

**Proposal P293 Nutrition, Health and Related Claims
Summary of submissions to the Draft Assessment Report**

5. NUTRITION CONTENT CLAIMS – WHOLEGRAIN

Submitter	Group	Comments
Nestle Australia Limited and Nestle New Zealand Limited	Industry – Trans Tasman	<ul style="list-style-type: none"> • Rejects the proposed criteria for wholegrain claims. • Rejects the apparent removal of characterising ingredients for products that currently claim a content of wholegrain. It is unconscionable manufacturers will not be able to claim that their breakfast cereal is ‘made with wholegrain’ for example. • These products currently comply with the legislated requirements for characterising ingredients by declaring the percentage of wholegrain in the product. • Recommends that 8g per serve should be the ‘good source’ level. The proposed good source level of 15g would mean that a breakfast cereal with a serve size of 30g would contain 50% wholegrain. Recommends 16g for ‘excellent source claim. • Recommends content claims about wholegrain – truthful statements of what is in a product, be permitted. • Note that the Dietary Guidelines for Australian Adults and the Dietary Guidelines for Children and Adolescents in Australia both report that foods that contain at least 51% wholegrain can be described as wholegrain foods. Without pre-empting what the conditions for a pre-approved claim will be, if the minimum level for a health claim is 51% whole grain, then in a 30g serve of breakfast cereal the amount present for a high level claim would need to be at least 15.3g, only 0.3g higher than the level necessary for a good source claim as proposed by FSANZ. • Notes draft assessment report quote from Application A464, ‘...wholegrain based foods with as little as 25% wholegrain and its milled products, protects against...’
Go Grains Health and Nutrition Limited supported by George Western Foods Limited/AB Food and Beverages	Industry – Australia	<ul style="list-style-type: none"> • Do not support the criteria proposed for ‘source’ and ‘good source’. • The levels on which ‘source’ and ‘good source’ criteria are based should be related to a target for daily wholegrain intake, which is currently not available in Australia. • Criteria need to provide a level playing field across the wide variety of products that contribute to wholegrain intake, taking into account differences in moisture content and serve size. • Propose a single criteria – that a 'good source' of wholegrains contain at least 7.5g (dry weight) wholegrains per serve (about 12.5g / serve 'as is' for bread). • This criteria was developed using an evidence based approach, and was the outcome of a Round Table discussion convened jointly by Go Grains and ILSI in March 2006 (refer Attachment 1 to submission for an overview of the Round Table).

Submitter	Group	Comments
<p>Go Grains Health and Nutrition Limited</p> <p>supported by George Western Foods Limited/AB Food and Beverages</p>	<p>Industry - Australia</p>	<ul style="list-style-type: none"> • The principles on which the recommendation is based are consistent with current recommendations from the US, the National Heart Foundation and the Dietary Guidelines for Australians (min. 4 serves of ‘cereal’ foods per day). • Believe it is premature to develop criteria for wholegrain claims - such as ‘source’ or ‘good source, in the absence of a recommended daily intake for wholegrains. • Underpinning the proposed criteria is a recommendation that the target intake of wholegrains be 30g (dry weight) per day. Development of a target intake is consistent with the requirement proposed in the Draft Assessment for P293 that for claims that a food is ‘a source’ or ‘good source’ of the property, there is a reference value for the property in the Code’ (Div 2, Clause 5 (1)(c)). • A target recommendation for daily wholegrain intake will: <ul style="list-style-type: none"> – Make it easier for consumers to choose a healthy diet. – Make information about wholegrains on food labels more meaningful. – Provide a benchmark for public health recommendations.
<p>Goodman Fielder NZ Ltd</p>	<p>Industry, NZ</p>	<ul style="list-style-type: none"> • Pleased that definition of ‘wholegrain’ has been amended so that they are able to communicate to consumers the benefits of wholegrains in the diet. Have developed a registered trademark, the ‘Grainwise’ logo for packaging and a website with more detailed information. • Concerned about proposal that claims will only be allowed if a serve contains at least 8g of wholegrains. This will be confusing for consumers when some products include the ‘Grainwise’ logo and some don’t (sites examples such as light grain and meal breads as being deserving of the logo). • Considers that while providing clear health benefits when included in the diet, because wholegrains are not nutrients, any claims about them should not be subject to specific criteria such as ‘source’ and ‘good source’ conditions as apply to standard nutrient claims for protein, fibre etc. • This is an opportune time for FSANZ to allow claims which endorse the dietary guidelines of both Australia and New Zealand. • Believes consumers will be adequately informed of the wholegrain content of the product via the product’s list through Standard 1.2.10 – Characterising Ingredients and Components of Food. This means that consumers are able to make direct comparisons between products within a category and choose the product which best suits their dietary needs.
<p>New Zealand Food Safety Authority (NZFSA)</p>	<p>Government – New Zealand</p>	<ul style="list-style-type: none"> • ‘Source’ and ‘good source claims usually relate to nutrients that have a RDI or DRV. • Note that the proposed criteria are based on a Petition to the United States FDA from industry that has since been rejected. • The FDA has recently issued draft guidance on what the term ‘wholegrain’ may include. Provided website link to this. • The FDA guidance supports manufacturers making quantitative statements about the amount of whole grains in their products – such as ‘100 percent wholegrain’ or ‘10 grams of wholegrains’ – so long as such statements are not false or misleading, and do not imply a particular level, such as ‘excellent’ or a ‘good’ source.

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New Zealand Food Safety Authority (NZFSA)	Government – New Zealand	<ul style="list-style-type: none"> • Agrees that criteria for a wholegrain claim should be considered, so that consumers have accurate information about the wholegrain content of a food. • To some extent this is already achieved by percentage labeling, which will be triggered when wholegrain is considered to be a characterising ingredient. When the term ‘wholegrain’ is used on the label, in the majority of cases it would trigger percentage labelling. • Do not think that per serve amounts for wholegrain are appropriate, as it would be too easy for this to be abused (for example, foods that are not grain products such as dairy products should not be permitted to carry a wholegrain claim). The claim should be limited to wholegrain products. • Other criteria need to be added, such as the food must be a wholegrain food (not another food category with wholegrain added e.g. dairy food, beverages), and a requirement for a minimum percentage of wholegrain might be considered. • Considers that further work is required around wholegrain content claims and do not support the current proposal. • The Draft Assessment Report mentions that Codex has developed criteria for wholegrain claims. They are not aware of Codex criteria in this area.
Queensland Health	Government – Australia	<ul style="list-style-type: none"> • Questions what recommended intakes of wholegrain were used to determine the amount required in a food to make a wholegrain claim.
Campbell Arnott’s Asia Pacific	Industry-Australia	<ul style="list-style-type: none"> • Recommends ‘good source’ of wholemeal claims on foods containing 7.5g (dry weight) wholegrains and ‘source’ claims containing minimum 3g.. • Support a recommended target intake of 30g (dry weight) wholegrains per day, as agreed by Go Grains and ILSI expert round-table. This equates to a 50g ‘as is’ basis to which the 10% and 25% ‘rule’ for ‘source and ‘good source’ can be applied to determine dry weight amount per serve. • This yields a simple message of around ‘4 serves of wholegrain foods a day...’ with a whole grain food containing at least 7.5g wholegrains per serve. • Criteria proposed create issues for foods with varying moisture content. Breads have higher moisture content and therefore larger serve sizes than crackers and crisp breads, so it is easier to achieve a wholegrain claim. Concentration of whole grains is often higher in low moisture foods. • Recommends the use of a ‘source’ claim in line with existing terminology for a range of nutrients as documented in CoPoNC. • Supports Go Grains/ILSI Round Table outcomes.
Kellogg’s (Aust.) Pty Ltd	Industry-Australia	<ul style="list-style-type: none"> • Does not support nutrition content claims for wholegrains, as wholegrains are not nutrients or biologically active substances; they are an ingredient containing many nutrients and biologically active substances; there is no RDI or DI for this ingredient; %labelling of characterising ingredients provides consumers with information about the wholegrain content of foods in the ingredient list • The rationale for the development of the proposal levels for ‘source’ and ‘good source’ claims for this ingredient is not

Submitter	Group	Comments
Kellogg's (Aust.) Pty Ltd	Industry-Australia	clear. Provides detailed information about the approach FDA has taken on this issue, which is consistent with the current approach in the Code for % labelling of characterising ingredients.
Sanitarium Health Food Company	Industry – Trans-Tasman	<ul style="list-style-type: none"> • Does not support the proposed criteria for ‘source’ and ‘good source’ of wholegrain claims. • By just using grams per serve, there is not a level playing field across a variety of wholegrain products due to difference in moisture content, serve size and frequency of eating. Criteria based on grams per serve will limit claims for products with low serve weight or small serve size, such as crisp breads. Food manufacturers may increase serving sizes to accommodate the requirement, which may in turn increase energy intakes. This is not desirable in the current obesity crisis. • Partially supports the criteria developed by Go Grains. Specifically, supports a claim for ‘source of’ wholegrains on products with at least 7.5g wholegrains (dry weight basis) per serve, and ‘good source’ of wholegrains for foods with at least 15g of wholegrains (dry weight basis) per serve, and ‘excellent source’ of wholegrains for foods with at least 30g of wholegrains (dry weight basis) per serve. • For percentage-based criteria, supports a ‘source of’ claim on products with at least 25% wholegrain, ‘good source’ claim on products with at least 50% wholegrain ingredients and ‘excellent source’ claim on products with at least 75% wholegrain ingredients. Where claims are based on a % basis, it should refer to the % wholegrain in the total weight of the food, not to % of the cereal component of the product. • Rationale: the levels suggested for source in many cases are consistent with a product containing at least 25% wholegrain ingredients, and this is the ‘cut-off’ level used in many research studies to establish the health benefits of wholegrains (4, 5, 6). It can be argued that a ‘good source’ claim infers a stronger health benefit.
Sanitarium Health Food Company	Industry – Trans-Tasman	<ul style="list-style-type: none"> • Wholegrain continued • Believes that this claim should be applied to products where the majority of the product is comprised of wholegrain ingredients. This is consistent with the minimum criteria required to make high level health claims in countries such as the United States. • Sanitarium recommends revising the proposed criteria to be based on grams per serve or a percentage of wholegrain ingredients as outlined above. <p>References</p> <ol style="list-style-type: none"> 4. Jacobs DR Jr., Meyer KA, Kushi LH, Folsom AR, Wholegrain intake may reduce the risk of ischemic heart disease death in postmenopausal women: the Iowa Women's Health Study, , Am J Clin Nutr. 1998;68(2):248-57 5. Steffen LM, Jacobs DR Jr., Stevens J, Shahar E, Carithers T, Folsom AR. Associations of whole-grain, refined grain, and fruit and vegetable consumption with risks of all-cause mortality and incident coronary artery disease and ischemic stroke: the Atherosclerosis Risk in Communities (ARIC) Study. Am J Clin Nutr 2003 78(3), 383-390. 6. Liu S, Stampfer MJ, Hu FB, Giovannucci E, Rimm E, Manson JE, Hennekens CH, Willett WC. Whole-grain consumption and risk of coronary heart disease: results from the Nurses Health Study. Am J Clin Nutr 1999 70 (3), 412-419.

Submitter	Group	Comments
<p>Australian Food and Grocery Council</p> <p>(Supported by Nestle Australia Ltd and Nestle NZ Ltd, Unilever Australasia, George Western Foods Limited/AB Food and Beverages, Simplot Australia Pty Ltd)</p>	<p>Industry, Australia</p>	<ul style="list-style-type: none"> • Rejects the criteria proposed by FSANZ for source and good source of wholegrain. • Recommends the Go Grains/ILSI roundtable consensus outcome which agreed to a good source claim and a % ingredient claim for amounts below good source (consensus provided in submission, page 33)

