

## Response ID ANON-JN9Z-F8CE-H

Submitted to P1062 - Defining added sugars for claims  
Submitted on 2023-10-05 18:40:30

### 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.:

Fonterra Cooperative Group

What is your position title?

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

[REDACTED] [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?:

Fonterra support the continued use of 'no added sugar(s)' and 'unsweetened' claim conditions based on the addition of ingredients to foods. And we support the continued permission that enables voluntary 'no added sugar(s)' nutrition content claims to be made on foods subject to such conditions.

Fonterra support a definition for 'no added sugar(s)' that is consistent with and supports Australian and New Zealand dietary guidelines as a key enabler of informed choice by consumers.

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)?:

We support views being provided by Dairy Australia, Australian Food and Grocery Council and the New Zealand Food and Grocery Council in relation to this question.

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 comment.

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 comment.

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?:

No comment.

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?:

No comment.

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?:

Fonterra continue to support the exclusion of monosaccharides and disaccharides formed from hydrolysis of lactose undertaken during the production of a food, from the definition of "added sugars", on the basis that the total amount of sugar is not increased after hydrolysis of dairy products with lactase. We consider that this is reflected within the draft variation (Schedule 4 Table S4-3 entry dealing with "sugars of sugars" clause (g)).

Fonterra is aware that hydrolysis may occur during the manufacture of plant-based beverages. We can support the proposed level of  $\leq 1.5\%$  for cereal-based beverages as this reflects that there is no appropriate comparison between cereal-based beverages and milk in terms of composition, source and processing.

Dairy products have a range of health benefits and are nutritionally distinct from non-dairy alternatives. We consider that use of the term 'milk' when used in the context of cereal-based beverages can influence the perceived nutrition associated with the consumption of plant-based products. We note that 'cereal-based plant milk' is not defined within the code, as such, the draft variation schedule 4 clause (h)(i) for no added sugar claims should be updated to:

'Added sugars (h)(i) The food for sale is a cereal-based beverage manufactured using hydrolysis of carbohydrates; and'

This aligns with the term as defined within the Food Standards Code 1.1.2: "cereal-based beverage means a beverage that is based on cereal."

The proposed approach to terminology is also aligned with the Codex General Standard for the Use of Dairy Terms CXS 206-1999, which generally restricts the use of dairy terms for dairy products in order to avoid consumer confusion and to ensure fair practice in food trade.

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 comment.

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 comment.

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?:

No comment.

## 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:

Fonterra welcomes the opportunity to provide comments and information to FSANZ on P1062 Defining added sugars for claims. We thank FSANZ for the consideration of the comments outlined in this submission. Fonterra has a long history in the manufacture of branded consumer dairy products including those which contain no added sugars or are lactose hydrolysed to support delivery of dairy nutrition to lactose intolerant individuals.

Fonterra supports the aim and intent of P1062, to enable consumers to make informed food choices in support of dietary guidelines.

While we appreciate FSANZ's view that P1062 is focused on added sugars for the purposes of claims we reflect that it will inevitably impact on how P1058 progresses for how added sugars are declared in the NIP, and while we appreciate the different purpose for each proposal, they are intrinsically linked. To avoid consumer confusion and maintain consumer trust, we must ensure products carrying claims for 'no added sugars' can declare zero in the NIP.

We also recognize that the Australian dietary guidelines are currently under review and there may be changes to some of the positions on added sugars in future. A future review should be considered to ensure continued alignment of the Code with dietary guidelines.

Fonterra supports the content and views of the Australian and New Zealand Food and Grocery Councils, Dairy Australia and the Dairy Companies Association of New Zealand. As a dairy product manufacturer, we support the continued exclusion of naturally occurring lactose in milk and dairy products from the definition of 'no added sugars', and have only commented specifically on areas relevant to dairy (e.g. hydrolysis) where we are well placed to provide information.

We thank FSANZ for the consideration of comments outlined in both ours and the AFGC, NZFGC, DA and DCANZ submissions.

If there are any queries relating to this submission, please contact us.

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.: