugar(s)', given their lack of contribution to sugars and energy in the diet.

10 FSANZ is proposing a two-year transition period to allow producers, manufacturers and importers time to make any required labelling changes for products carrying 'no added sugar(s)' or 'unsweetened' claims to comply with the new claim conditions (see section 7 of the Call for submissions document).

Do you have any comments on this approach?:

Sanitarium does not support the proposed two-year transition period for industry to ensure compliant labels are on shelf. There have been a number of recent developments that have required labelling changes on food products, such as for Plain English Allergen labelling requirements, health star rating changes and recycling information changes. In addition, there are likely more changes in the next few years to accommodate P1058 and potentially trans fats legislation. Increasing the transition time will likely enable manufacturers to accommodate multiple label changes at once as these new labelling requirements are finalised.

Another important consideration is that some manufacturers may wish to reformulate their products to allow a "no added sugar(s)" claim to remain on the label. While the use of these claims is voluntary, the compliance with the Food Standards Code requirements is not. The proposed changes will undoubtedly result in non-compliant labels for some manufacturers. Therefore, building enough time into the transition period to allow reformulation is warranted. Without reformulation, there may be considerable loss of profits for some manufacturers depending on the importance of the claim to product purchasers. For some products, without reformulation, ranging in store may be lost if the name of the product has incorporated a 'no added sugar(s)' claim and needs to be changed. Reformulation would require some time for product development steps, such as sourcing and assessing new ingredients, trialing new formulations, sensory testing and finally, shelf-life testing. For long life products, such as UHT beverages, shelf-life testing can take up to 12 months.

Sanitarium believes the two year transition period will be difficult for manufacturers to achieve compliant labelling, even for those without the need for reformulation. A transition period at least similar to that provided for P1044 Plain English Allergen Labelling is recommended: three years transition plus two years stock-in-trade period to allow for longer shelf-life products.

Data and evidence

11 Do you have any data or are you aware of published data on the number of products with 'no added sugar(s)' or 'unsweetened' claims in Australia and/or New Zealand (see data used for this proposal at section 3.1 of the Call for submissions document)?

No

If yes, please upload your file here.:

No file uploaded

12 Do you have any evidence or are you aware of published literature on consumer understanding of and responses to 'no added sugar(s)' or 'unsweetened' claims on food products (see evidence used for this proposal at section 3.2 of the Call for submissions report and Supporting Document 1)?

No

If yes, please upload your file here.:

No file uploaded

13 Do you have any data or know of any published data on the costs of labelling changes per stock keeping unit or package type (see data used for this proposal at Attachment E to the Call for submissions document)?

No

If yes, please upload your file here:

No file uploaded

Additional comments

Comments and other input

Additional comments and input:

Please upload additional files here.:

No file uploaded

Feedback

What is your level of satisfaction with using this platform to complete your submission?

Satisfied

Do you have any feedback you would like to provide to FSANZ regarding this new platform?

No

If yes, please provide details.: