

Dietitians New Zealand

2 Mibar Building
85 Victoria St
PO Box 5065
Wellington 6145
admin@dietitians.org.nz

RE: Comment on Proposal P293- Nutrition Health and Related Claims**Submitters Name: Dietitians New Zealand**

Dietitians New Zealand (DNZ) is pleased to provide a response to the call for submissions on Proposal P293- Nutrition Health and Related Claims.

DNZ would like to congratulate FSANZ on the extensive effort expended on P293 and the outcome to date. This submission is however limited to comment on 'fat-free' and '% fat-free' nutrient content claims.

Question 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?

Comments

Whilst there is abundant anecdotal comment on this issue from dietitians in clinical practice, it is agreed that there is little stronger evidence available. Gorton et al (Gorton, Ni Mhurchu, Bramley, & (1)57-62., 2010) however found 46% of the 1,525 respondents thought that the '97% fat-free' claim meant a food was healthy. More people of Maori, Pacific, Asian ethnicities and of lower socioeconomic means compared to European and those on medium and higher incomes believed that food carrying a 97% fat free claim was generally healthy. This finding is important as Maori, Pacific, South Asian and lower socio-economic people in New Zealand carry a higher disease burden due to poor diet (Ministry of Health, 2012). It is essential for this vulnerable group that food labeling is clear and that any potential health benefit is not overstated.

Question 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.

Comments

DNZ supports option 3 (a). Our reasons are outlined below:

Option 1, or Status quo.

DNZ does not support Option 1 as it considers the competitive nature of the food industry in seeking a marketing edge will continue to lead to misleading claims. Resources appear to be insufficient to maintain surveillance and enforce compliance. We also do not consider the sub-option of status quo plus education to have any far reaching impact or benefit as the most vulnerable people are less likely to be reached by education. Vulnerable groups such as those with English as a second language and those who are socio-economically deprived have been found often to have poor health literacy skills (Ministry of Health, 2010) This report found 56% of New Zealanders including four out of five Māori males and three out of four Māori females have low levels of health literacy. These people are less likely to participate in society including education campaigns and have more long term health conditions.

a) Option 2: Voluntary action through a code of practice.

DNZ considers this to be too reliant on the food industry's good-will. There are noted examples where the industry has acted in self interest rather than for the public good.

Option 3: Regulate with additional conditions for fat-free and % fat – free claims

Option 3(a): Requires foods to meet the nutrient profiling scoring criterion.

DNZ supports option 3(a): Require foods to meet the nutrient profiling scoring criterion.

The evidence that high need consumers believe that products carrying ‘% fat-free’ claims are inherently healthier supports the application of additional regulatory measures. The market scanning undertaken by FSANZ and by Williams (Williams, Yeatman H, & Zakrzewski, 2003) reveals that products with little nutritional value but with potentially high sodium content often use the ‘% fat-free’ claim, for example simmer sauces, stocks, snack foods, salad dressings. DNZ is concerned about the potential consequences of higher sodium and sugar consumption and therefore believes that consumers would be better protected by requiring foods that make ‘fat-free’ or ‘% fat-free’ claims, to meet the nutrient profiling scoring criterion (NPSC).

Option 3(b): Requires a disclosure statement if above a sugar threshold

DNZ considers that this adds a complexity to reading labels and would be difficult for vulnerable people with low literacy skills to process. DNZ also agrees with the comments of the effectiveness of this approach cited by FSANZ, that is a) the wording of the disclosure statement would be problematic and consumer confusion potentially hard to avoid b) limited space on the label and clarity of any message and/or disclosure statement.

Option 3(c): Not permit claims on certain products by food category

This is not supported by DNZ because of the proposed difficulties defining food categories and subsequent monitoring and enforcing.

Option 3(d): Not consider claims on food above a sugar concentration threshold

This could lead to unhelpful confusion around intrinsic and extrinsic sugar content and does not address other factors including sodium.

Question 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:

Comments

a. Which comment do you support and why

DNZ supports option 3 (a). Our reasons are outlined above.

b. What is an appropriate sugar concentration threshold for options 3(b) and 3(d)?

As DNZ does not support this option, an appropriate threshold has not been considered.

c. Are there other suitable options for additional regulatory requirements for 'fat-free' and '% fat free claims'?

DNZ has no additional comments to those already made.

REFERENCES

- Gorton, D., Ni Mhurchu, C., Bramley, D., & (1)57-62., D. R. (2010). Interpretation of two nutrition content claims: a New Zealand Survey. *Australian and NZ Journal of Public Health*.
- Ministry of Health. (2010). Korero Mārama Health Literacy and Māori: Results of the 2006 Adult Literacy and Life Skills Survey. Wellington
- Ministry of Health. (2012). A Focus on Maori Nutrition :Findings of the 2008/09 NZ Adult Nutrition Survey In M. o. Health (Ed.). Wellington.
- Williams, P., Yeatman H, & Zakrzewski, S. e. a. (2003). Nutrition and related claims used on packaged Australian food – implications for regulation. *Asia Pacific Journal of Clinical Nutrition* 12(2), 138-150.