

## Response ID ANON-JN9Z-F8FP-Y

Submitted to P1062 - Defining added sugars for claims  
Submitted on 2023-10-05 16:11:55

### 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?

Other (please specify)

If other, please specify:

National Retail Association

What is the name of your organisation?

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

National Retail Association

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:

[REDACTED]

Email address:

[REDACTED]

Telephone:

[REDACTED]

Position title:

Policy Director

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?:

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)?:

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?:

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?:

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?:

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?:

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?:

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?:

## 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)?

Not Answered

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)?

Yes

If yes, please upload your file here.:

231005\_FSANZ\_P1062\_added sugars\_NationalRetail\_Submission.pdf was 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)?

Not Answered

If yes, please upload your file here:

No file uploaded

## Additional comments

Comments and other input

Additional comments and input:

Please upload additional files here.:

231005\_FSANZ\_P1062\_added sugars\_NationalRetail\_Submission.pdf was 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.:

Food category	Numbers making "no added sugars" claim	Average Sugars Per 100g	Numbers making "unsweetened" claim	Average sugars per 100g	Numbers making "no refined sugar" claim	Average sugars per 100g
<b>Fruits/Vegetables/Nuts/Seeds Prepared/Processed</b>	<b>155</b>	<b>23</b>	<b>2</b>	<b>23</b>	<b>37</b>	<b>29</b>
<b>Nuts/Seeds - Prepared/Processed</b>	<b>28</b>	<b>5</b>				
Nuts/Seeds - Prepared/Processed (Out of Shell)	7	3			1	40
Nuts/Seeds - Prepared/Processed (Shelf Stable)	21	6	1	3	3	8
<b>Fruit/Nuts/Seeds Combination</b>	<b>7</b>	<b>38</b>				
Fruit/Nuts/Seeds Mixes - Prepared/Processed (Shelf Stable)	7	38	1	42	24	30
<b>Fruit - Prepared/Processed</b>	<b>95</b>	<b>32</b>				
Fruit - Prepared/Processed (Frozen)	20	8			2	7
Fruit - Prepared/Processed (Shelf Stable)	75	38			7	39
<b>Vegetables - Prepared/Processed</b>	<b>25</b>	<b>5</b>				
Vegetables - Prepared/Processed (Frozen)	1	2				
Vegetables - Prepared/Processed (Perishable)	1	0				
Vegetables - Prepared/Processed (Shelf Stable)	23	5				
<b>Fish and Seafood</b>	<b>1</b>	<b>3</b>				
<b>Fish - Prepared/Processed</b>	<b>1</b>	<b>3</b>				
Fish - Prepared/Processed (Perishable)	1	3				
<b>Seafood</b>	<b>3</b>	<b>0</b>				
<b>Fish - Prepared/Processed</b>	<b>3</b>	<b>0</b>				
Fish - Prepared/Processed (Perishable)	3	0				
<b>Milk/Butter/Cream/Yogurts/Cheese/Eggs/Substitutes</b>	<b>101</b>	<b>7</b>	<b>22</b>	<b>4</b>	<b>29</b>	<b>6</b>
<b>Milk/Milk Substitutes</b>	<b>38</b>	<b>3</b>				
Milk (Perishable)	7	6	1	4		
Milk (Shelf Stable)	12	2	10	2		
Milk Substitutes (Shelf Stable)	19	2	2	2	1	5
<b>Cheese/Cheese Substitutes</b>	<b>2</b>	<b>0</b>				
Cheese (Perishable)	1	0			1	14
Cheese Substitutes (Perishable)	1	0				
<b>Butter/Butter Substitutes</b>	<b>1</b>	<b>2</b>				
Mixed Fat Spreads (Perishable)	1	2			1	18
<b>Yogurt/Yogurt Substitutes</b>	<b>60</b>	<b>9</b>				
Yogurt (Perishable)	53	8	3	6	17	5
Yogurt (Shelf Stable)	5	25	4	6		
Yogurt Substitutes (Perishable)	2	3	2	2	9	3
<b>Confectionery/Sugar Sweetening Products</b>	<b>50</b>	<b>12</b>			<b>13</b>	<b>38</b>
<b>Sugars/Sugar Substitute Products</b>	<b>8</b>	<b>26</b>				
Sugar/Sugar Substitutes (Shelf Stable)	3	0			1	88
Syrup/Treacle/Molasses (Shelf Stable)	5	35			2	55
<b>Confectionery Products</b>	<b>42</b>	<b>11</b>				
Chocolate and Chocolate/Sugar Candy Combinations - Confectionery	39	12			10	30
Sugar Candy/Sugar Candy Substitutes Confectionery	3	2				
<b>Seasonings/Preservatives/Extracts</b>	<b>92</b>	<b>8</b>			<b>17</b>	<b>21</b>
<b>Herbs/Spices/Extracts</b>	<b>21</b>	<b>7</b>				
Herbs/Spices (Shelf Stable)	15	10				
Stock/Bones (Shelf Stable)	4	1				

Extracts/Seasonings/Flavour Enhancers (Shelf Stable)	2	4				
<b>Vinegars/Cooking Wines</b>	<b>1</b>					
Vinegars	1					
<b>Sauces/Spreads/Dips/Condiments</b>	<b>67</b>	<b>8</b>				
Sauces - Cooking (Perishable)	1	3				
Sauces - Cooking (Shelf Stable)	26	8			8	23
Dressings/Dips (Perishable)	1	2				
Dressings/Dips (Shelf Stable)	5	12			5	22
Other Sauces Dipping/Condiments/Savoury Toppings/Savoury Spreads/Marinades (Shelf Stable)	26	9			4	17
Other Sauces Dipping/Condiments/Savoury Toppings/Savoury Spreads/Marinades (Frozen)	2	4				
Mayonnaise/Mayonnaise Substitutes (Perishable)	1	2				
Mayonnaise/Mayonnaise Substitutes (Shelf Stable)	2	1				
Tomato Ketchup/Ketchup Substitutes (Shelf Stable)	3	14				
<b>Pickles/Relishes/Chutneys/Olives</b>	<b>3</b>	<b>1</b>				
Chutneys/Relishes (Shelf Stable)	1	2				
Pickled Vegetables	2	1				
<b>Bread/Bakery Products</b>	<b>101</b>	<b>3</b>	<b>2</b>	<b>3</b>	<b>34</b>	<b>19</b>
<b>Baking/Cooking Mixes/Supplies</b>	<b>13</b>	<b>4</b>				
Baking/Cooking Mixes (Shelf Stable)	10	2			8	22
Baking/Cooking Supplies (Shelf Stable)	3	10	2	3	4	33
<b>Bread</b>	<b>32</b>	<b>3</b>				
Bread (Perishable)	23	3				
Bread (Shelf Stable)	9	4				
<b>Sweet Bakery Products</b>	<b>5</b>	<b>2</b>				
Cakes - Sweet (Shelf Stable)	4	2			4	15
Pies/Pastries - Sweet (Frozen)	1	1				
<b>Biscuits/Cookies</b>	<b>50</b>	<b>3</b>				
Biscuits/Cookies (Shelf Stable)	50	3			18	16
<b>Savoury Bakery Products</b>	<b>1</b>	<b>3</b>				
Pies/Pastries/Pizzas/Quiches - Savoury (Perishable)	1	3				
<b>Prepared/Preserved Foods</b>	<b>161</b>	<b>12</b>	<b>2</b>	<b>7</b>	<b>29</b>	<b>26</b>
<b>Prepared Soups</b>	<b>16</b>	<b>2</b>				
Soups - Prepared (Perishable)	16	2				
<b>Snacks</b>	<b>24</b>	<b>22</b>				
Chips/Crisps/Snack Mixes - Natural/Extruded (Shelf Stable)	18	24			6	29
Popcorn (Shelf Stable)	3	1			2	20
Salt Sticks / Mini Pretzels	1	2				
Snacks Other	2	51			10	15
<b>Desserts/Dessert Sauces/Toppings</b>	<b>17</b>	<b>10</b>				
Dessert Sauces/Toppings/Fillings (Shelf Stable)	1	0				
Desserts (Frozen)	1	33			1	2
Ice Cream/Ice Novelties (Frozen)	14	8				
Desserts (Shelf Stable)	1	20				
<b>Sweet Spreads</b>	<b>9</b>	<b>55</b>				
Honey (Shelf Stable)	4	64			1	11
Jams/Marmalades (Shelf Stable)	5	47			9	42
<b>Baby/Infant - Foods/Beverages</b>	<b>89</b>	<b>7</b>				
Baby/Infant - Specialised Foods (Shelf Stable)	82	7				
10000575: Baby/Infant - Formula (Shelf Stable)	7	7				
<b>Vegetable Based Products / Meals</b>	<b>2</b>	<b>4</b>				