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6. NUTRITION CONTENT CLAIMS – SATURATED AND/OR TRANS FATTY ACIDS

Submitter	Group	Comments
Nestle Australia Limited and Nestle New Zealand Limited	Industry – Trans Tasman	<ul style="list-style-type: none"> • Supports the AFGC position that the proposed approach fails to recognise the compositional aspects of fats as eaten, comprising for most foods a mixture of saturated and unsaturated fatty acids, nor that it is the combination of polyunsaturated, monounsaturated and saturated fatty acids in the diet and the proportion of these different fatty acids that affects their physiological activity. • Supports the AFGC recommendation that criteria for low in saturated (and trans) fatty acids be amended to ‘The food contains: <ul style="list-style-type: none"> – As a proportion of the total fatty acids content, no more than 28% saturated fatty acids and trans fatty acids; or – No more saturated fatty acids and trans fatty acids than 0.75g per 100g for liquid food; or – No more saturated fatty acids and trans fatty acids than 1.5g per 100g for solid food’. • Agrees with the criteria proposed for reduced saturated (and trans) fatty acids with the modification that split claims will be permitted.
Australian Nut Industry Council	Industry - Australia	<ul style="list-style-type: none"> • Does not support the conditions for making ‘low saturated fat’ claims. • Foods that are high in total fat but provide most of their fat from polyunsaturated and monounsaturated sources are disadvantaged. • The conditions mean that most nut types (chestnuts are an exception) would not be able to make a low saturated fat claim. • Tree nuts provide an average 5.9g saturated fat per 100g with 30g monounsaturated fat and 18.8g polyunsaturated fat. This means around 10% of the fat in nuts comes from saturated fat. Overall, nuts can be considered a food that is low in saturated fat. The saturated fat condition severely disadvantages nuts and other foods high in unsaturated fats from making such claims and related high level claims. Nuts are recommended by the National Heart Foundation to lower cholesterol levels and reduce the risk of heart disease. • Recommend the proposed conditions for saturated fat be changed to allow foods such as nuts, avocado and oils that are high in unsaturated fats to make this claim. • Suggest using the existing criteria for foods making polyunsaturated or monounsaturated fat claims in Standard 1.2.8 Clause 12, which specifies foods must contain less than 28% of total fatty acids as saturated and trans fat to make a poly or mono claim, or meet the 1.5gram condition suggested.

Submitter	Group	Comments
Go Grains Health and Nutrition Ltd supported by George Western Foods Limited/AB Food and Beverages	Industry - Australia	<ul style="list-style-type: none"> • Disagree with the proposed criteria for saturated fat of ≤ 1.5 g saturated and trans fatty acids per 100g of food. • This would disadvantage some seed breads such as Bakers Delight Cape Seed bread, which, despite being composed of 88% unsaturated fats, exceeds the saturated fat cutoff point. • Support percentage criteria that allow these and other products high in unsaturated fats (including nuts, avocado) to make low saturated fat claims. • Note their support of the $< 28\%$ of total fat being saturated, for the poly and monounsaturated fatty acid claims being retained from the Code.
Jenny Robertson Consulting Services (Jenny Robertson & Dan Southee)	Industry, Australia	<ul style="list-style-type: none"> • Of concern is the selective use of scientific information in the report and the exclusion of other relevant scientific information e.g. in the area of trans fatty acids from ruminant animals, calcium.
National Foods Ltd	Industry, Australia	<ul style="list-style-type: none"> • Includes material from submission on Initial Assessment Report on this subject, particularly in relation to trans fatty acids. • National Foods strongly recommends that for labelling and education purposes, trans-fats be defined as those from industrial sources only. It is incorrect and misleading to broadly extrapolate the data and definition to all forms of trans-fatty acids. • Consideration should be given to international regulation and threshold values of trans-fatty acids for labelling purposes (i.e. United States: zero trans fats can be declared on pack if there is < 0.5g trans-fat/serve).
National Heart Foundation of Australia National Heart Foundation of New Zealand	Public Health – Australia Public Health - New Zealand	<ul style="list-style-type: none"> • Notes that olives would meet the currently proposed condition of < 1.5g/100g, but olive oil would not be able to make a low saturated fat content claim (yet it has only 14% of total fat as saturates). Avocados would be unable to make a low saturated fat content claim under the current proposal as they have 4.9g/100g saturated fat but they only have 22% of total fat as saturates. Brazil nuts also have 22% of total fat as saturates. All nuts have > 1.5g saturated fat per 100g, so no nuts would be able to make a low saturated fat content claim. • Strongly believe the definition of ‘low saturated fat’ in this Standard should be such that it permits these types of foods with higher levels of unsaturated fat to make a ‘low saturated fat’ claim • Recommends that the conditions be either (a) <i>no more than 1.5g/100g solid food or 0.75g/100ml liquid food, or (b) saturated and trans fatty acid content of 28% of total fats or less</i>, to accommodate foods with either an absolutely low level of saturated fat, or a relatively low level of saturated fat in a high unsaturated fat food. • In the absence of conditions for ‘low trans’ claims, and assuming unlisted nutrition content claims are permitted subject only to Trade Practices Act (see comments on clause 3(1) in submission), the Heart Foundation believes manufacturers will use ‘low trans’ claims instead of ‘low saturated fat’ claims if the latter are not permitted on higher unsaturated fat content food such as oils and nuts by virtue of the currently proposed criteria. Therefore recommends that ‘low trans fat’ claims are prohibited until a daily intake reference level is established.

Submitter	Group	Comments
The Omega-3 Centre	Industry – Australia	<ul style="list-style-type: none"> • Nutrition content claim for ‘low in saturated fats’ should be modified to the food contains: <ul style="list-style-type: none"> (i) as a proportion of the total fatty acids content, no more than 28% saturated fatty acids and trans fatty acids; or (ii) no more saturated fatty acids and trans fatty acids than 0.75 g per 100 g for liquid food; or (iii) no more saturated fatty acids and trans fatty acids than 1.5 g per 100 g for solid food. • Modification recommended is based on FSANZ having previously used proportional amounts of fatty acids for conditions of use of Omega-3 content claims. It is the proportion of different fatty acids which affects their physiological activity, and scientific evidence supports a proportional criterion for assessing the physiological effects of varying amounts of saturated fatty acids ((NHF. Dietary fats: A position statement from the Heart Foundation’s National Nutrition and Metabolism Advisory Committee. 1999, downloaded 20 March 2006 from http://www.heartfoundation.com.au/downloads/Dietary_Fats_1999.pdf). • An absolute criterion for saturated fat is only relevant to foods which contain very little fat when the fatty acid profile is less important.
CSIRO	Government - Australia	<ul style="list-style-type: none"> • Low saturated fat <1.5g saturated and trans/100g could potentially allow a 1.5% trans only fat to make a low saturated fatty acid claim. Recommends no more than 0.5g/100g of trans fatty acids. • Reduced saturated fat - 25% reduction should apply to both saturated and trans fatty acids.
New Zealand Beef and Lamb Marketing Bureau	Industry - New Zealand	<ul style="list-style-type: none"> • The trans fat criteria should distinguish between naturally occurring and manufactured trans fat, the health effects of which are very different.
Simplot Australia Pty. Ltd.	Industry - Australia	<ul style="list-style-type: none"> • Considers that an alternative criteria should be added stating that ‘the food contains as a proportion of the total fatty acids content, no more than 28% saturated fatty acids and trans fatty acids’ (as per the conditions for omega-3 fatty acids) to permit low in saturated fat claims for foods such as fatty fish and vegetable oils with higher levels of unsaturated fats.
Glycaemic Index Ltd (GIL) Dietitians Association of Australia (DAA)	Public Health - Australia	<ul style="list-style-type: none"> • Suggest in addition to current criteria that an alternative of 28% or less of total fats as saturates plus trans be included. This will permit the foods with higher levels of good fats to highlight their low saturated fat content, e.g. nuts, avocados, oily fish, vegetable oils.
Australian Food and Grocery Council (Supported by Nestle Australia Ltd and Nestle NZ Ltd, Unilever Australasia, George Western Foods Limited/AB Food and Beverages, Simplot Australia Pty Ltd)	Industry, Australia	<ul style="list-style-type: none"> • Disagrees with proposed approach to saturated and trans fatty acid claims, as it fails to recognise the compositional aspects of fats as eaten, comprising for most foods, a mixture of saturated and unsaturated fatty acids. • The criteria being proposed need to recognise that fats in foods are always combinations of polyunsaturated, monounsaturated and saturated fatty acids and it is the proportion of these different fatty acids which affects their physiological activity, providing the alternative of proportional amounts of fatty acids for disqualifying criteria. • The absolute criterion proposed by FSANZ is only useful for allowing foods containing very little total fat to be eligible for low saturated fat claims, even if the fatty acid profile indicates a high proportion of saturated fats.

Submitter	Group	Comments
<p>Australian Food and Grocery Council</p> <p>(Supported by Nestle Australia Ltd and Nestle NZ Ltd, Unilever Australasia, George Western Foods Limited/AB Food and Beverages, Simplot Australia Pty Ltd)</p>		<ul style="list-style-type: none"> • Steamed fish (at least non farmed) is intrinsically low in saturated fatty acids, which CoPoNC recognised by requiring reference to the whole class (fish) should such a claim be made. The fried fish, while higher in fat may or may not be low in saturated fatty acids, depending on the oil used for frying. • Permitting the truthful statement low in saturated fatty acids on a fried fish product provides consumers with a healthier choice when selecting from a range of fried fish products. Not permitting such a statement removes that choice. • Recommends that FSANZ amend the criteria for low in saturated (and trans) fatty acids to the food contains: <ul style="list-style-type: none"> – as a proportion of the total fatty acids content, no more than 28% saturated fatty acids and trans fatty acids; or – no more saturated fatty acids and trans fatty acids than 0.75 g per 100 g for liquid food; or – no more saturated fatty acids and trans fatty acids than 1.5 g per 100 g for solid food. • Agrees with the criteria for reduced in saturated (and trans) fatty acids (except for the ‘in one place’ requirement as noted under comparative claims).
<p>Campbell Arnott’s Asia Pacific</p>	<p>Industry - Australia</p>	<ul style="list-style-type: none"> • An absolute criterion for the ‘low’ claim is only useful if the food contains very little fat. Foods such as olive oil may offer some benefit as a result of the high levels of monounsaturates but would be excluded from making a claim under the proposed criteria. • Amending the proposed criteria by inclusion of a serve size together with a proportional measure of saturated fat would allow improved communication on foods higher in fat such as dairy foods, spreads and oils while still providing beneficial nutrient intake. • Claim for low in saturated fats should be modified to the food contains: <ul style="list-style-type: none"> (i) as a proportion of the total fatty acids content, no more than 28% saturated fatty acids and trans fatty acids; or (ii) no more saturated fatty acids and trans fatty acids than 0.75g per 100g for liquid food; or (iii) (iii) no more saturated fatty acids and trans fatty acids than 1.5g per 100g for solid food.
<p>Horticulture Australia Ltd (supported by Horticulture Australia Council and SPC Ardmona)</p>	<p>Industry - Australia</p>	<ul style="list-style-type: none"> • Under the proposed conditions most nut types would be unable to make a low saturated fat claim, despite having a favourable fatty acid profile, with only 10% of total fat coming from saturated fat. • Proposes that CoPoNC criteria be retained.
<p>Sanitarium Health Food Company</p>	<p>Industry – Trans-Tasman</p>	<ul style="list-style-type: none"> • Does not support the proposed criteria. • These criteria would disadvantage a range of foods that are not low in fat but are proportionally low in saturated fat, such as nuts and seeds and healthy oils. • Support including an additional alternative criteria of <28% of total fats as saturated plus trans be included to allow these types of foods to be able to make low saturated fat claims.
<p>Unilever Australasia</p>	<p>Industry – Trans Tasman</p>	<ul style="list-style-type: none"> • Disagree with proposed criteria for low saturated fat. • This is not a claim that is currently used for foods that have a significant fat content.

Submitter	Group	Comments
Unilever Australasia	Industry – Trans Tasman	<ul style="list-style-type: none"> • Believe this is inconsistent with current nutrition knowledge and advice on fat and is an impediment to helping to educate consumers about the different types of fatty acids • For products to be able to claim that they are polyunsaturated or monounsaturated, they must be able to meet two criteria: - the claimed fatty acid must comprise not less than 40% of the total fatty acid content of the food; and - the total of saturated and trans fatty acids comprise not more than 28% of the total fatty acid content of the food. Therefore, it would be logical for products that have a total of saturated and trans fatty acid not more than 28% to be able to state that they are low in saturated fat.
Dairy Australia Fonterra Co-Operative Group Limited	Industry- Australia Industry – New Zealand	<ul style="list-style-type: none"> • Definition of trans fatty acids as used in the Code is not consistent with scientific consensus and is old fashioned. • To include conjugated linoleic acid is not consistent with other countries which generally exclude fatty acids containing conjugated double bonds from the definition. For example, the Canadian definition of a trans fatty acid is any unsaturated fatty acid that contains one or more isolated or non-conjugated double bonds in a trans configuration and the US definition is similar. • Recommends that the definition of trans as used in determining eligibility to make this claim does not include naturally occurring trans fatty acids only industrially produced trans from partially hydrogenated vegetable oil. • There is evidence to support that dairy trans fatty acids do not have the same harmful effect on heart health as trans fatty acids from hydrogenated vegetable oils. • Apo B should be used as a marker of risk rather than just relying on LDL-cholesterol levels.

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7. NUTRITION CONTENT CLAIMS – DIETARY FIBRE

Submitter	Group	Comments
Australian Fruit Juice Association (AFJA)	Industry - Australia	<ul style="list-style-type: none"> Notes the amounts for claims have been increased and categories reduced from three to two ('high' removed). Do not support this change and recommend maintaining the limits in Code of Practice of Nutrient Claims (CoPoNC). Many fruits and fruit juices under the current CoPoNC qualify for a high fibre claim whereas under the proposed Standard will only qualify for a "source of fibre". This is contrary to consumers' current understanding that some fruits and fruit juices are high in fibre.
Australian Nut Industry Council	Industry - Australia	<ul style="list-style-type: none"> Does not support the conditions for products to make a 'source' and 'good source' of fibre claims. The conditions are inconsistent with CoPoNC which would result in a change in consumer perceptions and education on fibre foods. Nuts are a valuable source of fibre, however at a serve size of 30g cashews, macadamias, pine nuts and walnuts would not qualify to make a 'source' claim. These nuts can currently make this claim. The proposed changes will result in consumer confusion and are inconsistent with public health messages that recommend nuts as a valuable source of fibre. Supports fibre conditions set out in CoPoNC which allow all nut varieties to make a source of fibre claim for a 30g serve.
Axiome Pty Ltd for Danisco Australia	Industry - Australia	<ul style="list-style-type: none"> Criteria and claims specified in CoPoNC for dietary fibre have been use in the Australian market without problem for many years. They are well understood by consumers and have been helpful for making informed food choices. The proposed criteria and claims for "fibre" as nutrition content claims in the draft Standard are a significant departure from the existing criteria/claims and are likely to cause confusion for consumers and additional costs for food manufacturers without necessarily providing any benefit. It is requested that the draft standard is revised to include the criteria and claims for fibre as specified in CoPoNC.

Submitter	Group	Comments
Confectionery Manufacturers of Australasia Supported by CMA NSW Branch CMA Queensland Branch CMA SA Branch CMA Victoria Branch Langdon Ingredients CMA NZ Branch International Confectionery Association	Industry – - Australia Industry – New Zealand Industry - international	<ul style="list-style-type: none"> • Opposes the increase in dietary fibre content from 1.5g per serve to 2g and from 3g to 4g per serve for source and good source of dietary fibre claims respectively. • Concerned that serving sizes may be manipulated (increased) to achieve the prescribed target quantity and that processed foods are penalised when consumers should be obtaining their essential daily fibre intake predominantly from other sources, e.g. fruit and vegetables. Concerned of the impact such a change will have on the food industry with further imposed labelling changes when the current conditions have been established in for over a decade.
Department of Human Services Victoria	Government – Australia	<ul style="list-style-type: none"> • Must be subject to disqualifying criteria and ideally should align with the provisions stipulated for the addition of vitamins and minerals and should not promote the consumption of foods high in fat, sugar and salt. This is important given the recent approval of polydextrose and resistant maltodextrin as dietary fibre.
George Western Foods Limited and AB Food and Beverages	Industry - Australia	<ul style="list-style-type: none"> • Do not support increasing the level at which ‘source’ and ‘good source’ claims can be made nor the decision to reduce the number of levels of claims from three to two. • Believe that no proper reason has been put forward that would justify this change, particularly where there is no evidence of market failure. In other words, this appears to be change for change sake with industry left to foot the bill. • This change in regulatory criteria will mean that some products meeting the current criteria will need to be reformulated and relabelled to meet the new criteria, or else relabelled to remove current claims. • Changes to labelling of products will definitely cause confusion and concern to consumers and potentially affect sales.
Go Grains Health and Nutrition Limited supported by George Western Foods Limited/AB Food and Beverages	Industry – Australia	<ul style="list-style-type: none"> • Do not support increasing the level at which ‘source’ and ‘good source’ claims can be made nor the decision to reduce the number of levels of claims from three to two. • Is unlikely that increasing the levels will achieve an increase in dietary fibre intake, but could have the opposite effect. • The increase makes it impossible for many types of bread and several breakfast cereals that currently make a ‘source’ claim to continue to make this claim. If fewer products are labelled as ‘a source’ of fibre. It will actually make it harder for consumers to increase their fibre intake, rather than easier. • Breads and breakfast cereals that were formerly labelled as ‘a good source’ may now be degraded to a ‘source’ claim. • In both cases, consumers will note that breads and breakfast cereals formerly labelled as ‘a source’/good source’ of fibre’ are no longer labelled that way, assuming there has been a change in formulation.

Submitter	Group	Comments
<p>Go Grains Health and Nutrition Limited</p> <p>supported by George Western Foods Limited/AB Food and Beverages</p>	<p>Industry - Australia</p>	<ul style="list-style-type: none"> • Cereal foods such as bread and breakfast cereals are the primary source of fibre in the Australian diet, and their consumption is encouraged by dietary guidelines, however it has been strongly challenged over recent years by the trend to low carbohydrate dieting for weight reduction. • Recent research conducted by Go Grains (Vivid 2006 (reference not provided)) has identified that ‘carb consciousness’ remains extremely ingrained and that for many people, avoiding ‘carbs’ is now the norm. • In this environment, the absence or downgrading of fibre claims on products such as bread and breakfast cereals is likely to reinforce to consumers that these foods are not as good as they used to be. There is a real need to instil consumer confidence in core food groups rather than undermine it. • Strongly question the adequacy of the scientific evidence on which the increased claim is based, and the hypothesis that people will overeat on foods that carry health claims.
<p>Heinz Australia/Heinz Wattie’s New Zealand</p>	<p>Industry – Trans Tasman</p>	<ul style="list-style-type: none"> • Questions the rationale to increase the criteria for ‘source and ‘good source’ claims. • Recommends the levels should remain unchanged. • This implies that requirements have increased, which contradicts the information given in the Nutrient Reference Value review. • Standard 1.2.8 currently states a daily intake should be 30g and the Nutrient Reference Value document (December 2004) proposes an Adequate Intake of 25g for men and 20g for women. • This will mean they will have to change or remove current fibre claims. Removal of claims will not have a positive impact on fibre consumption but will only make it harder to find foods that contain beneficial fibre.
<p>National Foods Ltd</p>	<p>Industry, Australia</p>	<ul style="list-style-type: none"> • In an effort to support national nutrition guidelines and policies, National Foods communicates the benefits of dietary fibre on products and education resources wherever possible. At present, our Vitasoy brands predominantly support this communication. • National Foods opposes the proposed increased qualifying criteria for a ‘source’ and ‘good source’ nutrition content claim for dietary fibre, for the following reasons: <ul style="list-style-type: none"> — according to COAG Principles, new regulation should only be introduced to correct a market failure, and no market failure has been demonstrated; — is unnecessarily complicated from a manufacturer compliance and consumer education perspective; and — a mandatory nutrition information panel is on the label of a food making a ‘fibre’ claim and verifies the macro-nutrient content per 100 grams and per serve of the food, for interested consumers. • FSANZ are attempting to influence national nutrition policies – their objective, as clearly stated on page 18 of the Draft Assessment Report, is to ensure food labels bearing claims provide adequate information to the enable consumers to make informed choices.

Submitter	Group	Comments
National Foods Ltd	Industry, Australia	<ul style="list-style-type: none"> • In the absence of substantiation, National Foods fails to see how FSANZ has justified recommendations for increased fibre criteria. Consumer education strategies targeting dietary fibre have been overlooked in favour of increased mandatory regulatory requirements on labelling and further impositions on the food industry. • In light of current products in the market place, and minimal risk to the consumer, National Foods recommends the criteria for ‘source’ and ‘good source’ dietary fibre nutrition content claims remain as published in CoPoNC. • National Foods supports removal of the criteria for ‘high’ and ‘very high’ fibre claims, acknowledging synonyms are permitted for ‘good source’, such as ‘high’ and ‘rich’ (as per page 28, Attachment 5). • Education about the benefits of dietary fibre and recommended dietary intakes may be more effective in increasing dietary fibre intakes than imposing further mandatory restrictions. FSANZ’s objective is to ensure food labels with claims provide adequate information to enable consumers to make informed choices.
National Starch Food Innovation	Industry - Australia	<ul style="list-style-type: none"> • Does not agree with the intention to increase the level at which “Source” and “good source” fibre claims can be made. • Could lead to reduced fibre intake as many products will have to either downgrade their claims for fibre or remove them. • Expresses grave concern over quality of scientific evidence and rationale on which the increased claims are based. Requests as a matter of priority that FSANZ consider the potential negative consequences of reduced or removing fibre claims from foods that are currently available. • Recent position statement from National Heart Foundation on the role of carbohydrates in heart health highlights the importance of dietary fibre and specifically recommends that consumers seek out goods that contain dietary fibre. • WHO/FAO report “Diet, Nutrition and Prevention of Chronic Disease” 2003 showed that dietary fibre is the only component in the diet where there is convincing evidence for protection against weight gain and obesity. • By maintaining the current CoPoNC guidelines for fibre claims, food industry will be encouraged to consider fibre at a wider range of levels.
Nestle Australia Limited and Nestle New Zealand Limited	Industry – Trans Tasman	<ul style="list-style-type: none"> • Concerned with the proposed levels for a source and good source claim for dietary fibre and the removal of very high or excellent source of fibre. The change from that currently in CoPoNC will lead to confusion for consumers because products that already carry these claims will need to remove the claim or modify it from a good source to a source claim. • Supports AFGC in relation to the criteria and support the recommendation that the dietary fibre levels for dietary fibre claims in CoPoNC are retained.

Submitter	Group	Comments
New Zealand Food Safety Authority (NZFSA)	Government – New Zealand	<ul style="list-style-type: none"> • There is no justification for the proposed dietary fibre values for a ‘source’ and a ‘good source’ deviating from the proposed Codex claim values for dietary fibre where source = 3g per 100g or 1.5g per 100kcal (liquid foods: 1.5g per 100ml) and ‘good source’ = 6g per 100g or 3g per 100kcal (liquid foods: 3g per 100ml). • Does FSANZ have evidence to support the values proposed in the Draft Assessment Report?
Queensland Health	Government – Australia	<ul style="list-style-type: none"> • Only one level of dietary fibre claims should be allowed rather than both source and good source. The two categories proposed have the potential for confusion as some fruits and vegetables would only be allowed a source claim, while foods with substances such as polydextrose (e.g. cakes, biscuits) may be allowed good source claims.
National Heart Foundation of Australia National Heart Foundation of New Zealand	Public Health – Australia Public Health - New Zealand	<ul style="list-style-type: none"> • Proposed conditions for ‘source’ and ‘good source’ fibre claims, which are higher than currently prescribed under CoPoNC, will prevent a number of foods that currently make fibre claims from making them – could lead to a negative impact on consumers’ choices of fibre-containing foods.
Campbell Arnott’s Asia Pacific	Industry- Australia	<ul style="list-style-type: none"> • Retain CoPoNC “source”, “good source” and excellent dietary fibre claims based on CoPoNC. • Increasing the level of fibre required for claims would result in many products losing the claim or requiring significant reformulation
Glycaemic Index Ltd (GIL) Dietitians Association of Australia (DAA)	Public Health - Australia	<ul style="list-style-type: none"> • Do not support increasing levels at which ‘source’ and ‘good source’ claims can be made for fibre (e.g. two wholegrain, whole wheat breakfast biscuits would only meet ‘source of fibre’ criteria). • There is no evidence that increasing the levels will increase dietary fibre intake. There are potential negative consequences of reducing or removing fibre claims from foods that are currently available and important contributors to overall dietary fibre intakes. • Questions the quality of the scientific evidence and rationale on which the increased claims are based. • GIL is able to assist FSANZ with further modelling in this area.
Kellogg (Aust.) Pty Ltd	Industry- Australia	<ul style="list-style-type: none"> • Does not support increasing the level at which ‘source’ and ‘good source’ claims can be made nor the removal of the ‘very good source’ claim • No research has been provided to support a claimed increase will achieve an increase in dietary fibre intake. • Submission notes source and good source criteria for Canada and United States (2g/2.5g per serve and 4g/5g per serve respectively) but their average intake levels are lower. • Due to higher levels triggering claims it could be hypothesised that this has resulted in consumers being unaware of products that contribute fibre and thus may not be actively selecting them • Increasing the levels would reduce the number of products that would carry these claims. A table of Kellogg products classified into fibre claim levels has been provided in the submission

Submitter	Group	Comments
Kellogg (Aust.) Pty Ltd	Industry-Australia	<ul style="list-style-type: none"> • National Dietary Guidelines promote dietary fibre, Australians are not reaching their dietary fibre goals and every effort should be made to help them select foods to meet daily fibre needs. • Limiting the claim level to two not three will reduce the amount of information available to consumers. Consumers who seek very high fibre products would be disadvantaged, by disallowing the ‘very good source’ claim. • Foods which can currently make a very high fibre claim can make a significant contribution to daily fibre intakes • Can also create confusion as consumers might think the fibre content has been reduced when it is the same and it is the criteria that have changed.
<p>Australian Food and Grocery Council</p> <p>(Supported by Nestle Australia Ltd and Nestle NZ Ltd, Unilever Australasia, George Western Foods Limited/AB Food and Beverages, Simplot Australia Pty Ltd)</p>	Industry, Australia	<ul style="list-style-type: none"> • Rejects FSANZ proposed criteria for source and good source of fibre and the proposal to be silent on excellent source of fibre. • Source, good source and excellent source fibre claims based on the CoPoNC criteria of 1.5, 3 and 6g/serve have stood in the market place for many years without evidence of market failure. In proposing to change these by increasing the amount, FSANZ create a consumer perception issue for manufacturers. • Because consumers do not identify an amount with the claim, recognising only that it is a ‘good source’ of fibre, a product that currently carries a ‘good source’ claim will have to replace that claim with ‘source’ unless they reformulate the product, should the increased criteria be accepted. • Any reformulation, assuming it to be a feasible proposition regarding taste, texture, market and technological need, is an expensive exercise and in this case would not be for any purpose other than to maintain the same claim on pack. • The AFGC considers that FSANZ need to have convincing evidence that such a change is being guided by appropriate policy and is consistent with FSANZ Act Section 10 objectives. • Concludes that FSANZ is making a decision to change the criteria based on misrepresenting the evidence to increase the significance of fibre in the diet. • Supports the proposed criteria for increased fibre. • Recommends that FSANZ adopt the CoPoNC criteria for source (except the requirement for ‘in one place’ as discussed under Comparative claims above), good source and excellent source of fibre, as there is no evidence for change and there are significant issues with consumer perceptions and industry costs.
Cadbury Schweppes Pty Ltd	Industry - Trans Tasman	<ul style="list-style-type: none"> • The increased criteria proposed may be confusing for consumers, as a food that currently makes a ‘source of fibre’ claim may not be able to reference fibre if the new criteria are not met. • Fibre claims are not in line with the % RDI as other nutrients

Submitter	Group	Comments
Horticulture Australia Ltd (supported by Horticulture Australia Council and SPC Ardmona)	Industry - Australia	<ul style="list-style-type: none"> Based on a standard serving size of 150 g for fruit, bananas, pears and oranges would not be able to make a 'good source' of fibre claim. This issue also affects some nuts depending on the serve size.
Kraft Foods Ltd	Industry - Australia	<ul style="list-style-type: none"> Reiterates support for a consistent claim structure in that a 'source' claim should be 10% of the Recommended Daily Intake (RDI), and a 'good source' claim should be 25% of the RDI. There should be no references to fat. Fat claims should be presented separately so that the messages have less chance of becoming confused.
Med-Chem Ingredients Pty Ltd	Industry – Australia	<ul style="list-style-type: none"> Does not support the proposal to increase the requirement for dietary fibre content claims from 1.5g per serve to 2g and from 3g to 4g per serve for 'source' and 'good source of dietary fibre' claims, respectively. Aside from the problem of serving sizes potentially being increased to reach the new fibre content levels, current recommendations from the national school canteen organization, FOCUS, specify 1g of dietary fibre per serve as a recommended intake, making the proposed increased limits inconsistent with this.
Sanitarium Health Food Company	Industry – Trans-Tasman	<ul style="list-style-type: none"> Does not support increasing the level at which 'source' and 'good source' claims can be made for fibre nor the decision to remove the "very high in fibre" claim. There is no evidence to suggest that increasing the levels at which claims can be made will achieve an increase in dietary fibre intakes. The increase makes it difficult for many grain foods that currently can claim a source or good source of fibre to continue making this claim. For example, whole wheat breakfast biscuits such as Weet-Bix, which contain little more than wholegrain wheat (Weet-Bix contains only 3% of it's formulation as non-wholegrain ingredients), will no longer be able to claim 'high in fibre'. These minimally-processed foods will be penalised by the proposed criteria and possibly be seen as less healthy by consumers. Grain foods, such as breads and cereals, are the primary source of fibre in the Australian and New Zealand diet and their consumption is encouraged by dietary guidelines. The downgrading of fibre claims on grain food products is likely to reinforce to consumers that these foods are not as good as they used to be. There is a real need to instil consumer confidence in the core food groups rather than undermine it. Strongly questions the adequacy of the scientific evidence at which the increased requirement for the claim is made. Recommends retaining the current criteria for 'source', 'good source' and 'very good source' of fibre used in CoPoNC.
Simplot Australia Pty.Ltd.	Industry – Australia	<ul style="list-style-type: none"> Increasing the level at which 'source' and 'good source' claims can be made for dietary fibre will adversely affect current claims made on frozen vegetable packaging (examples of foods affected provided at Appendix 1).

Submitter	Group	Comments
Simplot Australia Pty.Ltd.	Industry - Australia	<ul style="list-style-type: none"> • Broccoli, cauliflower, corn cobs and some vegetable mixes would no longer be able to make ‘source of fibre’ claims. Brussels sprouts, baby beans, mint peas, baby peas and some vegetable mixes would have ‘high in fibre’ claims downgraded to ‘source of fibre’ claims.
Brismark/Brisbane Markets Limited (BML)	Industry- Australia	<ul style="list-style-type: none"> • Many fruit and vegetables are currently ‘restricted’ from making claims about the nutrient content because they may not contain enough per serve, e.g. a standard 150g serve of banana, pears and oranges would be excluded from the ‘good source of fibre’ claim, however manufacturers can fortify to meet the criteria, meaning those foods can be promoted over natural whole products such as fruit.

