

## Response ID ANON-JN9Z-F83W-K

Submitted to P1062 - Defining added sugars for claims  
Submitted on 2023-10-06 17:56:13

### 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?

Other (please specify)

If other, please specify:

Individual but also member of public health group and academia

What is the name of your organisation?

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

N/A

What is your position title?

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

[REDACTED]

Are you the contact person for your organisation?

No

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 FSNZ 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?:

Past experience shows that we need an all-encompassing definition of 'added sugars' so that companies do not use the term on food labels of foods that contain a wide variety of substances that can be called 'added sugars'.

The proposed definition of 'added sugar(s)' does include a variety of many types of added sugars but omits others. An incomplete definition of 'added sugars' will not permit the public to follow the advice of the Australian Dietary Guidelines.

'No added sugars' should not be permitted on single ingredient foods if that ingredient would restrict using a 'no added sugar' claim on a food such as a fruit or vegetable juice.

I am unable to understand why a single ingredient food should be able to carry a 'no added sugar' claim. If a food is a single ingredient (which means that 100% of that food is a single ingredient), it does not need a 'no added sugar' claim.

2 FSNZ 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. FSNZ 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)?:

The problem with this proposal is that the list of 'added sugars' provided is incomplete.

Some examples of missing sugars are coconut sugar, concentrates of vegetables (eg concentrated sweet corn, pea concentrate or any other vegetable), various fruit and vegetable powders, purees, strained pulps or any concentrate.

Any syrup derived from plants (eg tapioca syrup) need to be included in the list.

Fruit juices are difficult since many contain particular juices that are used because they have a higher sugar content. Fruit juice should not be permitted to carry a 'no added sugar' claim.

3 FSNZ 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?:

Any low energy sugars (monosaccharides or disaccharides) listed in subsection S11—2(3) of schedule 11 should be included in the 'added sugar' definition.

4 FSNZ 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?:

Agree

5 FSNZ 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). FSNZ 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?:

Agree but this needs to be expanded to include any reference to added fruit juice, including whether the juice is blended, full strength or diluted. This should apply to not permitting a 'no added sugar' claim on canned or frozen fruit with added fruit juice. Any product that adds or includes juices from fruits or vegetables should not be permitted to use a 'no added sugar' claim.

Agree that there should be an exception for lemon or lime, but not any other citrus fruit, including the lemon-like fruit known as 'lemonade fruit'.

Any of the listed types of fruit product should apply to vegetable products (powders, pulp, purees and any other variety of concentrate made from any fruit or vegetable).

The omission of vegetable products is particularly concerning and it would be wise to look at the Legal case brought (successfully) against Heinz Shredz products (judgement given in 2018), based on the sugars contributed by fruit and vegetables

6 FSNZ 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?:

I strongly disagree with FSANZ's proposal here.

No product containing any kind of juice, puree or concentrate derived from a fruit or vegetable should be allowed to carry a 'no added sugars' claim. Australia's current Dietary Guidelines make a distinction between consumption of fruit and dried fruit or fruit juices, restricting intake of dried fruit and juices. The Guide to Healthy Eating notes that juices mostly lack dietary fibre and their acidity increases the risk of dental erosion. New Zealand goes even further stating that sugary drinks include fruit juice, fruit drinks, defining fruit juice as 'a high sugar drink' and listing fruit juice as one of the major sources of sugar in New Zealand diets. New Zealand also quotes the WHO Nutrition Guidance Expert Advisory Group on Diet and Health definition of free sugars as 'all monosaccharides and disaccharides added to foods by the manufacturer, cook or consumer, plus sugars naturally present in honey, syrup and fruit juices and fruit juice concentrates' (WHO 2015a)

Allowing products that contain fruit juice (including fruit juice itself) to carry a 'no added sugar' claim makes fruit juice appear to be a healthy product. This false belief - which New Zealand has been more prepared than Australia to call out - will likely continue if fruit juices - sold as single or blended products, or added to other foods are permitted to carry a 'no added sugar' claim. The public needs to learn that fruit (or vegetable) juice does not have the same health benefits as the whole fruit or vegetable. The reason is partly the sugar but also the fact that removing the natural dietary fibre from these products makes it very easy to overconsume.

It's worth noting that the current ADGs list the quantity for an 'occasional serve' of fruit juice as 125 mL. That is half of the smallest individual serves of juice and a small fraction of most containers of fruit juice.

I agree that with not permitting legumes, fungi, herbs, nuts and spices, to be considered fruits for any definition of added sugar or for 'no added sugar' claim conditions. Vegetables should be included in that list as well as included wherever fruit juice is mentioned.

Agree legumes, fungi, herbs, nuts and spices, should not be permitted considered fruits for any definition of added sugar or for 'no added sugar' claim conditions.

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?:

This sounds reasonable but should be extended to include any processing method that results in a higher sugar content than would be expected from the ingredient list.

It is not unreasonable that when restricted to the exact definitions currently proposed, food technologists will come up with some new technique that will result in a higher content of sugars in a product.

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?:

Agree - and this is yet another instance of why all vegetable products should be included in definitions of 'added sugars'

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?:

Curious as to the use of the term 'intense sweeteners'. This is not previously defined and my concern is that it is sometimes used for artificial sweeteners.

Suggest following the WHO and using the term 'non-sugar sweeteners'. WHO has defined this term and a similar definition could be added to Australia's Food Standards Code. This definition will then include all low and non-calorie sweeteners. These currently include acesulfame K, aspartame, advantame, cyclamates, neotame, saccharin, sucralose, and stevia and various stevia derivatives. New 'non-sugar sweeteners' could be added to the list if and when they are approved for use in Australia.

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?:

## 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)?

Not Answered

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:

When 'no added sugar' claims are not permitted on many food products, food technologists will look for other products not mentioned in P1062.

The most obvious ingredients are from vegetables or particular grains and my major concern is the omission of sugars derived from vegetable or grain products in P1062.

Some products already use concentrates from beetroot or sweet corn or tomatoes (I think we should avoid arguments about whether tomatoes are a fruit or vegetable). Carrots are also a potentially sweet vegetable, as are peas, sweet potatoes, parsnips and pumpkins. As referred to earlier, vegetable sugars were used, along with concentrated fruit sugars, in the Heinz Shredz products.

A simple google search will show recipes that suggest using vegetables for sweetness. These may be recipes for home cooks, but they could potentially be used in products from food companies that want to use a 'no added sugar' claim.

Examples found in a few seconds are included below

:<https://www.sbs.com.au/food/article/5-delicious-times-vegetables-double-as-sugar-alternatives/p9y2yji0z> and

<https://www.52newfoods.com/half-sugar-cookbook/>)

Tapioca and sorghum can also be used as sweeteners as can nectars from plants such as agave, birch or some types of pine trees.

It will be important to ensure that P1062 looks at all possibilities. In the long term, including more sources of sugars will save costly and time-consuming upgrades to the legislation.

Please upload additional files here.:

half-sugar-cookbook[1] was 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?

Yes

If yes, please provide details.:

Many of the points I have made have been made in previous submissions from public health contributors.