

Response to: Application A1104 Voluntary Addition of Vitamins & Minerals to Nut- and Seed- based Beverages

FSANZ consultation closing 16th October 2015

Dairy Australia is the dairy industry owned service organisation, whose members are farmers and industry bodies, including the Australian Dairy Farmers, and the Australian Dairy Products Federation.

Dairy Australia supports regulation that is consistent with the objective of achieving the following outcomes:

- Science/evidence based;
- Outcomes focussed;
- Proportionate to risk;
- Consistently enforceable;
- Support innovation;
- Support and promote trade; and
- Support competition

Dairy Australia welcomes the opportunity to comment on the Consultation: Application A1104 Voluntary Addition of Vitamins & Minerals to Nut- and Seed- based Beverages and provides the following comment.

Overarching these comments is our recognition that consumers perceive the nut and seed based beverages covered in this application as providing the same health benefits as mammalian milk, however the health benefits of consumption of milk, cheese and yoghurt as per the NHMRC 2013 Australian Dietary Guidelines evidence statements are for mammalian products and not associated with nut and seed based beverages (NHMRC, Australian Dietary Guidelines 2013).

KEY CONSIDERATIONS

1. CONSUMER PERCEPTIONS

- While many consumers perceive these beverages to be a “five food group food” as per the NHMRC Australian dietary guidelines, 2013, without fortification they are classified as “discretionary foods”. How these products are defined for labelling purposes is not within the scope of this consultation however we seek consideration on how best to address the disconnect between consumer perception and product composition.
- We suggest that these products, particularly when most of the nutritional contribution is provided by added nutrients, isolates, and/or a small percentage of legume/cereal/nut/seed flours, or base plant material combined with other additives and ingredients, may be better defined for the consumer as formulated legume, cereal, nut and seed beverages, with associated regulated labelling requirements to support consumer understanding.
- This would provide greater clarity than the current situation whereby consumers may consider that these are ‘natural’ products that provide the same nutritional value as mammalian milk.

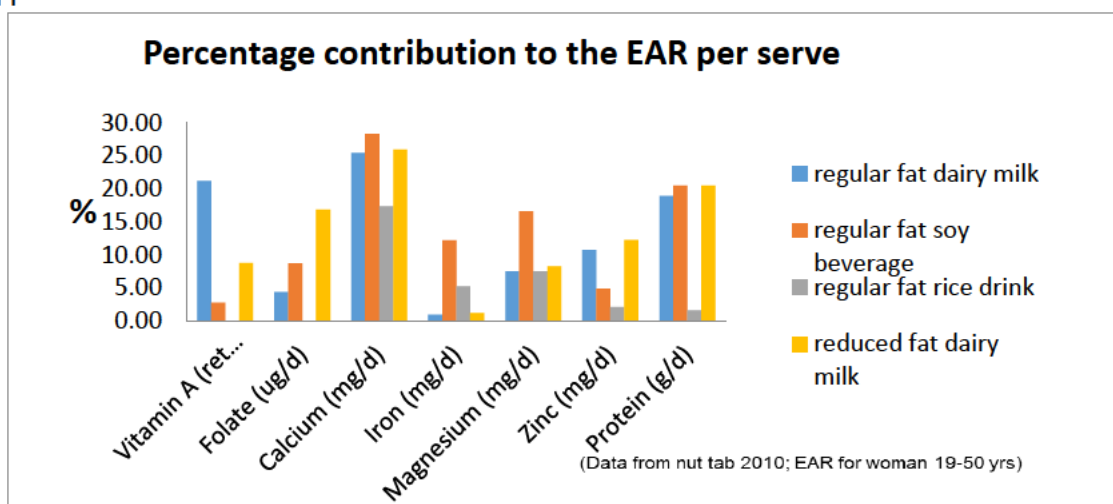
2. RISK MANAGEMENT AND ADVISORY STATEMENTS

- Fortification of Nut and Seed based beverages with nutrients as proposed, may provide some harm minimisation in terms of addressing the potential for a limited range of nutrient deficiencies. However legume, cereal, nut and seed beverages are not nutritionally equivalent to mammalian milk particularly in regards to protein and it is important that diets are carefully managed for vulnerable

populations consuming these products in place of cow's milk. As stated in the NHMRC, Australian Dietary Guidelines 2013, p56

"Fortified soy drink or calcium-enriched plant-based drinks can be used after 12 months of age under health professional supervision, as long as other sources of protein and vitamin B12 are included in the diet."

- This is of concern as these products are often consumed by populations on restrictive diets that are subsequently nutritionally vulnerable eg for allergy, elimination diets, vegans etc. Included in these groups are vulnerable populations of infants, young children and the elderly
- There are a number of international cases whereby nutritionally vulnerable populations such as infants and young children are consuming plant based diets, including plant milk's (as a cow's milk substitute). In the context of these restricted diets they have become malnourished and in some cases died (Le Louer B et al., 2014)
- Although it is possible to meet calcium intake recommendations without consuming dairy foods, calcium replacement foods are not a nutritionally equivalent substitute for dairy foods and consumption of a calcium-equivalent amount of some non-dairy foods is unrealistic. Fulgoni V et al 2011



- We welcome regulatory mechanisms that could be implemented to minimise this risk and seek consideration to extending the mandatory advisory statements to include the elderly over 70 years of age, consistent with cautions outlined in the NHMRC, Australian Dietary Guidelines 2013, p56.

"It should be noted that reduced fat varieties of milks and/or plant-based drinks are not suitable as a drink for children under the age of 2 years due to energy requirements for growth and they may also not be appropriate for adults over the age of 70 years due to reduced body weight and energy intake"

3. COMPARATIVE CLAIMS

- Consideration should be given to consistency with the 2013 Australian Dietary Guidelines in the definition of 'food group' in Standard 1.1.2 i.e. products with at least 100mg of added calcium per 100ml (NHMRC, Australian Dietary Guidelines 2013).

References:

- Fulgoni VL, Keast DR, Auestad N, Quann EE. Nutrients from dairy foods are difficult to replace in diets of Americans: food pattern modelling and an analyses of the National Health and Nutrition Examination Survey 2003-2006. *Nutrition Research* 31 (2011) 759-765.
- Le Louer B, Lemale J, Garcette K, Orzechowski C, Chalvon A, Girardet J, Tounian P. Severe nutritional deficiencies in young infants with inappropriate plant milk consumption. *Archives of Paediatrics* 2014; 21(5):483-8.
- National Health and Medical Research Council (2013) Australian Dietary Guidelines. Canberra, Australia <http://www.nhmrc.gov.au>