

Response to Proposal P293
Nutrition, health and related claims

6 March 2012

Deadline for submissions: 16 March 2012

The Australian Egg Corporation Limited (AECL) would like to acknowledge FSANZ for its comprehensive work on P293 to date. AECL appreciates the opportunity to comment on this final round of public consultation in relation to this important proposal.

Background

The Australian Egg Corporation Limited (AECL) is a service provider for the Australian egg industry. Our key aim is to work on behalf of the egg industry to create an operating environment that assists to minimise barriers and costs for Australian egg producers and to maximise benefits for the industry and the community through integrated marketing, research, development and policy services.

AECL works with government on key industry related projects and obtains funding from the Federal Government to undertake research and development programs.

It is with this background that AECL is pleased to have the opportunity to make the following submission in response to P293 – Nutrition, Health and Related Claims.

Submission

As requested, AECL has utilised Template D as the basis of our submission.

Submitter name: Australian Egg Corporation Limited

1. Does the revised drafting accurately capture the regulatory intent as provided in Attachment B? Please consider the clarity of drafting, any enforceability issues and the level of ‘user-friendliness’.

Overall, AECL feels the revised drafting of Standard 1.2.7 captures the regulatory intent as provided in Attachment B however has some comments relating to specific aspects of the revised Standard as outlined below.

If not, please provide specific details in the table below. Ensure that the relevant clause number, schedule number or consequential variation item number that you are commenting on is clearly identified in the left column. Lines may be added if necessary.

Clause number	Comment
Clause 12 (2)	Check the wording for clarity – the intent may be for this Clause to read as follows:that indicates that the food does or does not contain the property of food.

Clause 8 and Clause 15	<p>AECL feels the regulatory intent behind Clause 8 and Clause 15 is unclear. Clause 8 states that claims cannot be made that compare the vitamin or mineral content of a food with that of another food. However Clause 15 includes conditions for comparative claims that compare the nutrition content of one food or brand of food with another (with associated conditions). AECL recommends Clause 15 refer back to Clause 8 if the regulatory intent is to exclude comparative claims related to vitamins and minerals.</p> <p>In addition, it is not clear whether Clause 8 also covers vitamin and mineral comparisons with the same food e.g. whether comparative claims related to nutrient rich eggs as compared to standard eggs are permissible or not.</p>
Schedule	Comments
Schedule 2	<p>AECL is concerned that all health claims not pre-approved by FSANZ will require convincing scientific substantiation and approval prior to use by industry. AECL believes this is a valid approach for what was previously considered high level health claims however is concerned that the requirement for industry to provide scientific substantiation for what was previously considered general level health claims, will require the same degree of substantiation. Examples of relevance to the egg industry are claims related to the content and health effects of nutrients/antioxidants in eggs such as choline, lutein and zeaxanthin that have substantiated health effects and which are not currently included in Schedule 2. Under the proposed standard, if an egg producer would like to claim that choline is essential for development of the brain and nervous system (or similar wording) this will require scientific substantiation and pre-approval by FSANZ. In this case, choline is already recognised by Government as being essential in the diet (<i>NHMRC Nutrient Reference Values for Australia and New Zealand, 2006</i>) meaning that resources would need to be taken up developing substantiation for a health claim when this substantiation already exists and is well recognised. The resources required to substantiate claims such as this may be particularly onerous for smaller egg producers and therefore stifle innovation.</p> <p>AECL recommends further clarity in this area and proposes FSANZ consider different approaches to the substantiation of different types/levels of health claims.</p>

Consequential variations	Comments
Subclause 6(2) – removed	AECL notes that subclause 6(2) which stated that the Standard did not apply to claims about ethical, religious or environmental features of a food has been removed as it has been considered to be evident from the definitions of nutrition content claim and health claim that these types of claims are not regulated by the Standard. The egg industry makes a significant number of ethical and environmental claims about eggs and AECL would like to work further with the Government to clarify and standardise claims in these areas.

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