

## Response ID ANON-JN9Z-F8FV-5

Submitted to P1062 - Defining added sugars for claims  
Submitted on 2023-10-05 17:51:34

### Complete your submission

#### Your details

What is your name?

Contact person:

[REDACTED]

What is your email address?

Email address:

[REDACTED]

What is your telephone number?

Telephone:

[REDACTED]

Which one of the following groups do you most affiliate with?

Government

If other, please specify:

What is the name of your organisation?

Please write N/A if this does not apply.:

Department of Health, Western Australia

What is your position title?

Please write N/A if this does not apply.:

[REDACTED]

Are you the contact person for your organisation?

No

If you are not the contact person for your organisation, please provide an alternative contact and details. If not applicable, please leave blank.

Contact person's name:

[REDACTED]

Email address:

[REDACTED]

Telephone:

[REDACTED]

Position title:

Managing Scientist

Have you read the P1062 – Defining added sugars for claims call for submission paper?

Yes

#### Confidential information

All submissions will be published, including redacted versions of confidential submissions. We will not publish material that we accept as confidential. Does your submission contain confidential information?

No. My submission does not contain confidential information.

## Proposed changes to 'no added sugar(s)' claim conditions

1 FSANZ proposes to continue to set 'no added sugar(s)' claim conditions based on the addition of ingredients to foods (see section 5.2 of the Call for submissions document).

Do you have any comments on this approach?:

The EHD of DOH WA supports the approach of a food being unable to display a 'no added sugar(s)' claim based on the addition of ingredients specifically containing sugar, and the conditions set by FSANZ. However, there are many complexities associated with what is 'in' and what is 'out' of the definition which will need to be teased out and potentially reviewed in due course to determine if the agreed definition is serving its purpose for supporting informing consumers to use food labels to make informed food choices.

2 FSANZ proposes a food displaying a 'no added sugar(s)' claim must not contain an 'added sugars' as an added ingredient including an ingredient of a compound ingredient. FSANZ proposes defining 'added sugars' for this claim condition (see section 5.2.1.4 of the Call for submissions document).

Do you have any comments on this approach or the defined added sugars (see below)?:

With one exception, the EHD of DOH WA supports a food being unable to display a 'no added sugar(s)' claim if it contains one of the ingredients listed above as a source of 'added sugar'. The exception is to propose the definition of added sugars should include fruit juice as the food for sale, and not just fruit juice concentrate.

The reason being that fruit juice is high in naturally occurring free sugars and the ability to display a 'no added sugar(s)' claim may facilitate a health halo effect to be associated with this food for sale as fruit juice. Fructose is the sugar in fruit and is only harmful if consumed in excess amounts which is hard to do when it is consumed as a whole fruit. However, it is much easier to consume excess fructose when removed from the naturally occurring source, that is, fruit. As recommended by the Australian Dietary Guidelines, a serve of fruit juice is 125ml (1/2cup) which is a small amount, and it is not recommended to be consumed often. Unfortunately, fruit juice is often packaged in larger volumes with the smallest bottle size being around 200ml and containing approximately 1 ½ teaspoons of sugar. For this reason, the EHD DOH WA propose the definition of added sugars should include fruit juice, and not just fruit juice concentrate. For this reason, allowing fruit juice to display a 'no added sugar(s)' claim is misleading and other claims 'made with 100% fruit' and 'source of Vitamin C' are more accurate and relevant claims for this product.

In addition, the inclusion of glucose syrups, maltodextrin AND 'similar products' lacks clarity and the EHD of DOHWA suggest providing further details to allay confusion, or the addition of unwanted starch hydrolysates.

3 FSANZ proposes 'no added sugar(s)' and 'unsweetened' claims are not permitted on foods containing the hexose monosaccharide D-tagatose, as an ingredient, consistent with existing claim conditions in the Code. As D-tagatose is a hexose monosaccharide, it is captured in the definition of 'added sugars' (see section 5.2.2 of the Call for submissions document).

Do you have any comments on this approach?:

The EHD of DOH WA supports this approach.

4 FSANZ proposes foods containing low energy sugars (mono- and disaccharides), as ingredients, listed in subsection S11—2(3) of Schedule 11 not be permitted to display 'unsweetened' claims (see section 5.2.2 of the Call for submissions document).

Do you have any comments on this approach?:

The EHD DOH WA supports this approach given the high desirability of 'no added sugar(s)' labelled products as per the consumer evidence summary, rapid review.

These ingredients contribute to the sweet flavour profile and if not included in the definition, would lead to labelling scenarios that could make food products look more healthful than they are. If they are excluded, it creates a potential loophole for future overreliance on these ingredients for sweetness that are endorsed with the health halo claim of 'no added sugar(s)'.

5 FSANZ proposes a food displaying a 'no added sugar(s)' claim must not contain the fruit products listed below as an added ingredient (including as an ingredient of a compound ingredient). FSANZ proposes to exempt fruit products which are lemon or lime fruit (see section 5.3 of the Call for submissions document).

Do you have any comments on this approach or the fruit products listed?:

The EHD of DOH WA disagree with the list of fruit products able to display a 'no added sugar(s)' claim.

Dried fruit, other than whole, cut or chopped dried fruit

We acknowledge that the Dietary Guidelines recommend 30g dried fruit as a serve of fruit however the EHD of DOH WA disagree that dried fruit that is whole, cut or chopped can still display a 'no added sugar(s)' claim. Regardless of whether the fruit is whole, cut or chopped, eating large amounts of dried fruit will contribute significantly to sugar intake. Through the process of removing water from the fruit, nutrients are concentrated, such that dried apricots, for example, contain about six times as much sugar (40g per 100g) as fresh apricots (6g per 100g). It is highly likely that cut or chopped dried fruit will be used by manufacturers to sweeten food products and concurrently make a 'no added sugar(s)' claim.

