

TO:

**NATIONAL HEALTH AND MEDICAL
RESEARCH COUNCIL**

IN RESPONSE TO:

GOODMAN FIELDER submission:

TO:

FOOD STANDARDS AUSTRALIA NEW ZEALAND

IN RESPONSE TO:

**PROPOSAL P293 - NUTRITION, HEALTH &
RELATED CLAIMS**

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ABOUT GOODMAN FIELDER

GOODMAN FIELDER is one of Australasia's largest food manufacturing companies. GOODMAN FIELDER owns many well known brands in Australia and New Zealand, primarily comprising bread and bread related products, edible & cooking oils, margarines, ready to eat cakes and slices, desserts and topping mixes, cake mixes, cooking ingredients, dips, salad dressings & mayonnaise, vinegar, frozen pastry and desserts, pasta sauce, table sauce, Asian meal kits and sauces, biscuits and savoury snack products.

SUMMARY

GOODMAN FIELDER has participated in the working groups of the Australian Food and Grocery Council in the preparation of their response and agrees with the recommendations and findings of the Australian Food and Grocery Council. Our submission, therefore, is based primarily on the outcomes from that working group and includes examples specific to GOODMAN FIELDER ,

We welcome once again the opportunity to provide comment on the Food Standards Australia New Zealand (FSANZ) *Proposal P293 Nutrition, Health & Related Claims* (P293) although we are concerned that FSANZ is limiting its consultation on P293 to specific changes made since its last consultation in March 2009. GOODMAN FIELDER considers that due to the importance of this Proposal the whole standard must be considered to ensure that the underlying assumptions are correct and based on the highest quality evidence and data.

In considering the whole standard, GOODMAN FIELDER considers it to be inadequate and unworkable noting that it:

- Fails to adopt the requirements of the Ministerial Council Policy Guideline On Nutrition, Health And Related Claims,
- Fails to provide a simple and straightforward framework for industry to make factual and truthful claims about what products contain to assist consumers make informed food choices;
- Will impose significant additional burden by imposing highly restrictive criteria to General levels health claims; and
- Fails to consider the costs that will be imposed on industry to implement the standard including significant label changes;

GOODMAN FIELDER is concerned that if imposed, the draft standard will not provide consumers with accurate information; will add costs and has the potential to stifle innovation in food .

Given the significant concerns, GOODMAN FIELDER recommends that Proposal P293 - Nutrition, Health and Related Claims be rejected in its entirety.

RECOMMENDATIONS

Key recommendations

1. Proposal P293 - Nutrition, Health and Related Claims be rejected in its entirety.
2. That claims currently made by food companies be allowed to continue under any future nutrition and health claim standards, unless they are demonstrated to be untruthful, or alternatively, there is evidence of detriment to consumers.
3. GOODMAN FIELDER recommends that Australia's regulatory system for nutrition and health claims comprise a combination of full regulation for high level claims complement by an industry Code of Practice for general level claims.

Recommendations should the standard be approved by the Forum

Transitional provisions

Under the proposed standard there will likely be significant disruption to manufacturers whose products currently carry nutrient claims that are outside the scope of the claims listed. In addition, there may be products that currently carry a nutrient claim which is not covered in the current standard, or the product falls outside the permitted NPSC requirement. In such circumstances there needs to be a reasonable transition period to allow industry to make appropriate changes. GOODMAN FIELDER notes that a 2 year transition period is proposed however; requests that this be increase to 4 years.

An extended transition period of 4 years will allow for food-health relationships that are not yet approved to be assessed by FSANZ for inclusion within the transition period.

A number of GOODMAN FIELDER products currently on the market *will be rendered illegal with no justification* if the Draft is adopted. Table 1 identifies some of these products and claims. Additionally, many products which will continue to be allowed to make the claims will be required to alter their labels in order to comply with new labelling provisions.

Table 1.

Wholemeal	For weight management	Claims for whole grain / wholemeal are not allowed for in the list of claims FSANZ proposes
Soy and Linseed	For women's wellbeing	Claims for soy and linseed are not allowed for in the list of claims FSANZ proposes
Source of fibre	Fibre for good digestion, regularity and overall health .Helps maintain a healthy digestive system and keep you feeling fuller for longer	The FSANZ list only allows "fibre and laxation" claims

Wholegrain	Help maintain your digestive wellbeing	Claims for whole grain / wholemeal are not allowed for in the claims FSANZ proposes
Prebiotics/Resistant Starch	Helps fuel healthy bacteria in the digestive system	Claims related to pre- and probiotics are not allowed for in claims FSANZ proposes
GI	Low GI for sustained energy release/for longer lasting energy Low GI to help you feel fuller for longer	Claims related to the benefits of GI are not allowed for in the FSANZ list of claims
Protein/ fibre/ GI	Feel fuller for longer	Weight management and implied weight management claims are not allowed for in claims FSANZ proposes Claims related to the benefits of protein/ fibre/GI and weight management are not allowed for in the FSANZ list of claims
Probiotic	Supports your immune system and aids digestion; digestion of food and release of energy - B1, B3, B5, B6, zinc; antioxidants that protect cells against free radical damage - A, E, C	Marketed as a dietary supplement so comes under the New Zealand Dietary Supplement Regulations 1985. Dairy products Product Ineligible Nutrient Profiling
Calcium/Vit D	Calcium for strong bones; <i>and</i> Source of Vit D to aid calcium absorption Rich in calcium that helps maintain strong bones and teeth;	Dairy products Product Ineligible Nutrient Profiling
Protein	Excellent source of protein which helps maintain muscle growth	Dairy products Product Ineligible Nutrient Profiling

1.1.1. PART 3, DIVISION 1 - NUTRITION CONTENT CLAIMS

Clause 11 – Nutrition content claims about properties of food in Schedule 1

GOODMAN FIELDER supports the inclusion of a list of pre-approved food-health relationships, as outlined in Schedule 1. *However, GOODMAN FIELDER does not support that all food health*

relationships should be pre-approved as outlined in the discussion paper. In line with Policy Guidance, GOODMAN FIELDER supports self substantiation of General level health claims, if these claims are not in the pre-approved list. GOODMAN FIELDER does not support that all pre-approval of food-health relationships should be assessed as high level health claims, this is the direct contrast to Policy Guidance provided for General level health claims and a tiered framework for health claims.

In relation to the list of pre-approved relationships GOODMAN FIELDER does not support a list limited to European Union (EU) assessments food health relationships, and questions why the EU is the only international authority identified. Will other jurisdictions e.g. United States of America, Canada or Japan also potentially be considered in the future?

Clause 15 – Comparative claims

Comparative claims must now include the difference between the amount of the property in the claimed food and the 'reference food' (now defined). To assist understanding GOODMAN FIELDER would like further guidance to be provided, for example absolute percentages or amounts?

1.1.2. PART 3, DIVISION 2 – HEALTH CLAIMS

Clause 16 – New health claims deemed to be high level

GOODMAN FIELDER *strongly opposes the assessment of all claims as high level.*

This change will add significantly to the cost for industry and will stifle innovation, and adds regulatory burden where minimal effective regulation should be considered.

Clause 17 – Conditions for making health claims

GOODMAN FIELDER does not support clause and we reject the assumption that certain foods should be prevented from making claims. The use of NPSC imposes nutrient qualifying and disqualifying criteria derived from population dietary advice onto individual food products.

Additionally, it needs to be noted that the NPSC applies criteria not supported by the evidence base. In particular restrictions are made on energy despite there being no evidence linking these to adverse health outcomes. The current profiling tool being developed in the EU does not highlight energy as a criterion for disqualification. If energy continues to be used as a criterion in the NPSC, it is highly likely that a product will be able to carry a claim in the EU but not in Australia.

Overall the application of the NPSC will not allow for consumers to be provided with accurate information to inform the selection of a healthy diet. Indeed consumers will be provided with less information and products which can, and should be consumed as part of a healthy diet.

1.1.3. PART3, DIVISION 3 - ENDORSEMENTS

Clause 22 – Criteria for endorsements

The current drafting does not provide clarity in regards to endorsements as distinct from certifications. Currently the Heart Foundation tick is a certification for which manufacturers pay a fee to be certified against specific criteria. However certification may be viewed in the current drafting as endorsement. The Heart Foundation aims to reduce the rates of cardio vascular disease in the community, which appears to not be permissible under this clause. The draft standard requires further clarification to clearly capture permissible endorsements, use of logos and certifications.

Recommendations relating to Part 1- draft standard 1.2.7 – nutrition, health & related claims

GOODMAN FIELDER recommends:

- *a transitional period of four years to allow the industry adequate time to make changes and submit relevant applications to FSANZ;*
- *the standard focus solely on the regulation of nutrition and health claims relating to long-term health benefits and the prevention of non-communicable diseases (NCDs)*
- *self-substantiation by industry of claims that are not included in the pre-approved list;*
- *consideration of health claims established by other international regulatory authorities, not just the European Union;*
- *further guidance be provided on comparative claims, which must now include the difference between the amount of the property in the 'claimed food' and the 'reference food';*
- *amending Clause 16 to support a tiered approach to health claims, as intended in the Policy Guidance;*
- *the deletion of Clause 17 (1a) or alternatively the amendment of the NPSC to ensure it is evidence based and does not impose overly restrictive criteria; and*
- *clarification of clause 22 in regards to endorsements as distinct from certifications.*

1.2. PART 2 – FAT FREE AND % FAT FREE CLAIMS

GOODMAN FIELDER objects the addition of fat-free and % fat-free claims to Proposal P293 and Standard 1.2.7, noting that this is a deviation from FSANZ's own processes to include it within P293. If FSANZ considers this issue warrants investigation then formal processes should be utilised and a separate proposal should be raised which examines the issue in its entirety. GOODMAN FIELDER does not consider it appropriate to be consulting at this time without all information provided. Currently GOODMAN FIELDER manufactures a range of products, in a number of categories, eg salad dressings, mayonnaises, dairy products and cake mixes which carry % Fat Free claims. These products provide consumers with the ability to choose a lower fat option.

GOODMAN FIELDER recommends that the current requirements in Code of Practice on Nutrient Claims (CoPONC) in regards to fat and % fat-free claims, is appropriate.

For the reasons mentioned above GOODMAN FIELDER supports option 1 (status quo),

Recommendations relating to Part 2 – Fat free and % fat free claims

GOODMAN FIELDER recommends:

- *FSANZ undertakes a formal proposal process on fat free and % fat free claims if evidence warrants a proposal in this area; and*
- *that the current status quo on fat and % fat-free claims, as defined in CoPONC, is appropriate.*