Vegetable Based Products / Meals - Ready to Eat (Shelf Stable)	2	4				
<b>Grain Based Products / Meals</b>	<b>1</b>	<b>1</b>				
Grain Based Products / Meals - Not Ready to Eat - Savoury (Shelf Stable)	1	1				
<b>Dough Based Products / Meals</b>	<b>2</b>	<b>3</b>				
Dough Based Products / Meals - Ready to Eat - Savoury (Shelf Stable)	2	3				
<b>Ready-Made Combination Meals</b>	<b>1</b>	<b>0</b>				
Ready-Made Combination Meals - Ready to Eat (Perishable)	1	0				
<b>Beverages</b>	<b>388</b>	<b>6</b>	<b>2</b>	<b>2</b>	<b>23</b>	<b>10</b>
<b>Coffee/Tea/Substitutes</b>	<b>22</b>	<b>1</b>				
Coffee - Beans/Ground	1	4			1	4
Coffee - Ready to Drink	1	0			2	4
Tea - Bags/Loose	16	0			1	0
Tea - Instant	1	11				
Fruit Herbal Infusions - Instant	3	0				
<b>Alcoholic Beverages (Includes De-Alcoholised Variants)</b>	<b>58</b>	<b>2</b>				
Beer	41	1				
Apple/Pear Alcoholic Beverage - Sparkling	11	5				
Wine - Still	5					
Pre-mixed Drinks - Non-Alcoholic	1	0				
<b>Non Alcoholic Beverages - Ready to Drink</b>	<b>271</b>	<b>7</b>				
Dairy Based Drinks - Ready to Drink (Perishable)	11	5				
Dairy Based Drinks - Ready to Drink (Shelf Stable)	6	4	1	4		
Drinks Flavoured - Ready to Drink	43	4			2	8
Fruit Juice - Ready to Drink (Perishable)	77	10			3	8
Fruit Juice - Ready to Drink (Shelf Stable)	55	9				
Fruit Juice Drinks - Ready to Drink (Perishable)	14	9			1	9
Fruit Juice Drinks - Ready to Drink (Shelf Stable)	33	7			7	8
Packaged Water	12	1				
Sports Drinks - Rehydration (Ready To Drink)	1	2				
Stimulants/Energy Drinks - Ready to Drink	2	5			2	7
Vegetable Juice - Ready to Drink (Perishable)	2	7				
Vegetable Juice - Ready to Drink (Shelf Stable)	9	7				
Vegetable Juice Drinks - Ready to Drink (Shelf Stable)	2	7				
Dairy Substitute Based Drinks - Ready to Drink (Shelf Stable)	4	1				
<b>Non Alcoholic Beverages - Not Ready to Drink</b>	<b>35</b>	<b>4</b>				
Chocolate/Cocoa/Malt - Not Ready to Drink	3	4	1	0		
Drinks Flavoured - Not Ready to Drink	21	3			3	27
Fruit Juice Drinks - Not Ready to Drink (Shelf Stable)	4	4			1	5
Dairy Based Drinks - Not Ready to Drink (Shelf Stable)	7	8				
<b>Tea and Infusions/Tisanes</b>	<b>2</b>	<b>4</b>				
Tea - Bags/Loose	1	4				
Tea - Liquid/Ready to Drink	1	4				
<b>Cereal/Grain/Pulse Products</b>	<b>84</b>	<b>17</b>	<b>1</b>	<b>8</b>	<b>32</b>	<b>22</b>
<b>Grains/Flour</b>	<b>5</b>	<b>4</b>				
Flour - Cereal/Pulse (Shelf Stable)	1	0				
Grains/Cereal - Not Ready to Eat - (Shelf Stable)	2	1				
Grains/Cereal - Ready to Eat - (Shelf Stable)	2	10				
<b>Processed Cereal Products</b>	<b>77</b>	<b>18</b>				
Cereals Products - Ready to Eat (Shelf Stable)	27	6			9	12
Cereals Products - Not Ready to Eat (Shelf Stable)	9	2	1	8	2	11

Cereal/Muesli Bars	37	32			21	27
Protein Bars	4	5				
Cereal/Grain/Pulse Products Variety Packs	2	0				
Cereal/Grain/Pulse Products Variety Packs	2	0				
Meat/Poultry/Other Animals	8	0				
Meat/Poultry/Other Animals - Prepared/Processed	8	0			2	2
Beef - Prepared/Processed	3	1			2	2
Pork - Prepared/Processed	4	0				
Alternative Meat/Poultry/Other Animals Species - Prepared/Processed	1	0				
Fruits - Unprepared/Unprocessed (Frozen)	15	8				
Fruits - Unprepared/Unprocessed (Frozen)	15	8				
Fruit - Unprepared/Unprocessed (Frozen)	15	8				
Fruits - Unprepared/Unprocessed (Shelf Stable)	1	12				
Fruits - Unprepared/Unprocessed (Shelf Stable)	1	12				
Fruit - Unprepared/Unprocessed (Shelf Stable)	1	12				
Vegetables - Unprepared/Unprocessed (Shelf Stable)	5	3				
Vegetables - Unprepared/Unprocessed (Shelf Stable)	5	3				
Vegetables - Unprepared/Unprocessed (Shelf Stable)	5	3				
(blank)						
(blank)						
(blank)						
Grand Total	1165	10	31	5	216	21

**Summary analysis:**

111 products making "no refined sugar" claims have a sugar content  $\geq 20\%$   
only 1 product making "unsweetened" claim has a sugar content  $\geq 20\%$   
158 products making "no added sugars" claims have a sugar content  $\geq 20\%$

Main categories of concern:

- fruit/nut/seed mixes
- canned fruits
- sugar/syrups/sugar substitute products
- chocolate confectionary
- sauces/dressings
- baking mixes/supplies
- snacks (chips, snack mixes, pop corn)
- honeys/jams/marmalades
- non-alcoholic beverages (flavoured, not ready to drink)
- Cereal bars/meusli bars