Including dried fruits in the definition of added sugars has the potential to support consumer awareness of sugar content which may lead to limiting consumption or considering smaller portion sizes.

We recognise the WHO permits unsweetened whole or chopped fruits dry whole or chopped to be permitted foods for infants and young children as outlined in the document titled "NUTRIENT AND PROMOTION PROFILE MODEL: Supporting appropriate promotion of food products for infants and young children 6–36 months in the WHO European Region" (2022). However, the WHO gives clear guidance on the amount of sugar that can be provided by dried fruit in certain products with a front of pack indicator for when sugar exceeds specified thresholds (see page 19).

Unless the food for sale is canned fruit or frozen fruit

The EHD of DOH WA disagree that fruit canned in juice should be able to make 'no added sugar(s)' claims. Often the juice used in the canning process is deionised which is similar to a sugar syrup. Such products can still make comparative claims for sugar (i.e. less sugar than fruit canned in syrup) allowing a promotional marketing aspect.

6 FSANZ proposes a fruit product which is the food for sale (e.g. fruit juice) be permitted to make a 'no added sugar(s)' claim. This includes when the food is sold as a singular fruit (e.g. apple juice) or a blend of different fruits (e.g. blend of fruit juices), providing the food contains no 'added sugars' or other products identified in claim conditions, as added ingredients. A blend or combination of different fruit products (e.g. fruit juice and fruit purée) will not be permitted to make the claim. FSANZ also proposes to clarify that fruit does not include legumes, fungi, herbs, nuts and spices for the purpose of the claim conditions (see section 5.3 of the Call for submissions document).

Do you have any comments on this approach?:

The EHD of DOH WA disagree that fruit juice can display a 'no added sugar(s)' claim as outlined in question 3. above, in that fruit juice is very high in naturally occurring free sugars and the ability to display a 'no added sugar(s)' claim may facilitate a health halo effect to be associated with this food.

7 FSANZ proposes 'no added sugar(s)' claims are not permitted when the concentration of sugars in the food is increased from the hydrolysis of carbohydrates during food manufacture, except when the sugars concentration in cereal-based plant milks made using hydrolysis is  $\leq 1.5\%$  (and the product otherwise meets claim conditions) (see section 5.3.2 of the Calls for submissions document).

Do you have any comments on this approach?:

The EHD of DOH WA supports this approach.

8 FSANZ proposes to maintain the existing condition that a food displaying an 'unsweetened' claim must meet the conditions for a 'no added sugar(s)' claim, noting that the amended 'no added sugar(s)' claim conditions will apply (see section 5.4 of the Call for submissions document).

Do you have any comments on this approach?:

The EHD of DOH WA supports this approach.

9 FSANZ proposes to maintain the existing condition for intense sweeteners, sorbitol, mannitol, glycerol, xylitol, isomalt, maltitol syrup or lactitol. FSANZ proposes a food containing low energy sugars (mono- and disaccharides) listed in subsection S11—2(3) of schedule 11, as an ingredient (including an ingredient of a compound ingredient), not be permitted to display an 'unsweetened' claim (see section 5.4 of the Call for submissions document).

Do you have any comments on this approach?:

The EHD of DOH WA supports this approach for intense sweeteners however, this may promote the use of alternative sweeteners (e.g. aspartame and stevia) to be used further encouraging a sweet profile taste preference. The consideration of alternative labelling (e.g. artificially sweetened, sweetened with ...) rather than 'no added sugar' should be considered.

10 FSANZ is proposing a two-year transition period to allow producers, manufacturers and importers time to make any required labelling changes for products carrying 'no added sugar(s)' or 'unsweetened' claims to comply with the new claim conditions (see section 7 of the Call for submissions document).

Do you have any comments on this approach?:

The EHD of DOH WA supports a two year transition period.

## Data and evidence

11 Do you have any data or are you aware of published data on the number of products with 'no added sugar(s)' or 'unsweetened' claims in Australia and/or New Zealand (see data used for this proposal at section 3.1 of the Call for submissions document)?

No

If yes, please upload your file here.:

No file uploaded

12 Do you have any evidence or are you aware of published literature on consumer understanding of and responses to 'no added sugar(s)' or 'unsweetened' claims on food products (see evidence used for this proposal at section 3.2 of the Call for submissions report and Supporting Document 1)?

No

If yes, please upload your file here.:

No file uploaded

13 Do you have any data or know of any published data on the costs of labelling changes per stock keeping unit or package type (see data used for this proposal at Attachment E to the Call for submissions document)?

No

If yes, please upload your file here:

No file uploaded

## Additional comments

### Comments and other input

Additional comments and input:

There are many challenges in presenting the nutrient content of foods to consumers and it is admirable that FSANZ is endeavouring to ensure an informed public through food labelling.

The EHD DOH WA acknowledges this work and encourages FSANZ to consider alternative labelling approaches which include setting criteria for high sugar content and whether such products should be permitted to make no sugar claims. It is important to consider more holistic nutrition labelling in the context of what is already being used (such as HSR) and the NIP.

Similarly, the production of sugars produced during fermentation will need to be considered to ensure future proofing the requirements of the standard, should this become a common manufacturing practice.

Please upload additional files here.:

No file uploaded

## Feedback

What is your level of satisfaction with using this platform to complete your submission?

Very satisfied

Do you have any feedback you would like to provide to FSANZ regarding this new platform?

No

If yes, please provide details.: