

Not submitted via the Consultation Portal



## Proposal P1062 – Defining added sugars for claims

### P1062 – Defining added sugars for claims – Consultation questions

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

*A free text field is available for each of the following questions.*

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?

No

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)?

FSANZ proposes to define 'added sugars' for the purpose of 'no added sugar(s)' claim conditions to mean the following derived from any source:

- hexose monosaccharides and disaccharides;
- starch hydrolysate;
- glucose syrups, maltodextrin and similar products;
- products derived at a sugar refinery, including brown sugar, molasses, raw sugar, golden syrup, treacle;
- icing sugar;
- invert sugar;
- sugar and sugar syrups derived from plants;
- honey;
- malt;
- malt extracts;
- concentrated fruit juice, unless the food for sale is fruit juice; and
- deionised fruit juice.

FWCMA does not object to the proposed definition of 'added sugars'.

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?

No

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?

No

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 (see below)?

- Dried fruit, other than whole, cut or chopped dried fruit;
- fruit juice (other than concentrated fruit juice), unless the food for sale is canned fruit or frozen fruit;
- fruit juice powder;
- fruit powder;
- fruit pulp;
- fruit purée;
- concentrated fruit purée.

FSANZ proposes to not permit 'no added sugar(s) claims' on alcoholic beverages that have fruit juice or concentrated fruit juice added as an ingredient.

FWCMA believes this approach is confusing and penalises fermented product producers. It permit a 'no added sugar' claim to be made on 100% fruit juice, but not on fermented fruit juice which is essentially the same product but with less sugar. The sugars have been converted into a non-sugar. Under this proposal, there would be no way to differentiate fruit wines (such as cider) with and without added sugar.

This would be a huge step backwards for craft cider producers who currently use 'no added sugar' claims as a way to market products made from 100% juice (as opposed to cider that has been made from fruit concentrate, water and sugar). A 'no added sugar' claim on a cider label provides valuable information for consumers, signalling that the product contains no added sucrose.

FWCMA requests that FSANZ clarifies if 'no added sugar' claims would be permitted on other alcoholic beverages to ensure a level playing field across alcohol types.

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?

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. But a single grape juice product or a single apple juice product that is fermented and contains less sugar than the original product, is not allowed a 'not added sugar(s)' claim. It does not make sense.

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?

FWCMANZ position hydrolysis can be taken into account for claims, why not fermentation?

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?

No.

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?

No

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?

The proposed two year transition period is insufficient and would create unnecessary labelling costs. Smaller cider producers do print runs that last for a number of years. Furthermore, like wine, cider can have a shelf life well above two years. At a minimum, a transition period of three years should be provided along with grandfathering/stock in trade provisions, similar to

how the pregnancy label change was introduced. Any changes should also be aligned with energy labelling and any nutrition labelling requirements.

## Data and evidence

*Submitters are invited to provide any data relevant to these questions in the form of an editable PDF, Excel spreadsheet or Word Document.*

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

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

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

## Additional comments

*A free text field is provided for submitters to provide any further comments or input. Any other relevant documents can also be uploaded here.*

P1062 is intrinsically interlinked with P1058 (nutrition labelling about added sugars) and P1049 (carbohydrate and sugar claims on alcoholic beverages). The proposals in P1062 effectively creates confusion with the P1049 'no added sugar' claim proposal. FWCMA do not understand why these projects are not being done in conjunction.

### Different approach on sugar/added sugar warranted for alcohol

All manufacturing processes should be taken into account with respect to defining added sugars. Added sugars is not a relevant concept for fermented juice products such as cider or wine. Total residual sugar and alcohol content contribute to the final total calorific value.