

Response ID ANON-JN9Z-F8DB-F

Submitted to P1062 - Defining added sugars for claims

Submitted on 2023-10-08 22:40:14

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.:

Alternative Proteins Council (APC)

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?:

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)?

Not Answered

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)?

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.:

APC submission - P1062 - defining added sugars for c;laims 8-10-23.pdf was uploaded

Feedback

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

Neutral

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

Not Answered

If yes, please provide details.:



8 October 2023

P1062 Project Manager
Food Standards Australia New Zealand
By email: standards.management@foodstandards.gov.au

Dear P1062 Project Manager

P1062 – Defining added sugars for claims – Call for submissions

The Alternative Proteins Council (APC) welcomes the opportunity to provide comments, on behalf of members, to the Food Standards Australia New Zealand (FSANZ) P1062 to define and clarify added sugars for the purpose of making 'no added sugar(s)' and 'unsweetened' voluntary nutrition content claims.

About the APC

The Alternative Proteins Council (APC) was established in March 2021 as the peak representative group for the Australia and New Zealand alternative proteins sector, manufacturing proteins using plants, precision fermentation or cell-cultivating technologies. Our membership spans primary production through to value-added consumer goods.

The APC provides a collective voice for the sector, and a platform to discuss shared issues and opportunities. The Council works to ensure the voice of the sector remains unified and impactful on key issues and engages at a national level on policy issues, enabling the sector's shared vision and to serve consumers who enjoy alternative protein products.

Our purpose is to build and grow a strong and innovative alternative proteins category for Australia and New Zealand.

Our members can be viewed on the [Alternative Proteins Council website](#).

Consultation questions

The APC's comments focus on the proposed amendments relating to conditions for foods and beverages containing sugars produced from hydrolysis during food production.



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 APC's is supportive of FSANZ's continued permission for the food and beverage industry's use of claims in relation to sugar(s), based on the addition of food ingredients.

We understand P1062 seeks to define and clarify added sugars for **claims purposes**, specifically 'no added sugar(s)' and 'unsweetened'. However, we are concerned that P1062 has the potential to impact more broadly, ie with respect to the interrelated review of nutrition labelling about added sugars, which is being progressed in parallel with P1062, through P1058.

Despite FSANZ's delineation between the P1058 and P1062 consultations, the APC seeks clarification given the interconnectedness of the two proposals and potential risk of unintended consequences.

Our primary concern relates to the potential for the P1062 added sugar(s) definition being applied to the broader added sugar(s) definition for nutrition labelling through P1058. We, therefore, request that any definition for 'no added sugar(s)' and 'unsweetened' claims not be automatically adopted for P1058, without further stakeholder consultation.

2. FSANZ proposes a food displaying a 'no added sugar(s)' claim must not contain any '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 APC notes the changed wording in the varied claim conditions to replace the current criteria in the Table to Schedule 4–3 in the Food Standards Code. In particular, ‘no added sugar(s)’ condition (c), has the added ingredients of honey, malt and malt extract included, giving rise to confusion that these ingredients may be interpreted as ‘added sugars’. However, Table 2 in the Call for Submission, page 18, clearly proposes no change for these ingredients.

There is potential the changed wording may have unintended consequences for P1058, thus our concerns discussed above regarding the interrelationship between P1062 and P1058.

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 APC supports FSANZ’s proposal to permit ‘no added sugar(s)’ claims on cereal-based plant milk products where the sugar concentration in the food, increased by hydrolysis of carbohydrate during manufacture, is no more than 1.5% (and the products meet the other claim conditions).

The alternative proteins industry supports a reasonably low sugar level, although we suggest that 2% would be preferable. In fact there is good reason for parity of treatment between dairy milk and unsweetened, fortified plant-based beverages.

Starch hydrolysis, occurring through the enzymatic action, is fundamental in the production of these foods, for their eat/drink ability, rather than the sugars that are formed.

As a worst case scenario, our suggestion for a 2% threshold, however, is proposed as the starch hydrolysis of the cereal is not an exact process. While the target may be 1.5%, with large scale production some tolerance in the upper threshold is required.

In the context of the reference product ie (traditional) dairy milk, total sugars are in the vicinity of 4.5 to 5%. It is unclear why dairy milk alternative products can’t contain added sugar(s) through various means, eg directly for legume and nut-based milks; hydrolysis for cereal-based milks (such as oat); or in precision-fermented dairy ingredients or products, of the future, up to typical levels of the reference product without having to declare the sugar as ‘added’.



The overall concern here is that dairy alternative consumers (who can't or won't consume traditional dairy) will not consume these analogue products because they consider them to be a significant dietary source of added sugar. The APC is not aware of evidence that sugar from dairy analogues is a priority dietary concern for the Australian population. Furthermore, according to the European Food Safety Agency (EFSA) plant-based alternatives to milk are in the core food category and should, hence, not be included in sugars or food groups to restrict.

With respect to the stated consumer confusion, since unsweetened plant-based milks don't contain any added sweeteners, they are not listed as an ingredient. Therefore, from a consumer perspective, it would be confusing to read 'added sugar(s)' in the nutrition information panel, but they wouldn't be listed in the ingredients.

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 APC is supportive of a transition period in addition to enduring stock in trade. This issue does not have a food safety imperative and in the context of the multiple regulatory changes currently being implemented by food producers (eg Health Star Rating and allergen labelling) and future changes (eg P1062, P1058, etc), the regulatory burden continues and needs to be minimised.

It is our recommendation that a five-year transition and enduring stock in trade provisions are warranted, recognising also the long shelf-life products that will be impacted.

Additional comments

Regardless of the regulatory outcome, FSANZ has identified the variance in consumer understanding with respect to whether ingredients are 'added sugar(s)' or not. This uncertainty reinforces the need to help consumers improve their understanding regarding such claims and the government's shared role in doing so. Consumers must benefit from any label changes resulting from P1062, necessitating adequately resourced education.

APC reiterates its concern about P1062 with respect to the 'added sugars' definition and the impact on P1058 and reiterate our request that any definition for 'no added sugars' and 'unsweetened' claims not be automatically adopted for Proposal P1058 without further stakeholder consultation.



We also restate the complexity of the added sugar(s) issue broadly, not only the concurrent bodies of work but also the significance of there not being an analytical test method to distinguish added sugars.

Acknowledging the complexities, we remain concerned with the short consultation period, notwithstanding the extension to 8 October.

End.

[REDACTED]



Appendix 1: Membership of the APC

Australian Plant Proteins
All G Foods
Cellular Agriculture Australia (CAA)
Change Foods
Coco and Lucas Kitchen
Eden Brew
Fry's Family Foods
Food Frontier Institute
Harvest B
Nestlé Australia
Proform Food Group
Rogue Foods
Sanitarium Health Food Company
v2food
Vow
Woolworths