

Response ID ANON-JN9Z-F8C1-W

Submitted to P1062 - Defining added sugars for claims
Submitted on 2023-10-05 10:53:25

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.:

Food and Beverage Importers Association (FBIA)

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?:

The FBIA supports the continuation of making nutrient content claims on food and drinks, such as 'no added sugar' and 'unsweetened' based on the addition of ingredients to foods.

The FBIA requests greater clarity on the concurrent proposal P1058 - Nutrition labelling about added sugars, and how this work will be aligned with P1062. Members are seeking a clear definition of added sugar that only relates to claims.

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)?:

The FBIA recommends the definition of added sugars be as clear as possible for manufacturers to comply. We suggest that the use of 'similar products' should therefore be precluded, and any ingredients not already captured in the proposed definition should be specifically named to avoid ambiguity. The proposed definition of 'added sugars' as presented in Table 2 of section 5.2.1.3 indicates 'no change' to honey and malt/malt extracts, however, the proposed wording has been changed. This we believe would be open to interpretation.

Schedule 4 states, 'food contains no added sugars, honey, malt, or malt extracts'. This wording clearly separates sugars which are sugars from ingredients that contain sugar.

Members have concerns that there may be unintended consequences for P1058.

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?:

No comment.

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 FBIA supports the proposal that foods containing very low-energy sugars are not permitted to display "unsweetened" claims. Members recommend that industry should be permitted to make a "no added sugar" claim as low-energy sweeteners are used for the purpose of providing sweetness without added sugars.

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 definition of added sugars must be made as clear as possible to avoid any confusion, therefore the FBIA recommends that FSANZ provides greater clarity. Clarity would help industry avoid any confusion.

The FBIA does not support the proposed FSANZ approach re a food displaying a 'no added sugar(s)' claim must not contain the fruit products listed as an added ingredient (including as an ingredient of a compound ingredient) apart from lemon and lime juices.

The issues regarding dried fruit and fruit juice must be clarified as FSANZ has stated 'they do not identify these foods [fruit juice and dried fruits] as 'added sugars'. This position also confirmed by the NHMRC and MoHCFs. However, FSANZ has included them as an added sugar, we would suggest, because of their perceived health and halo effect.

Additionally, there is no clarity regarding tomatoes as they are not included on the list, even though they are fruit and not a vegetable.

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 FBIA recommends FSANZ provide further clarity on 'a blend or combination of different fruit products (e.g. fruit juice and fruit purée) will not be permitted to make the claim.' We would strongly recommend this position be reconsidered, allowing puree and pulp to be included as an ingredient only in the fruit juice category to permit a 'no added sugar' claim. Mango does not produce juice; it only comes in a puree form and passionfruit will only be in a pulp form. These fruit juices, when combined with a puree or pulp ingredient will not be able to display a no added sugar claim, yet they are in a natural unadulterated form.

The FBIA suggests this will impact consumer purchase decisions for this category when comparing these products with other fruit juices. Without a strong education campaign to consumers to inform them of the rationale behind the no added sugar claim and how it is applied, consumers may not be able to make an informed purchase decision on fruit juices. For the fruit juice category, the FBIA recommends that purees and pulps 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?:

The FBIA is concerned the inclusion of sugars from hydrolysis may not align with consumer and industry understanding of 'added sugars' and may cause confusion. We recommend FSANZ provide industry with guidance on how to determine if the product has undergone hydrolysis and how to calculate the 1.5% threshold to ensure a consistent approach is applied.

The FBIA supports excluding sugars formed during the hydrolysis of lactose from the definition and suggests this approach is applied to all sugars from hydrolysis for consistency. From an industry perspective, exempting some sugars but not others makes implementation more complex.

Members understand most hydrolysis of sugars during processing is used for plant-based milks, and these foods are not the target for limiting added sugars in the diet.

Cereal-based plant milks are a category whereby consumers use the 'no added sugar' claim to make informed purchase decisions because many products in this category have added sugar, therefore it is important for consumers to be able to differentiate between those with and without added sugar.

Additionally, the term 'cereal-based plant milk' technically does not exist in the food standards code. The FBIA recommends amending the Code to include Cereal-based plant milks.

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 FBIA supports FSANZ's approach that the existing condition be maintained for a food bearing an "unsweetened" claim must meet the conditions for a "no added sugar" claim.

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 FBIA is aligned with this approach to maintain the existing condition for intense sweeteners, as foods containing these low-energy sugars should be permitted to make a "no added sugar" claim but not an "unsweetened" claim.

This would also simplify implementation for manufacturers.

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 FBIA is concerned with the ongoing cost implications for members, and industry more broadly, as a result of regulation changes. Industry have faced several challenges over the last few years including COVID 19, global supply issues, bushfires, floods, and increasing inflationary pressures. The cost to industry to implement a regulation change is significant. The recent Evaluation of Country of Origin Labelling reforms report, which modelled the cost of Country of Origin Labelling regulation change to industry conducted in 2016, indicated that the Country of Origin Labelling scheme was expected to cost \$597.5 million (present value terms) between FY2016 and FY2041. The cost benefit analysis modelling by Deloitte Australia suggests the cost of the scheme was \$1.7 billion over the same period.

Our members have invested significant resources to comply with the Plain English Allergen Labelling regulation change, which will see many thousands of products updated.

The FBIA suggests that amending the conditions for 'no added sugar' claims is not a food safety issue. The FBIA requests that the transition period given to this proposal be 3 years transition and 2 years stock in trade. This transition period would minimise the significant costs to industry and reduce the environmental impacts such as food waste and the disposal of packaging. Both of great concern as we move more towards 2030 and 2050.

FBIA also requests FSANZ considers priority categories for initial implementation, with a staggered approach thereafter, to ease the burden and associated costs for food manufacturers.

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:

Members have expressed the realised costs were substantial for all FBIA members for previous label changes. Although we are unable to provide specific costs, we can advise that smaller importers equated a unit price per label of approximately \$5,000+, large importers advised hundreds of thousands through to over a million dollars.

Given there is no food safety issue, it would seem unreasonable to have a 2-year transition period.

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.: