

**Comments from the Victorian Department of Health and the Victorian Department of Energy, Environment and Climate Action.**

**Due date of submission – 3 October 2023**

**Questions for submitters**

- 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 departments largely support 'no added sugar(s)' claim conditions based on the addition of ingredients to foods, however, we have identified potential issues with consumer understanding of 'no added sugar(s)' claims on fruit products when sold as a food that requires further consideration. This issue is expanded upon in our comments to Question 6.

- 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)? FSANZ proposes to define 'added sugars' for the purpose of 'no added sugar(s)' claim conditions to mean the following derived from any source:**

- **hexose monosaccharides and disaccharides;**
- **starch hydrolysate;**
- **glucose syrups, maltodextrin and similar products;**
- **products derived at a sugar refinery, including brown sugar, molasses, raw sugar, golden syrup, treacle;**
- **icing sugar;**
- **invert sugar;**
- **sugar and sugar syrups derived from plants;**
- **honey;**
- **malt;**
- **malt extracts;**
- **concentrated fruit juice, unless the food for sale is fruit juice; and**
- **deionised fruit juice**

The departments agree that any requirements relating to added sugars used as an ingredient should include added sugars in compound ingredients to ensure consistent application across products and prevent the use of compound ingredients as a means to circumvent claim conditions.

The departments support the proposed definition for 'added sugars' and welcome the proposed changes which provide additional clarity for the products intended to be captured. However, we suggest further certainty could be provided by including the words 'but not limited to' in relation to products derived at a sugar refinery (i.e., 'Products derived at a sugar refinery including **but not limited to** brown sugar, molasses, raw sugar, golden syrup, treacle'). We also believe the term

'concentrated fruit juice' lacks clarity as it is not immediately clear whether this definition includes reconstituted juice. We suggest 'non-reconstituted concentrated fruit juice' would be clearer and aligned with terminology in Codex guidance. This would also eliminate the need for the exclusion of concentrated juice used in fruit juice from the definition.

- 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 departments support the proposed approach where 'no added sugar(s)' and 'unsweetened' claims would not be permitted on foods containing D-tagatose. While D-tagatose is lower in energy relative to other mono and disaccharides, it contains a moderate energy content which could significantly impact energy balance if consumed in substantial quantities. This would be inconsistent with dietary guidelines which recommend limiting added sugars because they increase energy content of the diet while also diluting nutrient density.

- 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 departments support the proposed approach for low energy sugars and unsweetened claims but note there may be potential duplication in claim conditions. For example, D-tagatose would not be permitted to make an unsweetened claim as it is a hexose monosaccharide listed in subsection S11-2(3). However, it is also prevented from making 'no added sugar(s)' claim, and therefore an unsweetened claim, as it is also captured under the definition of an added sugar (as a hexose monosaccharide).

- 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 (see below)?**

- **Dried fruit, other than whole, cut or chopped dried fruit;**
- **fruit juice (other than concentrated fruit juice), unless the food for sale is canned fruit or frozen fruit;**
- **fruit juice powder;**
- **fruit powder;**
- **fruit pulp;**
- **fruit purée;**
- **concentrated fruit purée.**

The departments largely support FSANZ's proposed approach that would prevent foods from displaying a 'no added sugar(s)' claim where the listed fruit products

are added as an ingredient. However, we consider the exemption for whole, cut and chopped dried fruit (which would permit foods containing these types of dried fruit to make 'no added sugar(s)' claims) is not consistent with dietary guidelines and proposed conditions for fruit juice. The Australian Dietary Guidelines (ADGs) treat dried fruit and fruit juice similarly, with both recognised as suitable to occasionally provide a serving of fruit in limited quantities. The ADGs also note for both fruit juice and dried fruit, that these foods are energy dense and increase the risk of poor dental outcomes due to the inherent acidity (fruit juice) or 'stickiness' (dried fruit). Despite these similarities, FSANZ has proposed that while products containing fruit juice added as an ingredient will not be eligible to make a 'no added sugar(s)' claim, products containing whole, cut or chopped dried fruit will be eligible to make a claim. The departments suggest the exemption for whole, cut and chopped dried fruit should be removed to provide a consistent approach and complete alignment with dietary guidelines.

The departments are also concerned that the exclusion of vegetable products from 'no added sugar(s)' claim conditions does not support future-ready regulation that anticipates product innovation related to sweeteners and added sugars. The departments are aware of a new commercial vegetable product which is being promoted as a sweetener that circumvents added sugar labelling, despite containing a similar sugar content to fruit juice concentrate (<https://www.ingredion.com/content/dam/ingredion/kerr/brochures/Kerr%20Concentrates%20-%20Jicama.pdf>). The ability for such products to make 'no added sugar(s)' claims would be in opposition of the intent of the dietary guidelines which encourage moderating sugar consumption due to the impact on energy balance. The departments suggest there should be consideration of potential options to address such gaps that could undermine the claim conditions. This could include additional claim conditions relating to total sugar content (see Q6 for further detail on this proposed approach) or including appropriate vegetable products under claim condition (a) for no added sugar(s) claims. While we acknowledge including all vegetable products within claim conditions could have unintended consequences such as discouraging vegetable puree use which may be an important source of fibre and other nutrients, at a minimum vegetable juice concentrate and deionised vegetable juice should be considered for inclusion as concentrated sources of sugar.

In regard to drafting, the departments suggest 'fruit paste' should be included in the list of fruit products to ensure all potential current and emerging fruit-based sweeteners are captured. We note this term is also used in the Codex guideline for nutrition and health claims. The departments also suggest removing the exclusion for concentrated juice under claim condition (a)(iii). While we understand the exclusion is because concentrated juice is already captured under the definition of an added sugar, the current drafting could be interpreted to mean that concentrated juice is not subject to claim conditions for 'no added sugar(s)' claim, creating confusion among industry or regulators.

- 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 departments hold concerns that permission for 'no added sugar(s)' claims for fruit products when sold as a food for sale could be misleading for consumers and lead to consumption behaviours that are inconsistent with dietary guideline advice. Evidence consistently shows that a significant proportion of consumers incorrectly interpret 'no added sugar(s)' claims to mean that the food contains no sugar or is lower in sugar. Studies from Australia and New Zealand reported that between 17 – 29% of participants believed products with a 'no added sugar(s)' claim contained no sugar<sup>1,2</sup>. The proportion of participants with this incorrect belief was even higher in Maori, Pacific and Asian ethnic populations surveyed in the New Zealand study<sup>2</sup>. This assumption would be incorrect for fruit products which contain inherent sugars and could result in consumers unintentionally consuming excess energy under the belief that fruit products are low in sugar and accordingly, energy.

'No added sugar(s)' claims also create a health halo which may undermine dietary guideline advice to limit serving size of energy dense fruit products such as juice and dried fruit. This risk is further amplified by current packaging sizes which are typically greater than recommended serving sizes. For example, fruit juice is often sold in 500 – 600ml serves (where the ADGs recommend a serving size of 125ml) and infant fruit purees are mostly sold in 120g pouches (roughly equivalent to one serve of fruit) when dietary guidelines recommend ½ serve of fruit per day is appropriate for children aged 1 – 2 years.

The proposed restriction on 'no added sugar(s)' claims when a fruit product is used as an ingredient but not as a food for sale may also promote inconsistent claim use that does not support informed consumer choice. For example, fruit juice as a food for sale (which typically contains 9 – 11g of sugar per 100ml) will be permitted to make a 'no added sugar(s)' claim, while flavoured waters containing small amounts of juice (resulting in a sugar content of approximately 1 – 3g per 100ml) such as 'Splash Fruity Water' and 'Golden Circle Refreshers' would not be permitted to make such a claim. This is inconsistent with the ADGs which recognise fruit juice is energy dense and can increase the risk of obesity when consumed in excess.

The departments suggest there is a need to further explore option to ensure claim conditions do not mislead consumers or promote consumption patterns inconsistent with dietary guidelines. This should include consideration of additional claim conditions that prohibit 'no added sugar(s)' claims where the product is high in sugar. We note this approach would require criteria for 'high' sugar content to be developed and suggest this could be incorporated into FSANZ's work on alternative labelling approaches to provide contextual information in relation to sugars agreed

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<sup>1</sup> FSANZ. (2006). Technical Report: Consumer research on 'no added sugar' claims, The effect of a disclaimer on consumer interpretation of the 'no added sugar' claim. Food Standards Australia New Zealand, Canberra.

<sup>2</sup> Gorton, D., Mhurchu, C. N., Bramley, D., & Dixon, R. (2010). Interpretation of two nutrition content claims: a New Zealand survey. Australian and New Zealand journal of Public Health, 34(1): 57–62.

to by Ministers in July 2023. We also note that additional claim conditions based on sugar content could also be a means of addressing concerns regarding emerging high sugar vegetable products raised under Question 5.

- 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 departments support allowances for cereal-based plant milk based on the understanding that some hydrolysis of carbohydrates during manufacture is necessary for technical purposes such as viscosity control. The departments support the proposed approach to set a limit on the sugar content in these products as opposed to clarifying that hydrolysis is permitted for technical but not sweetening purposes, which would likely be challenging to enforce.

- 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 departments are not aware of any issues with current 'unsweetened' claim permissions and support maintaining existing 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 departments are not aware of any issues with current permissions for intense and low energy sweeteners. On this basis, we support maintaining the existing conditions. As noted in our comments to Question 4, we question whether a condition for mono- and disaccharides listed in Section S11-2(3) duplicate other conditions.

- 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 departments note that Proposal P1058 Nutrition labelling about added sugars is expected to be considered in 2024 following further consumer research. While ideally the transition period would allow for changes under P1062 and P1058 to

implemented in unison, without understanding the scope and timeline for Proposal P1058, it is difficult to determine a transition period which would achieve this. On this basis, the departments support a two-year transition period at this stage and suggest an extension could be considered once further details about Proposal P1058 emerge.

**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)?**

The departments do not have any data to provide.

**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)?**

The departments have no further evidence to provide.

**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)?**

The departments do not have any data to provide related to cost of labelling changes.

**Additional comments**

## Response ID ANON-JN9Z-F8CN-T

Submitted to P1062 - Defining added sugars for claims  
Submitted on 2023-10-04 14:26:31

### 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

What is your position title?

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

N/A

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:

[REDACTED]

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 departments largely support 'no added sugar(s)' claim conditions based on the addition of ingredients to foods, however, we have identified potential issues with consumer understanding of 'no added sugar(s)' claims on fruit products when sold as a food that requires further consideration. This issue is expanded upon in our comments to Question 6.

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 departments agree that any requirements relating to added sugars used as an ingredient should include added sugars in compound ingredients to ensure consistent application across products and prevent the use of compound ingredients as a means to circumvent claim conditions. The departments support the proposed definition for 'added sugars' and welcome the proposed changes which provide additional clarity for the products intended to be captured. However, we suggest further certainty could be provided by including the words 'but not limited to' in relation to products derived at a sugar refinery (i.e., 'Products derived at a sugar refinery including but not limited to brown sugar, molasses, raw sugar, golden syrup, treacle'). We also believe the term 'concentrated fruit juice' lacks clarity as it is not immediately clear whether this definition includes reconstituted juice. We suggest 'non-reconstituted concentrated fruit juice' would be clearer and aligned with terminology in Codex guidance. This would also eliminate the need for the exclusion of concentrated juice used in fruit juice from the definition.

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Do you have any comments on this approach?:

The departments support the proposed approach where 'no added sugar(s)' and 'unsweetened' claims would not be permitted on foods containing D-tagatose. While D-tagatose is lower in energy relative to other mono and disaccharides, it contains a moderate energy content which could significantly impact energy balance if consumed in substantial quantities. This would be inconsistent with dietary guidelines which recommend limiting added sugars because they increase energy content of the diet while also diluting nutrient density.

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 departments support the proposed approach for low energy sugars and unsweetened claims but note there may be potential duplication in claim conditions. For example, D-tagatose would not be permitted to make an unsweetened claim as it is a hexose monosaccharide listed in subsection S11-2(3). However, it is also prevented from making 'no added sugar(s)' claim, and therefore an unsweetened claim, as it is also captured under the definition of an added sugar (as a hexose monosaccharide).

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

The departments largely support FSANZ's proposed approach that would prevent foods from displaying a 'no added sugar(s)' claim where the listed fruit products are added as an ingredient. However, we consider the exemption for whole, cut and chopped dried fruit (which would permit foods containing these types of dried fruit to make 'no added sugar(s)' claims) is not consistent with dietary guidelines and proposed conditions for fruit juice. The Australian Dietary Guidelines (ADGs) treat dried fruit and fruit juice similarly, with both recognised as suitable to occasionally provide a serving of fruit in limited quantities. The ADGs also note for both fruit juice and dried fruit, that these foods are energy dense and increase the risk of poor dental outcomes due to the inherent acidity (fruit juice) or 'stickiness' (dried fruit). Despite these similarities, FSANZ has proposed that while products containing fruit juice added as an ingredient will not be eligible to make a 'no added sugar(s)' claim, products containing whole, cut or chopped dried fruit will be eligible to make a claim. The departments suggest the exemption for whole, cut and chopped dried fruit should be removed to provide a consistent approach and complete alignment with dietary guidelines.

The departments are also concerned that the exclusion of vegetable products from 'no added sugar(s)' claim conditions does not support future-ready regulation that anticipates product innovation related to sweeteners and added sugars. The departments are aware of a new commercial vegetable product which is being promoted as a sweetener that circumvents added sugar labelling, despite containing a similar sugar content to fruit juice concentrate (<https://www.ingredion.com/content/dam/ingredion/kerr/brochures/Kerr%20Concentrates%20-%20Jicama.pdf>). The ability for such products to make 'no added sugar(s)' claims would be in opposition of the intent of the dietary guidelines which encourage moderating sugar consumption due to the impact on energy balance. The departments suggest there should be consideration of potential options to address such gaps that could undermine the claim conditions. This could include additional claim conditions relating to total sugar content (see Q6 for further detail on this proposed approach) or including appropriate vegetable products under claim condition (a) for no added sugar(s) claims. While we acknowledge including all vegetable products



within claim conditions could have unintended consequences such as discouraging vegetable puree use which may be an important source of fibre and other nutrients, at a minimum vegetable juice concentrate and deionised vegetable juice should be considered for inclusion as concentrated sources of sugar.

In regard to drafting, the departments suggest 'fruit paste' should be included in the list of fruit products to ensure all potential current and emerging fruit-based sweeteners are captured. We note this term is also used in the Codex guideline for nutrition and health claims. The departments also suggest removing the exclusion for concentrated juice under claim condition (a)(iii). While we understand the exclusion is because concentrated juice is already captured under the definition of an added sugar, the current drafting could be interpreted to mean that concentrated juice is not subject to claim conditions for 'no added sugar(s)' claim, creating confusion among industry or regulators.

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 departments hold concerns that permission for 'no added sugar(s)' claims for fruit products when sold as a food for sale could be misleading for consumers and lead to consumption behaviours that are inconsistent with dietary guideline advice. Evidence consistently shows that a significant proportion of consumers incorrectly interpret 'no added sugar(s)' claims to mean that the food contains no sugar or is lower in sugar. Studies from Australia and New Zealand reported that between 17 – 29% of participants believed products with a 'no added sugar(s)' claim contained no sugar. The proportion of participants with this incorrect belief was even higher in Maori, Pacific and Asian ethnic populations surveyed in the New Zealand study<sup>2</sup>. This assumption would be incorrect for fruit products which contain inherent sugars and could result in consumers unintentionally consuming excess energy under the belief that fruit products are low in sugar and accordingly, energy.

'No added sugar(s)' claims also create a health halo which may undermine dietary guideline advice to limit serving size of energy dense fruit products such as juice and dried fruit. This risk is further amplified by current packaging sizes which are typically greater than recommended serving sizes. For example, fruit juice is often sold in 500 – 600ml serves (where the ADGs recommend a serving size of 125ml) and infant fruit purees are mostly sold in 120g pouches (roughly equivalent to one serve of fruit) when dietary guidelines recommend ½ serve of fruit per day is appropriate for children aged 1 – 2 years.

The proposed restriction on 'no added sugar(s)' claims when a fruit product is used as an ingredient but not as a food for sale may also promote inconsistent claim use that does not support informed consumer choice. For example, fruit juice as a food for sale (which typically contains 9 – 11g of sugar per 100ml) will be permitted to make a 'no added sugar(s)' claim, while flavoured waters containing small amounts of juice (resulting in a sugar content of approximately 1 – 3g per 100ml) such as 'Splash Fruity Water' and 'Golden Circle Refreshers' would not be permitted to make such a claim. This is inconsistent with the ADGs which recognise fruit juice is energy dense and can increase the risk of obesity when consumed in excess.

The departments suggest there is a need to further explore option to ensure claim conditions do not mislead consumers or promote consumption patterns inconsistent with dietary guidelines. This should include consideration of additional claim conditions that prohibit 'no added sugar(s)' claims where the product is high in sugar. We note this approach would require criteria for 'high' sugar content to be developed and suggest this could be incorporated into FSANZ's work on alternative labelling approaches to provide contextual information in relation to sugars agreed to by Ministers in July 2023. We also note that additional claim conditions based on sugar content could also be a means of addressing concerns regarding emerging high sugar vegetable products raised under Question 5.

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 ≤ 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 departments support allowances for cereal-based plant milk based on the understanding that some hydrolysis of carbohydrates during manufacture is necessary for technical purposes such as viscosity control. The departments support the proposed approach to set a limit on the sugar content in these products as opposed to clarifying that hydrolysis is permitted for technical but not sweetening purposes, which would likely be challenging to enforce.

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 departments are not aware of any issues with current 'unsweetened' claim permissions and support maintaining existing 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 departments are not aware of any issues with current permissions for intense and low energy sweeteners. On this basis, we support maintaining the existing conditions. As noted in our comments to Question 4, we question whether a condition for mono- and disaccharides listed in Section S11-2(3) duplicate other conditions.

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 departments note that Proposal P1058 Nutrition labelling about added sugars is expected to be considered in 2024 following further consumer research. While ideally the transition period would allow for changes under P1062 and P1058 to be implemented in unison, without understanding the scope and timeline for Proposal P1058, it is difficult to determine a transition period which would achieve this. On this basis, the departments support a two-year transition period at this stage and suggest an extension could be considered once further details about Proposal P1058 emerge.

## 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:

Please upload additional files here.:

P1062 Added sugar claims Vic comments.docx 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.: