

Code of Practice

Nutrient Claims in food Labels and in Advertisements

January 1995



Australia New Zealand Food Authority

**Code of Practice on nutrient
claims in food labels
and in advertisements**

January 1995

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Preface

This Code of Practice has been prepared by the Australia New Zealand Food Authority (formerly the National Food Authority) following consultation with industry and consumer organisations, State and Territory food authorities and other interested parties. It is intended to provide a basis for voluntary self-regulation of nutrient claims by the food industry.

The Authority and major food industry bodies have agreed that this Code of Practice will be adopted by reference into the *Code of Conduct for the Provision of Information on Food Products* developed by the food industry, and that it will be managed on a day-to-day basis by the Management Committee described in that Code of Conduct. The Authority will also audit the management of the Code of Practice independently, using information to be supplied by the Management Committee and to be obtained through surveys of foods in the market-place.

Details of the scheme of administration set out in the industry Code of Conduct are reproduced in this Code of Practice for the information of readers.

The Authority will encourage and expect a significant level of compliance with the Code of Practice by the food industry. If a satisfactory level of compliance with the Code of Practice is not achieved within a reasonable time after its commencement, the Authority will reconsider the incorporation of mandatory provisions into the Food Standards Code to regulate the use of nutrient claims on food labels.

1. Application of this Code of Practice

- 1.1 This Code of Practice has been prepared by the Authority after consultation with the food industry, consumer organisations, State and Territory food authorities and other interested parties.
- 1.2 Its purpose is to ensure that consumers are provided with consistent and accurate information about the nutrient content of foods in those cases where food suppliers choose to make claims about the presence, absence or quantity of specific nutrients in foods. It is also intended to ensure that no particular segment of the food industry is subject to an unfair advantage or disadvantage as a result of nutrient claims made by members of the industry.
- 1.3 The Authority intends that all food suppliers in Australia, including manufacturers, importers, wholesalers, distributors, packers and retailers, should comply voluntarily with the Code of Practice.

2. General

- 2.1 This Code of Practice sets out the conditions under which certain claims may be made on the labels of food packages, on labels associated with unpackaged foods and in the advertising of foods.
- 2.2 It should be read in conjunction with the provisions of food law and food regulations, including the Food Standards Code. The Code of Practice is intended to supplement the provisions of food regulations and is not to be taken as overriding or derogating from those regulations.
- 2.3 The Code of Practice is not intended to require a nutrition information panel to be displayed on packages which are exempted in the Food Standards Code from a requirement to have a nutrition information panel displayed in the label (for example, where certain claims appear on packages having a total surface area of less than 100 square centimetres).
- 2.4 In particular, attention is drawn to the provisions of State and Territory Food or Health Acts which prohibit the labelling of food in a manner which is false, misleading or deceptive.

3. *Nutrient claims*

- 3.1 The Code of Practice refers to 'nutrient claims'. This term has the same meaning as 'nutrition claim' as defined in clause (13) of Standard A1 - Labelling and Advertising - of the Food Standards Code.
- 3.2 The Code of Practice also refers to 'advertisements' for food. This term has the same meaning as found in relevant State and Territory food legislation.
- 3.3 The Code of Practice applies when any reference is made to any nutritional property of the food in the label on a package containing food, in a label associated with unpackaged food or in any written, spoken or pictorial advertisement for food, and includes reference to:
- energy, salt, sodium, potassium, amino acids, carbohydrate, cholesterol, fat, fatty acids, fibre, starch or sugars.

4. *Inconsistencies with existing provisions in the Food Standards Code*

- 4.1 There are a number of foods defined in the Food Standards Code where the prescribed name or appropriate designation of the food may contain a reference to a nutrient or to energy. These include low fat or reduced fat versions of yoghurt, ice cream, cheese and table spreads; fibre increased and protein increased breads; low salt foods; and low joule foods. The compositions of these foods are specified, and in some cases the Food Standards Code permits compositions which do not accord with the principles underlying this Code of Practice.
- 4.2 For example, the Food Standards Code defines 'low fat table spread' as containing not more than 300 g/kg total fat. This Code of Practice, however, specifies that a food can only be referred to as 'low fat' if it contains not more than 3 g per 100 g of total fat (equivalent to 30 g/kg of total fat). The provisions in the Food Standards Code will continue to apply in such a case, and a table spread containing up to 300 g/kg of fat can be called a 'low fat table spread'.

- 4.3 Such provisions will be reviewed by the Authority with a view eventually to removing inconsistencies between the Food Standards Code and the Code of Practice.
- 4.4 Where the reference to a nutrient or to energy is contained only in the prescribed name of the food, for example, 'reduced fat cheese spread' or 'fibre increased bread', the Food Standards Code does not require a nutrition information panel on the label. With some exceptions, this exemption does not apply if a nutrient claim is made for such products other than as part of the prescribed name, and does not apply to names which are not prescribed names defined in the Food Standards Code. This Code of Practice is not intended to require the provision of additional information where the nutrient claim is part of the prescribed name of the food.

5. Nutrition information panel

- 5.1 Clause A1 (13) of the Food Standards Code specifies that a 'nutrition claim' must not be made in the label on a package containing food unless the label includes a nutrition information panel. If any of the nutrient claims covered by this Code of Practice is made on a food package, the Food Standards Code (with some exceptions) will require a nutrition information panel on the package. This Code of Practice (section 12.1) also requires the labels on food packages to include nutrition information panels where a nutrient claim is made in an advertisement for food.

6. Quantity basis for nutrient claims

- 6.1 The conditions for making nutrient claims are in most cases expressed in this Code of Practice as quantities of nutrient per 100 g of food rather than per serving or per defined reference amount. The exceptions are claims relating to fibre content, where foods are categorised on the basis of the quantity of dietary fibre per serving. In this case, the serving size will be that specified in the nutrition information panel on the label.

- 6.2 For the purposes of specifying the conditions under which nutrient claims may be made (in all cases except fibre), nutrient levels are expressed in this Code of Practice as amounts per 100 g of food, whether the food is a solid, a semi-solid or a liquid food. Food suppliers may, however, refer to nutrient levels in food labels or in advertising on the basis of fractions, percentages, unit weight, unit volume or serving as appropriate. It should be noted that clause A1 (13) of the Food Standards Code requires the information in a nutrition information panel to be expressed on the basis of nutrient content per 100 g of a solid or semisolid food, per 100 mL of a liquid food, and per serving.

7. *Synonyms*

- 7.1 Some nutrient claims may be expressed in any of several different ways with the same or very similar meanings. For example, the terms 'reduced energy', 'lower in energy', 'reduced caloric (or joule)', 'fewer calories (or joules)' and 'lower in calories (or joules)' all imply an energy reduction in comparison with some reference food.
- 7.2 This Code of Practice has grouped together terms which can be regarded as having meanings sufficiently close to warrant the same conditions being applied to each. The terms set out are not intended to be exhaustive, and food suppliers are permitted to use other terms having the same meaning as those in the Code of Practice to express particular claims.

8. *Conditions under which nutrient claims may be made*

- 8.1 The following paragraphs set out the conditions under which nutrient claims may be made in the labels of food packages, in labels associated with unpackaged foods, or in any advertisement for food.
- 8.2 The conditions apply to the food in the form in which it is intended to be consumed. Where a food is intended to be prepared in some way before consumption (for example, by cooking or by mixing with another food or by dilution with water) then the conditions apply to the food as so prepared. If the claim depends for its accuracy on the method of preparation by the consumer, then the label must include information which allows the consumer to prepare the food in such a way that the prepared product meets the claim.
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For example, a particular brand of crumbed fish fillets may meet the conditions prescribed for a low fat food if they are grilled. The same crumbed fish fillets would probably not meet the claim if fried in fat. If the manufacturer wishes to describe the product as 'low fat', then the preparation instructions on the label must be such that, if prepared in accordance with those instructions, the prepared food retains its 'low fat' status.

- 8.3 If directions are given for mixing the food with other ingredients such that the final product does not comply with the claim made for the food, then the label must draw attention to the fact that the final product will not meet the claim.

For example, a cake mix claimed to be 'low cholesterol' may include directions for mixing with other ingredients, including eggs, such that the cake does not comply with the conditions for a 'low cholesterol' claim. The label should state that the cake in such circumstances will contain cholesterol and will not be a 'low cholesterol' product.

9. *Comparison statements*

- 9.1 Nutrient claims which make comparisons with other foods, for example 'reduced', 'increased', 'lower' or 'more (nutrient) than...', must be accompanied by a statement on the label which compares the food with a reference food.

- 9.2 The comparison statement must:

- identify the reference food with which the comparison is made;
- state the difference between the quantity of the nutrient in the food about which the claim is being made and in the reference food, in percentage or fraction terms;
- appear in close proximity to the claim; and
- meet the normal requirements for information statements on labels as set out in the Food Standards Code, that is, they must be in 'standard type' as defined.

- 9.3 Where the same claim appears more than once on a label, it is not necessary for a comparison statement to accompany each claim. However, a comparison statement must appear in close proximity to the most prominent claim on the label. This will usually be the claim which is intended by the manufacturer to be seen by consumers when the product is displayed for retail sale.
- 9.4 The specific form of wording to be used in a comparison statement is not prescribed and is left to the discretion of the food supplier.
- 9.5 Comparison statements must be accurate and must not mislead, or be likely to mislead, consumers.

10. Foods naturally or intrinsically high or low in a nutrient

- 10.1 Claims made in respect of nutrients which occur at a naturally or intrinsically high or low level in a food must be expressed in terms which make it clear that the claim refers to the whole class of similar foods and not only to the particular brand of food on which the claim appears.
- 10.2 Thus a 'low fat' claim made for a food such as bread must be expressed in terms such as 'bread-a low fat food' or 'bread is low in fat' rather than in a statement such as 'low fat bread'. The latter statement is likely to imply to some consumers that the particular bread is low in fat compared with other breads.

11. Normal counterpart or reference foods

- 11.1 'Normal counterpart' or 'reference foods', against which a food may be compared in making a nutrient claim, must fall into one of the following categories:
- the 'weighted average' food of that type based on an industry norm for the particular type of food – this category is not appropriate where the composition of 'normal' foods of that type on the market varies over a wide range;
 - the 'regular' product which has been produced for a significant period by the manufacturer making the claim;
 - food of the type in question whose composition is determined by reference to published food composition tables.

- 11.2 The reference food must be of the same type as the food with which the comparison is made (except in the case of comparative claims between different foods-see Appendix 1), or as near to the same type as possible.

For example, a reduced fat meat loaf might be compared with the same manufacturer's regular meat loaf. However, in the case of a product which a manufacturer wishes to describe as a 'reduced fat dessert', the manufacturer might not make a 'regular' product with which the reduced fat dessert can be compared. In that case, the reference food selected for comparison purposes might be the weighted average of the 'regular' desserts of that type on the market. Alternatively, the reference food might be a product range such as 'fromage frais', or a range of yoghurt-based desserts, or some other range of dessert products, provided that the selected reference food is similar to the food about which the claim is made and is clearly identified in the comparison statement.

- 11.3 The reference food must be identified in any statement of comparison on the label. Where the basis for the selection of the reference food may not be obvious to the consumer, the comparison statement must include an explanation of the choice of the particular reference food.

12. Advertisements for food

- 12.1 If a nutrient claim is made in an advertisement for food, whether in broadcast or written form, the label on every package of food to which the advertisement applies must include a nutrition information panel.
- 12.2 If the advertisement is in written form, and if a comparison statement would be required by this Code of Practice if the claim was made in the label on the food package, the advertisement must include a statement comparing the advertised food with the reference food in accordance with section 9.
- 12.3 This requirement does not apply to information, whether written or otherwise, supplied in response to a request by a consumer.

13. Claims that a food is free of a nutrient

- 13.1 This Code of Practice includes conditions under which claims may be made that a food is free of certain nutrients, namely fat, cholesterol, sodium or sugar. In each case, a small but finite limit is specified below which the claim may be made.
- 13.2 The Authority has included finite limits for these claims on the basis that:
- the levels specified represent nutritionally insignificant quantities of the nutrients in the food; and
 - the specification of such limits is consistent with international practice.
- 13.3 The Authority recognises that such claims are also subject to the provisions of general legislation such as the Trade Practices Act, State fair trading laws and State and Territory food laws, which prohibit information which is false, misleading or deceptive. The Authority considers it unlikely that government authorities administering these laws would take action against suppliers making 'free' claims in accordance with the conditions in this Code of Practice, but can give no immunity from such action under general Commonwealth, State or Territory legislation.

14. Claims about particular nutrients

- 14.1 The claims in Appendix 1, and claims having the same or similar meanings, may only be made if the conditions set out are met.

NOTE: In many cases, the nutrient levels in this table are set at lower levels for 'liquid food'. Wherever there is a specific nutrient level specified in the table for 'liquid food', it refers **only to liquid foods having a serving size of 200 mL or more**. Where the specified nutrient level does not refer to 'liquid food', it applies to all other foods, that is to solid and semi-solid foods and to liquid foods with serving sizes smaller than 200 mL.

Appendix 1: Conditions under which claims may be made

Fats

CLAIM	CONDITIONS
<p><i>Reduced fat</i> <i>Lower fat</i> <i>Less fat</i></p>	<p>The food must not contain more than 75 per cent of the total fat content of the same quantity of the reference food; and</p> <p>there must be a reduction of at least 3 g of fat per 100 g of food, or 1.5 g of fat per 100 g of liquid food, compared with the same quantity of the reference food; and</p> <p>there must be a statement of comparison with the reference food</p>
<p><i>Low fat</i> <i>Low in fat</i></p>	<p>The food must not contain more than 3 g total fat per 100 g of food, or 1.5 g total fat per 100 g of liquid food. If the claim is made for a food naturally or intrinsically low in fat, it must refer to the whole class of similar foods.</p>
<p><i>Fat free</i></p>	<p>The food must not contain more than 0.15 g total fat per 100 g of food</p> <p>If the claim is made for a food naturally or intrinsically free of fat, it must refer to the whole class of similar foods</p>
<p><i>x% fat free</i></p>	<p>The food must meet the requirements specified for the claim 'low fat', and must carry a statement of the actual total fat content (expressed as a percentage of the food) in close proximity to the claim</p>

Saturated fats

CLAIM	CONDITIONS
<p><i>Low saturated fat</i> <i>Low in saturated fat</i></p>	<p>The food must comply with the conditions for a 'low fat' claim; and</p> <p>the food must not contain more than 1.5 g of saturated fatty acids per 100 g of food or 0.75 g of saturated fatty acids per 100 g of liquid food.</p> <p>If the claim is made for a food naturally or intrinsically low in saturated fat, it must refer to the whole class of similar foods.</p>
<p><i>Reduced saturated fat</i> <i>Reduced in saturated fat</i> <i>Less saturated fat</i> <i>Lower saturated fat</i></p>	<p>The food must not contain more than 75 per cent of the saturated fatty acid content of the same quantity of the reference food; and</p> <p>there must be a reduction in saturated fatty acid content of at least 2 g per 100 g of food compared with the same quantity of the reference food (or 1 g saturated fatty acids per 100 g of liquid food); and</p> <p>either:</p> <p>the fatty acid portion of the food must not contain more than 20 per cent of saturated fatty acids, and must contain at least 40 per cent in total of cis-monounsaturated and cis-polyunsaturated fatty acids; or</p> <p>not more than 15 per cent of the total energy in the food may be derived from saturated fatty acids; and</p> <p>there must be a statement of comparison with the reference food.</p>

NOTE: Saturated fat claims trigger labelling requirements under StandardAI(12) of the Food Standards Code.

Cholesterol

CLAIM	CONDITIONS
<p><i>Reduced cholesterol</i> <i>Lower cholesterol</i> <i>Less cholesterol</i></p>	<p>The food must meet the conditions for the claim 'low cholesterol', and must carry a statement of comparison with the reference food; and</p> <p>the food must either meet the conditions for a 'low fat' claim, or the fatty acid component of the food must contain not more than 20 per cent saturated fatty acids and not less than 40 per cent of cis-polyunsaturated or of cis-monounsaturated fatty acids.</p>
<p><i>Low cholesterol</i> <i>Low in cholesterol</i></p>	<p>The food must not contain more than 20 mg cholesterol per 100 g of food; and</p> <p>the food must either meet the conditions for a 'low fat' claim or the fatty acid component of the food must contain not more than 20 per cent saturated fatty acids and not less than 40 per cent of cis-polyunsaturated or of <i>cis-monounsaturated fatty acids</i>.</p> <p>If the claim is made for a food naturally or intrinsically low in cholesterol, it must refer to the whole class of similar foods.</p>
<p><i>Cholesterol free</i> <i>No cholesterol</i></p>	<p>The food must not contain more than 3 mg cholesterol per 100 g of food; and</p> <p>the food must either meet the conditions for a 'low fat' claim or the fatty acid component of the food must contain not more than 20 per cent saturated fatty acids and not less than 40 per cent of cis-polyunsaturated or of cis-monounsaturated fatty acids.</p> <p>If the claim is made for a food naturally or intrinsically free of cholesterol, it must refer to the whole class of similar foods.</p>

Sugars

CLAIM	CONDITIONS
<p><i>Reduced sugar(s)</i> <i>Lower sugar(s)</i> <i>Less sugar(s)</i></p>	<p>The food must not contain more than 75 per cent of the total sugars content of the same quantity of the reference food; and</p> <p>there must be a reduction of at least 5 g total sugars per 100 g of food, or 2.5 g total sugars per 100 g of liquid food, compared with the same quantity of the reference food; and</p> <p>there must be a statement of comparison with the reference food.</p>
<p><i>Low sugar(s)</i> <i>Low in sugar(s)</i></p>	<p>The food must not contain more than 5 g total sugars per 100 g of the food, or 2.5 g total sugars per 100 g of liquid food.</p> <p>If the claim is made for a food naturally or intrinsically low in sugars, it must refer to the whole class of similar foods.</p>
<p><i>Sugar free</i> <i>Free of sugar(s)</i> <i>No sugar(s)</i></p>	<p>The food must not contain more than 0.2 g of sugars per 100 g of the food, or 0.1 g of sugars per 100 g of liquid food.</p> <p>If the claim is made for a food naturally or intrinsically free of sugars, it must refer to the whole class of similar foods.</p>
<p><i>No added sugar(s)</i></p>	<p>Regulated by clause A1(10) of the Food Standards Code, which prohibits the claim unless the food contains no added sugars as defined in Standard K1, and no added honey, malt, malt extract or maltose.</p>
<p><i>Unsweetened</i></p>	<p>Regulated by clause A1 (IOA) of the Food Standards Code, which prohibits the claim unless the product contains no added sugars as defined in Standard K1, no added honey, malt, malt extract or maltose, no added artificial sweetening substance and no added sorbitol, mannitol, glycerol, xylitol, hydrogenated glucose syrup or isomalt.</p>

NOTE: 'Sugars' has the same meaning as in clause A1 (1 3) of the Food Standards Code, that is, monosaccharides and disaccharides.

Fibre

CLAIM	CONDITIONS
<i>Source of fibre</i> <i>Contains fibre</i>	The food must contain not less than 1.5 g of dietary fibre per serving of food.
<i>High fibre</i> <i>High in fibre</i>	The food must contain not less than 3 g of dietary fibre per serving of the food.
<i>Good source of fibre</i>	If the claim is made for a food naturally or intrinsically high in fibre, it must refer to the whole class of similar foods.
<i>Very high fibre</i> <i>Excellent source of fibre</i>	The food must contain not less than 6 g of dietary fibre per serving of food. If the claim is made for a food naturally or intrinsically very high in fibre, it must refer to the whole class of similar foods.
<i>Increased fibre</i> <i>Fibre increased</i> <i>Fibre enriched</i> <i>More fibre</i>	The food must contain not less than 3 g of dietary fibre per serving of food; these claims may only be applied to foods which contain, prior to enrichment with dietary fibre, at least 1.5 g of dietary fibre per serving; and there must be a statement of comparison with the reference food; in this case, the reference food must be a similar food made from the same ingredients but without enrichment with dietary fibre.
<i>Fibre added</i> <i>Added fibre</i>	The food must meet the conditions for a 'high fibre' claim; and there must be a statement of comparison with the reference food.

NOTE 1: The above conditions apply to fibre claims on all foods **other than entire main dish or meal type products**. They may, however, be applied to the individual components of meal type products, provided the component to which the claim applies is clearly identified. Main dish or meal type products are those consisting of several servings of different foods, or a mixture of several servings of different foods, which are intended to be consumed at one time as a meal. The conditions applying to fibre claims for entire main dish or meal type products are shown below.

CLAIM	CONDITIONS
<p>MEAL TYPE PRODUCTS</p> <p><i>Source of fibre</i> <i>Contains fibre</i></p> <p><i>High fibre</i> <i>High in fibre</i> <i>Good source of fibre</i></p> <p><i>Very high fibre</i> <i>Excellent source of fibre</i></p>	<p>The following fibre claims may be applied to entire meal type products. Any claim based on the following conditions must apply to the meal as a whole and must not be applied to individual components of the meal.</p> <p>The meal must contain not less than 2 g of dietary fibre per 100 g of the meal.</p> <p>The meal must contain not less than 4 g of dietary fibre per 100 g of the meal.</p> <p>The meal must contain not less than 6 g of dietary fibre per 100 g of the meal</p>

NOTE 2: Claims relating to fibre are discouraged on foods having significant fat content. Where 30 per cent or more of the food energy is derived from fats, there must be a statement on the label drawing attention to the fat content of the food in the nutrition information panel.

NOTE 3: Standard B1 of the Food Standards Code specifies the minimum crude fibre content of breads described as 'high fibre' or 'fibre increased' or in words of similar meaning.

Salt and sodium

CLAIM	CONDITIONS
<p><i>Low salt/sodium</i> <i>Low in salt/sodium</i></p>	<p>These terms are applied to foods prepared in accordance with Standard R8 - Low Salt Foods - of the Food Standards Code, which requires that the food must not contain more than 120 mg of sodium per 100 g, or not more than 50 per cent of the sodium content of the normal counterpart food, whichever is less.</p> <p>If the claim is made for a food naturally or intrinsically low in sodium, it must refer to the whole class of similar foods</p>
<p><i>Very low salt/sodium</i> <i>Very low in salt/sodium</i></p>	<p>The food must not contain more than 40 mg of sodium per 100 g of food.</p> <p>If the claim is made for a food naturally or intrinsically very low in sodium, it must refer to the whole class of similar foods.</p>
<p><i>Reduced salt/sodium</i> <i>Reduced in salt/sodium</i> <i>Salt/sodium reduced</i> <i>Lightly salted</i></p>	<p>The food must not contain more than 75 per cent of the sodium content of the same quantity of the reference food; and</p> <p>the food must contain at least 90 mg less sodium per 100 g of food than the same quantity of the reference food; and</p> <p>the food must not contain more than 600 mg of sodium per 100 g of food; and</p> <p>there must be a statement of comparison with the reference food</p>
<p><i>Salt free</i> <i>No salt</i> <i>Sodium free</i> <i>No sodium</i></p>	<p>The food must not contain more than 5 mg of sodium per 100 g of food, or 2.5 mg of sodium per 100 g of liquid food.</p> <p>If the claim is made for a food naturally or intrinsically sodium free, it must refer to the whole class of similar foods.</p>

Salt and sodium continued

CLAIM	CONDITIONS
<i>No added salt No added sodium Unsalted</i>	Regulated by clause A1 (24) of the Food Standards Code, which provides that the food and its ingredients must contain no added salt, no added sodium compound and must be unsalted.

Energy

CLAIM	CONDITIONS
<i>Low energy Low joule Low calorie Low in energy/joules calories</i>	Regulated by Standard R2 of the Food Standards Code which specifies the maximum energy which may be contained in prescribed reference quantities of a range of foods if they are described by one of these terms. If the food is not listed in Standard R2, then clause A1 (8) of the Food Standards Code prohibits these terms being used to describe the food.
<i>Reduced energy Reduced calorie Reduced joule Reduced in energy/ calories/joules</i>	The food must not contain more than 75 per cent of the energy of the same quantity of the reference food; and the food must contain at least 170 kj less energy per 100 g of food, or 80 kj less per 100 g of liquid food, compared with the same quantity of the reference food; and
<i>Lower in energy/ calories/joules Less energy Fewer joules/calories</i>	there must be a statement of comparison with the reference food.

Other terms

CLAIM	CONDITIONS
<p><i>x%free</i> (when applied to any nutrient other than fat)</p>	<p>Not to be used.</p>
<p><i>Light or lite</i></p>	<p>The characteristic which makes the food 'light' must be stated on the label, regardless of whether the term is used as a nutrient claim or whether it applies to some other characteristic of the food.</p> <p>Where either of these terms is used as part of the name of the food or is used on the label to describe the food, and refers to a nutrient or to the energy content of the food, it is a nutrient claim for the purposes of this Code of Practice.</p> <p>If the claim refers to a nutrient or to energy, the food must comply with the conditions for the corresponding 'reduced' or 'low' claim, including any labelling provisions prescribed for that claim in this Code of Practice.</p>
<p><i>Diet</i></p>	<p>The term 'diet' properly refers to the total food intake of an individual. In recent times, the term has come to be used on food labels to refer to products having particular nutritional properties. The term is most often used in this sense to refer to foods which have an energy content significantly lower than that at which a 'reduced energy' claim may be made.</p> <p>When a food is described as 'diet' in this context, it must either comply with Standard R2 - Low joule Foods - or must meet the following conditions:</p> <p>(a) the energy content of the food must not be more than 60 per cent of the energy content of the same quantity of the reference food; and</p> <p>(b) there must be a reduction in energy content of at least 170 kJ per 100 g of food, or 80 kJ per 100 g of liquid food, compared with the same quantity of the reference food; and</p>

Other claims continued

CLAIM	CONDITIONS
<p><i>Comparative claims between different foods</i></p>	<p>(c) there must be a statement of comparison with the reference food.</p> <p>Such claims can only be made between foods of the same food group or foods which may substitute for one another in the diet.</p> <p>Comparative claims must be accurate and must not be misleading or likely to mislead consumers. The food must contain at least 25 per cent more (or less, depending on the claim) of the nutrient than the same quantity of the reference food; and there must be a statement of comparison with the reference food.</p> <p>For example, comparative claims might be made between foods such as:</p> <ul style="list-style-type: none">• beef and chicken• potatoes and rice• pasta and rice• apples and oranges• butter and margarine• meat and fish• orange juice and apple juice• two different types or brands of yoghurt <p>but not between foods such as:</p> <ul style="list-style-type: none">• milk and fruit juice• fruit and nuts• cereal products and meat/fish• eggs and fruit/vegetables.

Appendix 2: Administration of the Code of Practice

The Authority and the major food industry organisations have agreed that the *Code of Practice on Nutrient Claims* should be adopted by reference into the food industry's *Code of Conduct for the Provision of information on Food Products*, and that it should be managed on a day-to-day basis under the scheme of administration set out in the industry Code of Conduct.

The following provisions are copied directly from the *Code of Conduct for the Provision of information on Food Products*, as published in November 1994 by the Food Industry Council of Australia. They are included here for the sake of completeness.

5. Management

5.1 Management Committee

Management of the Code of Conduct will be vested in a Food Industry Code Management Committee comprising of:-

- **Chairman** The Chairman will be a senior food industry executive appointed annually by signatory organisations
- **Secretary** The Executive Director of the GMA or other appropriate food industry officer
- **Members** 5 Nominees from member companies of supporting industry organizations
 2 Nominees representing community interests
 1 Nominee from the Australian Supermarket Institute (ASI)
 1 Nominee from the Australia New Zealand Food Authority (ANZFA) *Observer*

The Management Committee will contain a balance of relevant expertise, including marketing; nutrition, food technology and/or food safety; regulations, and advertising. The Chairman may exercise a casting vote.

The office of the Food Code Management Committee is located c/- AFGC, Level 2, Salvation Army Building, 2-4 Brisbane Avenue, Barton ACT 2600 Phone (06) 273 1466, Fax (06) 273 1477.

5.2 Term of Appointment

The Chairman and other members of the Management Committee will be appointed annually, appointments to be made by a Credentials Committee drawn from the Office Bearers of supporting industry organisations. The position of Secretary of the Management Committee will be reviewed every three years or sooner if necessary.

5.3 Conflict of Interest

Should a complaint concern a member company represented by a member of the Management Committee or a direct competitor of such a member company, that member of the Management Committee will, for that investigation, disqualify himself or herself and the Chairman will appoint a representative of another member company to act as a pro tempore member of the Management Committee.

5.4 Quorum

Five (5) members which number will include at least one (1) non-food company member will constitute a quorum.

5.5 Management Committee Terms of Reference

The terms of reference for the Management Committee include:-

- an annual review of the industry's performance in compliance with the Code, including the preparation of an annual report,
- a quarterly review of complaints and their status;
- mediation and determination of disputed cases of alleged nonconformity to the Code;
- promotion of the Code to industry and to the community; and
- a review of the Code, as necessary, to assess the need for change including canvassing wider comment on the Code.

5.6 Complaint Handling Procedures

- 5.6.1 Allegations of a breach of the Code must, in the first instance, be pursued by the person or organisation making the complaint directly with the person or company alleged to have breached the Code. Companies may, of course, take direct action under relevant legislation independently of the Code to protect their interests.
- 5.6.2 Companies against which breaches of the Code are alleged should formally reply to the complainant within fourteen (14) days from the receipt of the written complaint with a detailed response. The company in its response to the complainant will indicate that in the event that the complaint remains unresolved, it may be directed to the Food Industry Code Management Committee. The company will also indicate the nature of the self-regulatory process provided by this Code.
- In the event that the complaint remains unresolved, the complainant may then lodge the complaint with the Food Industry Code Management Committee. A Complaints Officer will be responsible for the day to day management of the complaints system including:-
 - establishment of a 'Complaints Log' to record and track all complaints received,
 - requests for input from both the complainant and the company alleged to have breached the Code in writing within fourteen (14) days from the receipt of the request;

The Management Committee will then attempt to resolve the complaint through mediation, if necessary involving the CEO of the company against which the complaint is made.

- 5.6.4 If the complaint cannot be resolved within twenty eight (28) days through mediation, it will be reviewed by the Management Committee who will decide whether further action is required based on the information to hand and the degree of importance of the complaint.

At the request of the Management Committee the member company subject of the complaint will produce all supporting material necessary to assess the validity of the complaint.

The Management Committee will have the authority to co-opt the services of appropriate experts as required. Such co-opted experts will have no voting rights. The costs incurred in the co-opting of appropriate experts will be covered by the parties to the complaint on a basis pre-determined by the Management Committee and agreed in writing by the parties prior to the co-opting of such services.

5.7 Remedial Actions

- 5.7.1 The objectives of this voluntary Code of Conduct are to assist and encourage member companies to provide meaningful information to consumers, often beyond what the law requires. It is nevertheless important for the continued integrity of the Code that matters which are determined to be outside the spirit of the Code and which are deemed of sufficient importance be followed through by the Management Committee.
- 5.7.2 One or more of the following actions may be taken where breaches of the Code have been clearly established and negotiations have failed to resolve the issue.
- Upon notification in writing, the member company may be required to give a written undertaking to discontinue, within a specified time frame, any practice which has been determined to constitute a breach of the Code.
 - Upon notification in writing, the member company may be required to issue corrective statements as appropriate. The format, size, wording, mode of publication and method of distribution of such statements will be subject to the approval of the Management Committee prior to release/publication.
 - A breach of the Code may be referred to an appropriate regulatory authority.
 - Continued refusal by the offending member company to undertake the required remedial action may lead to the Management Committee recommending the suspension or expulsion of the member from the relevant industry organisation where permitted under the Articles of Association of that organisation.

Appendix 3: Names and addresses

Contact details for relevant Commonwealth, State and Territory regulatory agencies, and for major food industry and consumer organisations, are as follows:

Australia New Zealand Food Authority

PO Box 7186
CANBERRA MC ACT 2610
Phone 06 271 2222
Fax 06 271 2278

Australian Quarantine and Inspection Service (AQIS)

GPO Box 858
CANBERRA ACT 2601
Phone 02 6272 3933
Fax 02 6272 5161

Australian Food and Grocery Council

Locked Bag 1
KINGSTON ACT 2604
Phone 02 6273 1466
Fax 02 6273 1477

Consumer Affairs Division

Department of the Treasury
Parkes Place
PARKES ACT 2600
Phone 02 6263 3992
Fax 02 6263 2999

Australian Competition and Consumer Commission

PO Box 1199
DICKSON ACT 2602
Phone 02 6243 1111
Fax 02 6243 1199

Australian Consumers' Association

57 Carrington Street
MARRICKVILLE NSW 2204
Phone 02 9577 3399
Fax 02 9577 3355

Food and Beverage Importers Association

181 Drummond Street
CARLTON VIC 3053
Phone 03 9639 3644
Fax 03 9639 0638

New South Wales Department of Health

PO Box 798
GLADESVILLE NSW 2113
Phone 02 9887 5606
Fax 02 9888 7210

Victorian Department of Human Services

GPO Box 1670N
MELBOURNE VIC 3001
Phone 03 9637 4211
Fax 03 9637 5212

Queensland Department of Health

GPO Box 48
BRISBANE QLD 4001
Phone 07 3234 0952
Fax 07 3234 1480

Western Australian Department of Health

PO Box 8172
PERTH WA 6849
Phone 08 9388 4920
Fax 08 9382 8119

South Australia Health Commission

PO Box 6
ADELAIDE SA 5000
Phone 08 8226 7121
Fax 08 8226 7102

Tasmanian Department of Health

GPO Box 125B
HOBART TAS 7001
Phone 03 6233 3753
Fax 03 6233 6620

Territory Health Services, Northern Territory

PO Box 40596
CASUARINA NT 0811
Phone 08 8999 2965
Fax 08 8999 2526

ACT Health and Community Care

Locked Bag No. 5
HOLDER ACT 2611
Phone 02 6205 0956
Fax 02 6205 1705

Appendix 3: Names and addresses continued

Australian Supermarket Institute

Level 1, 20 York Street
SYDNEY NSW 2000
Phone 02 9299 6126
Fax 02 9299 1045

Dietitians Association of Australia

1/8 Phipps Close
DEAKIN 2600
Phone 02 6282 9555
Fax 02 6282 9888

**Australian Institute of Food Science
and Technology**

PO Box 1493
NORTH SYDNEY NSW 2059
Phone 02 9959 4499
Fax 02 9954 4327

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