

Response ID ANON-JN9Z-F832-E

Submitted to P1062 - Defining added sugars for claims
Submitted on 2023-10-06 16:23:46

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?

Food industry

If other, please specify:

What is the name of your organisation?

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

Carman's

What is your position title?

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

[REDACTED]

Are you the contact person for your organisation?

Yes

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:

Email address:

Telephone:

Position title:

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?:

Carman's supports the continuation to set 'no added sugar(s)' claim conditions based on the addition of ingredients to foods, however have concerns about the proposed, amended definition of 'added sugars' to "mean dried fruit; fruit juice; fruit powder; fruit pulp; fruit puree; concentrated fruit puree; or a blend/combination of any of these ingredients" where they are the sole ingredient in a product. We support the industry position that where dried fruit; fruit juice; powder; pulp; puree is single strength or a product is made from 100% fruit it should be able to make a 'no added sugar' claim.

We also believe that P1062 should be carefully considered in conjunction with P1058, in regard to how the definition of added sugars for claims will relate to the inclusion of added sugars in the nutrition information panel (NIP). The way added sugars are defined needs to be consistent for the purpose of front of pack claims and inclusion in NIP to minimise the risk of any consumer confusion pertaining to what 'added sugar' in a product means.

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)?:

Carman's supports the proposal that a food displaying a 'no added sugar' claim must not contain any sugar from the list defined above, where these are added to the product during manufacture for the purpose of sweetening, and therefore increasing the sugar content of the product.

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?:

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?:

Carman's supports that foods containing low energy sugars should not be permitted to display 'unsweetened' claims.

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?:

Carman's supports the proposal that a food displaying a 'no added sugar' claim must not contain any sugar as an added ingredient. However, we believe that 'added sugar' should be defined only as a sugar that is added as an ingredient to a food product for the purpose of sweetening and not include naturally occurring sugars, such as fruit sugars. Where a product is made from 100% unsweetened fruit, and contains no added ingredients – sugar or other, including compound ingredients – as detailed in the on-pack ingredients listing, a 'no added sugar' claim should be permissible.

In addition, similar to the current definition where a concentrated fruit juice is not defined as added sugar where the product for sale is fruit juice, dried fruit; powder; pulp; puree; concentrated puree should not be considered/defined as added sugar where a product is inherently a dried fruit; powder; puree product.

When considering the implications of processing fruit, where food manufacturing processes have only changed the structure of a whole fruit or removed water, and the fruit has been processed in a way that it still contains all components of the whole fruit as it would be typically eaten (ie. the pulp has not been removed) and no ingredients have been added, the subsequent fruit product should not be considered to contain any added sugar. In such cases the fruit product still contains its beneficial nutrients such as fibre, vitamins and minerals, and does not contain any additional sugar compared to the 'original' whole fruit.

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?:

Carman's supports the proposal that a fruit juice be permitted to make a 'no added sugar' claim when the product is sold as a singular or blend of fruits providing that it does not contain any ingredient defined as an added sugar. We believe this classification should be extended for fruit pulp, fruit puree, concentrated fruit puree and a blend or combination of these, where no other ingredient – sugar or other – are added during the manufacturing process; where an ingredient list shows that the product contains only unsweetened fruit ingredients – regardless of the 'form' of these fruit ingredients – and nothing is added to these fruit ingredients, a 'no added sugar' claim should be permitted.

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?:

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?:

Carman's supports the proposal that a food displaying an 'unsweetened' claim must meet the conditions for a 'no added sugar' claim, as it is reasonable to assume that where a food is 'unsweetened' it would not have had a sweetening ingredient (such as sugar) added to it.

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?:

As above, Q.8 – Carman's supports the proposal that a product that contains any sweetening ingredient, including defined sugars, and also intense sweeteners, sorbitol, mannitol, glycerol, xylitol, isomalt, maltitol syrup, lactitol or low energy sugars, should not be permitted to display an 'unsweetened' claim.

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?:

Carman's do not support the proposed two-year transition period; given there are no food safety issues associated with 'no added sugar' claims, and taking into consideration recent, current and future labelling changes – including Health Star Rating, Plain English Allergen Labelling, and any NIP updates that may eventuate as part of P1058 – we believe a minimum three-year transition period that aligns to timings of P1058 should be considered.

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:

Given the call to clarify the definition of added sugars for the purpose of nutrition content claims about added sugars in food is in response to an identified need to "enable consumers to make informed food choices to support healthy dietary patterns recommended in the dietary guidelines, and that claims support initiatives that promote healthy food choices", it is important that consumer perception and understanding of this definition are carefully considered and aligned to relevant dietary guidelines, and any changes to labelling avoid risk of consumer confusion and misunderstanding.

The definition needs to be consistent with information provided to consumers, including the Australian Dietary Guidelines, to enable them to make informed and clear choices. It is neither consistent nor clear for consumers to understand that when consuming a piece of whole fruit that there are no added sugars, but when consuming the same fruit that has been dried; juiced; pureed, with no additional ingredients, it contains added sugars.

The definition of 'added sugars' for claims – and eventual, possible inclusion in NIP as part of P1058 – needs to align with reasonable consumer understanding of what 'added' means – that being an ingredient (sugar or other) that is added to a food product, not one that is naturally occurring.

As per FSANZ consumer perception of ingredients as 'added sugar' (P1062, Section 3.2 Consumer Evidence), 42-55% of consumers perceived dried fruit; fruit paste; puree "to be sugar when added to another food" – with the phrase "when added to another food" being operable. "The 2022 literature review on added sugar also demonstrated consumers commonly understand 'added sugar' to be sugar that is added during food manufacturing or food preparation, rather than being inherent or naturally occurring in the food". With these consumer perceptions in mind, it is against consumer perception to define fruit, in any form, as an 'added sugar' where it is present as the sole ingredient of a product, not added as a sweetener.

Further to this, dietary analysis indicates that the Australian and New Zealand populations are not meeting their recommended serves of fruit, so to define fruit ingredients as 'added sugars' increases the likelihood that consumption of fruit will not increase inline with recommendations, with the risk that it will decrease with consumers avoiding all types of fruit for fear and confusion this increases their intake of added sugars.

Please upload additional files here.:

No file uploaded

Feedback

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

Satisfied

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

No

If yes, please provide details.: