

Response ID ANON-JN9Z-F83H-4

Submitted to P1062 - Defining added sugars for claims
Submitted on 2023-10-08 11:03:42

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.:

Food Technology Association of Australia (FTAA)

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?:

In principle we agree, but do raise the issue of the concurrent proposal Proposal P1058 - Nutrition labelling about added sugars, specifically the definition for added sugars in the nutrition information panel (NIP), and how this will be integrated with P1062.

We have a concern that through the work on defining the “no added sugar” claim, the inclusion and exclusion of ingredients adopted in P1058 did not give due consideration of the impact they may have if added sugar were to be included in the NIP.

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 are concerned about the following:

- Maltodextrin (mono-and disaccharides components only)

Maltodextrin is considered an added sugar under the current FSANZ no added sugars* claims framework and continues to support this being included.

Added sugars should only include mono- and di-saccharides. Polysaccharides of three or more monosaccharide molecules should be exempt based on the Food Standards Code (FSC) stating that sugar in the Nutrition Information Panel (NIP) is only mono- and di-saccharides (Standard 1.2.8-4).

For an added sugar claim (and in labelling in the NIP), the proportion of mono- and disaccharides (contributed by these ingredients) should be included in any ‘added sugars’ calculation. This is consistent with the recommendations developed by the US FDA.

We also note that maltodextrins are often used in foods as “carrying agents” for flavours, colours and the like, and not for their “sugar characteristics”. In this sense maltodextrins are critical components in the final food formulation and should not be included as an “added sugar” in the NIP.

- Malt or malt extracts (mono- and di-saccharides components only)

Only mono- and disaccharides contributed from malt and malt extracts as ‘added sugars’, as these ingredients are generally added for sweetening purposes and are high in mono- and disaccharides. Polysaccharides of three or more monosaccharide molecules should be exempt based on the Food Standards Code (FSC) stating that sugar in the NIP is only mono- and disaccharides (Standard 1.2.8-4). To avoid confusion for consumers we argue malt or malt extracts should be excluded.

- Concentrated & deionized fruit (and vegetable) juice

Concentrated juices* of fruits (and vegetables) when added to food or beverages with free water to reconstitute the juice to single strength should not be considered “added sugar”.

Fruit and vegetable juice concentrates are used for an alternative technical function (e.g., black carrot concentrate as a colour), and should be exempt from “added sugar” labeling.

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?:

We do not support FSANZ’s proposed approach to capture D-tagatose in the definition of added sugars.

Low-energy sugars should be excluded from ‘added sugars’ given their low-energy/non-nutritive contribution to the diet, do not contribute to tooth decay, and do not markedly elevate blood sugar levels.

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?:

Agree

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?:

We do not agree.

Codex General Standard for Fruit Juices and Nectars provides relevant descriptions for certain designated juice products (including puree).

<https://www.fao.org/fao-who-codexalimentarius/sh-proxy/es/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252Fstandards%252F>

Dried fruit should not be counted as an added sugar as it is a core, whole food.

Juices

Single-strength juices/nectar* of fruits and vegetables with no additional sugar when added to food or beverages should not be considered “added sugar”.

Concentrated juices* of fruits and vegetables when added to food or beverages with free water to reconstitute the juice to single strength should not be

considered “added sugar”.

Additionally, fruit and vegetable juice concentrates are used for an alternative technical function i.e., black carrot concentrate as a colour, and we request an exemption from added sugar labelling.

Puree

A fruit purée is of itself single strength unless ‘concentrated’ is listed in its name and should not be considered added sugar.

Fruit and vegetable purées* when added to food or beverages should not be considered “added sugar”.

Concentrated purées of fruits and vegetables with no additional sugar when added to food or beverages with free water to reconstitute the purée would not be considered “added sugar”.

Paste

The addition of dried fruit or vegetable to food e.g., dried apple to a muffin is not considered added sugar so the use of a paste made from blended dried fruit (e.g., date paste from blended dates) without any additional sugar is also not considered an added sugar.

Powder

Powdered fruits and vegetables (e.g., onion powder), as used in instant soups should not be considered added sugar.

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?:

We support the proposed approach that a fruit product that is the food for sale (e.g., fruit juice) be permitted to make a ‘no added sugar(s)’ claim.

We do not support the approach that a blend or combination of different fruit products (e.g., fruit juice and fruit purée) will not be permitted to make the claim.

The existing regulation allows for ‘no added sugar’ claims on such drinks, providing certain conditions are met. However, according to the new proposal, a ‘no added sugar’ claim cannot be made when juice is added to a drink, thus making it a fruit drink. A fruit drink is essentially a diluted form of fruit juice.

The inclusion of fruit juice or other types of fruit is not for sweetening, but rather to classify the beverage as a ‘Fruit Drink’.

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?:

We support the approach by FSANZ that “no added sugar” claims are permitted when the concentration of sugars in the food is unintentionally increased from the hydrolysis of carbohydrates during food manufacture, except when the sugar concentration in cereal-based plant milks made using hydrolysis is $\leq 1.5\%$ (and the product otherwise meets claim conditions)

Sugars that are deliberately (intentionally) created should not be subject to a threshold value and should be considered as added. A threshold that distinguishes between incidental sugars created by hydrolysis and sugars deliberately created by hydrolysis is therefore required.

We recommend that the addition of ‘intentional hydrolysis’ or ‘known hydrolysis methods’ could be used and avoid known methods for increasing sugars.

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 recommend that non-sugar sweeteners such as sorbitol, mannitol, glycerol, xylitol, isomalt, mannitol syrup and lactitol be excluded from ‘added sugars’ given their low-energy contribution to the diet, do not contribute to tooth decay, and do not markedly elevate blood sugar levels.

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?:

Agree, however these non-sugar sweeteners should be excluded from the conditions of an ‘added sugars’ claim given their low-energy contribution to the diet, do not contribute to tooth decay, and do not markedly elevate blood sugar levels.

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?:

We do NOT agree with 2 years

Given the complexity and multiple food standards changes that manufacturers have to deal with (Peal, Health Star, etc.) and to avoid further cost increases for consumers, we recommend a 5-year transition period.

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)?

Yes

If yes, please upload your file here:

question 13 plus comments.docx was uploaded

Additional comments

Comments and other input

Additional comments and input:

Please upload additional files here.:

question 13 plus comments.docx was 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.:

Providing the original Proposal is available as a word document where responses can be initially recorded before completing the submission will be essential but ALL submission questions need a dialogue box as comment may only be one line and not require a pdf.

There is also not facility for the final submission to be pdf'd for checking before submission.

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)?

Cost per SKU on average is \$2,700 - \$5,000 depending on complexity and type of packaging.

Additional comments

Please provide any other input, data or evidence to support your submission below.

Cost, Communication and Education

Australian consumers must benefit from any labelling changes.

Ultimately manufacturers will on charge costs to consumers which puts more pressure on disposable incomes.

We believe that added sugars are poorly understood by consumers and believes a considerable amount of consumer education will be needed.

If labelling of added sugars was to go forward, there would be a significant burden on the industry in calculating the added sugars value accurately.

We also recommend that the government needs to consider the part they will play in this education and allow for adequate resources to support such educational programs.

