

Attachment D – Template for submissions – Proposal P293 – Nutrition, Health & Related Claims

To assist us in compiling submissions, please complete the tables below.

Table 1: Revised draft Standard 1.2.7

Submitter name: ADECRON Food Tech Consulting (Anny Dentener-Boswell)	
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’.	
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 6	Prepared as instructed may allow a flavoured sugar to claim nutrition benefits of the milk it is added to. This is misleading.
Clause 8 prohibits claims that compare the vitamin or mineral content of one food with that of another:	Comment: The nutrition content schedule allows a mineral claim = “The food contains at least 25% less sodium than in the same quantity of reference food.” Sodium is a mineral. Further on sodium (and potassium) are excluded from source and good source claim under vitamins and minerals. Maybe the definition should be extended from “one food to another” to “from one food group to another” or “is only permitted between reference foods of the same food group” or similar?
Schedule	Comments
Schedule 1 Nutrition Content Claims: No added sugar claims	It is possible to introduce a significant amount of added sugars via a fruit drink standardised under 2.6.2. I suggest to remove 2.6.2 and only retain 2.6.1. = fruit juice. I don’t think that is the intent here.
Consequential variations	Comments

Table 2: Fat-free and % fat-free claims

Submitter name:	
Question	Comment
<p>2. What evidence can you provide that shows consumers are purchasing foods of lower nutritional quality because they are being misled by fat-free or % fat-free claims?</p> <p>FSANZ is primarily interested in the substitution of foods of higher nutritional quality with foods of lower nutritional quality which have fat-free claims. Substitution within a general food group (e.g. choosing a different confectionery product) is of lesser importance.</p> <p><i>(Note: Please provide documented or validated evidence where possible)</i></p>	<p>Anecdotal only from sceptic behaviour of consumers, i.e. "low fat" so it must be high in sugar.</p> <p>Undermines the integrity of foods that have a genuine lower fat/low fat claim in comparison to standard food, ie lower fat milk vs. standard milk.</p> <p>Example of replacement behaviour is eating 99% fat free (nutritional low quality) marshmallows instead of highly nutritious nuts as a 4pm snack.</p>
<p>3. Do you support option 1 (status quo), option 2 (voluntary action through a code of practice), or option 3 (regulate with additional regulatory requirements for fat-free and % fat-free claims)? Please give your reasons.</p>	<p>Option 3: regulate, is clear cut, fair across all foods and enforceable.</p> <p>Status quo isn't good enough.</p> <p>Voluntary codes of practice gets ignored by smaller players, who then skew the market against larger companies who do stick to the rules.</p>
<p>4. Please comment on the possible options for additional regulatory requirements for fat-free and % fat-free claims (option 3) (refer section 8) as follows:</p> <p>a. Which option do you support and why?</p> <p>b. What is an appropriate sugar concentration threshold for options 3(b) and 3(d)? Where possible, provide information and evidence to support your suggested threshold value.</p> <p>c. Are there other suitable options for additional regulatory requirements for fat-free and % fat-free claims? Please describe.</p>	<p>Option 3 a: Use nutrient profile scoring, simple and fair across all foods.</p> <p>Other options problems: 3b) Disclosure statement is yet more label clutter that gets ignored 3c) likely for loop holes to be found and exploited, such as moving foods into other food categories for lower thresholds by renaming them. 3d) ignores inherent vs added sugar</p> <p>NPSC takes into account nutrition benefits for instance protein in milk products vs natural lactose sugars in them.</p>