

Response ID ANON-JN9Z-F86Y-R

Submitted to P1062 - Defining added sugars for claims
Submitted on 2023-10-02 18:36:57

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:

Beverage producers

What is the name of your organisation?

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

Cider Australia

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?:

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)?:

Cider Australia does not object to the proposed definition of 'added sugars'. We support that the definition does not include single strength fruit juice as had previously been suggested.

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?:

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.

Cider Australia believes this approach is inequitable and confusing. It permits 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. 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 undergone 'chaptalisation' - the process of adding sugar to unfermented fruit juice). A 'no added sugar' claim on a cider label provides valuable information for consumers, signalling that the product contains no added sucrose.

Cider Australia requests that FSANZ clarifies if 'no added sugar' claims would be permitted on other alcoholic beverages. If this were the case, there would not be a level playing field across alcohol types which is unfair to the cider industry.

Cider Australia acknowledges that certain health claims may not be appropriate on alcoholic beverages. If 'no added sugar' claims are to be specifically banned, will FSANZ revisit the appropriateness of permitting carbohydrate claims and other sugar claims?

Cider Australia notes that technical transformation of lemon or lime products to reduce acidity might allow that intent of the exemption proposed to be exploited in unforeseen ways.

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

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?:

No

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 comments in this approach.

Cider Australia queries whether a claim such as 'Natural sweetener' is covered by the proposals. We are aware of a non-alcoholic beverage that claims to contain "natural sweetener", but the second ingredient is sugar and then further down "natural sweetener - Stevia" which was nothing if not deceptive.

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 necessitate the relabelling of stock in trade, and result in label waste. Smaller cider producers often print labels and use label designs 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.

Any changes should also be aligned with energy labelling and any nutrition labelling requirements.

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:

Consultation process

Responding to such a detailed proposal in such a short period of time is extremely difficult. It has not been possible to adequately consult with impacted

members, nor is it feasible for individual businesses to read, digest and respond to a 70 page consultation document.

P1062 is interlinked with P1058 (nutrition labelling about added sugars) and P1049 (carbohydrate and sugar claims on alcoholic beverages). The proposals in P1062 effectively move the goal posts on the P1049 'no added sugar' claim proposal and effectively void the views expressed in our submission earlier this month.

International consistency

It is important that the definition align with key international examples. Cider Australia believes there is merit in waiting for resolution of European Union and CODEX energy labelling consultations to ensure the approach in Australia is consistent.

Different approach on sugar/added sugar warranted for alcohol.

The complexity of this matter highlights the broader issue that must be taken into account in all current processes, that 'added sugars' is not a relevant concept for a transformed (fermented) juice products such as cider or wine. Total residual sugar is relevant, although often not as important as alcohol content in the final total calorific value.

Please upload additional files here.:

No file uploaded

Feedback

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

Neutral

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

Yes

If yes, please provide details.:

More time consuming to populate than uploading a single submission document.