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8. NUTRITION CONTENT CLAIMS - SUGAR

Submitter	Group	Comments
Confectionery Manufacturers of Australasia Supported by CMA NSW Branch CMA Queensland Branch CMA SA Branch CMA Victoria Branch Langdon Ingredients CMA NZ Branch International Confectionery Association	Industry – - Australia Industry – New Zealand Industry - international	<ul style="list-style-type: none"> • Prefers to regulate sugar free claims in the Code, but reluctantly accepts that % sugar free has been introduced as an alternative to sugar free. Should % sugar free become a permitted claim as proposed, strongly recommends % sugar free is an option in addition to sugar free claims being retained in food law (i.e. Standard 1.2.7). • The confectionery industry could claim 99.8% sugar free on existing sugar free products. Yet sugar free should be retained for use with products as the trace (not added or naturally present) sugar content is nutritionally and physiologically insignificant. The % sugar free would infer to the consumer that some sugar content was present in the food, whereas the trace quantity is derived from non-sugar containing ingoing ingredients. • Regarding ‘no added sugar(s)’ claims, under the conditions proposed, it would appear single strength fruit juice is permitted and fruit juice in its concentrated and deionised form is prohibited. This approach may be suitable in terms of eliminating deceptive conduct in the fruit juice industry, however, considers this approach does not translate to processed foods. Various forms of fruit juice, deionised fruit juice or concentrated fruit juice are not detectable by analysis in processed foods, and therefore enforceability of the conditions is questionable.
Fonterra Co-Operative Group Limited supported by Fonterra Brands Australia (P&B)	Industry – New Zealand Industry - Australia	<ul style="list-style-type: none"> • Submits that products containing only natural lactose should be exempt from the requirement to bear the note ‘may contain natural sugars’. Consumers do not generally consider lactose a sugar and this would be confusing.
Heinz Australia/Heinz Wattie’s New Zealand	Industry – Trans Tasman	<ul style="list-style-type: none"> • Recommends the requirement to include a statement regarding naturally occurring sugar for ‘no added’ claims is deleted. • If this disclaimer was to remain as part of the ‘no added sugar’ claim, a threshold should be established before the extra words are required. • Considers the disclaimer is confusing as naturally occurring levels may be insignificant to total intake and the statement could be seen as alarmist and overstating the value of the nutrient. • In reality nearly every food that makes these claims will need to include the statement. • If label space is a concern, this statement may be a deterrent from making the claim. • The claim is currently positive but these words make it negative which codes not support consumer health.

Submitter	Group	Comments
Heinz Australia/Heinz Wattie's New Zealand	Industry – Trans Tasman	<ul style="list-style-type: none"> • Recommends the disqualifying criteria for 'no added sugar' claims of the addition of malt, concentrated fruit juice or deionised juice is deleted. • Malt is often added not as a sweetener but as a flavour. • Some infant foods are sweetened with juice which is milder in flavour than the food so does not constitute the essential character of the food. • Concentrated fruit juice or deionised fruit juice is a superior choice to sugar. Concentrated fruit juice offers nutrition beyond energy. • This may lead to a trend to replace fruit juices with sugar (cost benefit to manufacturers).
John Birkbeck (Massey University)	Academic – New Zealand	<ul style="list-style-type: none"> • 'No added sugar' claims - since there is no scientific justification for differentiation between naturally occurring and added sugars, the labelling requirement about naturally occurring sugar should be deleted point should be deleted (small packages, pg 51, foot of page).
Nestle Australia Limited and Nestle New Zealand Limited	Industry – Trans Tasman	<ul style="list-style-type: none"> • Agrees with the proposed requirements for low sugar and reduced sugar claims except that provision should be made for a split claim for the reduced sugar claim. • Supports the comments of the AFGC in relation to 'no added sugar' and 'unsweetened' claims. • Do not support the need to include a statement if the food naturally contains sugar and supports the comments of the AFGC in relation to this. • It is not clear what the distinction is between concentrated fruit juice and concentrated fruit juice that has been reconstituted in a food. The reconstitution of concentrated fruit juice in a food product is dependent on sufficient water being present to reconstitute the juice. Foods that do not contain sufficient water to reconstitute concentrated fruit juice should not be penalised over foods that have sufficient water to convert the concentrated fruit juice back to single strength, especially when each food contains the same 'equivalent' amount of fruit juice. • Support x% sugar free claim as proposed. • Current provisions in CoPoNC should be adopted for sugar free. Support AFGC and the Confectionery Manufacturers of Australasia in relation to free claims.
Department of Human Services Victoria	Government – Australia	<ul style="list-style-type: none"> • Sugar reduced claims should be accompanied by a statement as to whether the product is also reduced in energy as consumer research show that consumers do not look for or understand nutrient trade-offs (FSANZ 2003a).
National Foods Ltd	Industry, Australia	<ul style="list-style-type: none"> • Consumer research (FSANZ 2003) shows that 'no added' was unequivocally understood to mean that the product had only 'natural sugar' or 'natural salt', with nothing added. It was also widely understood that 'no added' claims did not imply that the product had none of the 'nutrient' in question. Consumers were far less skeptical of 'no added' claims. • Submits that it is redundant to include additional information for no added sugar or sodium claims. The sugar or sodium content is clearly displayed in the nutrition information panel, if the consumer requires verification. • According to Council of Australian Government (COAG) Principles, new regulation should only be introduced to correct a market failure, and in the case of 'no added sugar' or 'no added salt' claims, no market failure has been

Submitter	Group	Comments
National Foods Ltd	Industry, Australia	<p>demonstrated.</p> <ul style="list-style-type: none"> • Recommends the additional criterion for ‘no added sugar’ or ‘no added salt’ be removed, eliminating the need for a ‘contains naturally occurring sugar/salt’ disclaimer. • The current definition for a sugar should prevail excluding ‘fruit juice concentrates’. • The recommendation aligns with the COAG principles for new regulation, whereby new criteria should only be introduced to correct a regulatory market failure.
National Heart Foundation of Australia	Public Health – Australia	<ul style="list-style-type: none"> • Believes that reduced sugar claims should only be permitted on foods that also have a reduction of 25% or more in energy. It is also recommended that along with the comparison statement concerning the amount of sugar reduction, there is a statement of the reduction in energy for these foods.
National Heart Foundation of New Zealand	Public Health - New Zealand	<ul style="list-style-type: none"> • This point is supported by the submission from the New Zealand Dietetic Association.
Campbell Arnott’s Asia Pacific	Industry-Australia	<ul style="list-style-type: none"> • The nutrient claim for ‘no added sugars’ be modified to: <ul style="list-style-type: none"> a. the food contains no added sugars, honey, malt, malt extracts; and b. the food contains no deionised fruit juice, unless the food is standardised under Standard 2.6.1 or 2.6.2; and c. if the food contains sugars the claim states that the food contains naturally occurring sugars; and d. the claim is presented so that all elements of the claims are in the one place. • Support the specific inclusion of Standards 2.6.1 and 2.6.2 into the proposal for no added sugar claims. • Believe that the use of concentrated fruit juice in all foods should be treated similarly and that the standard as written is overly restrictive and discourages innovation.
Dairy Australia supported by Murray Goulburn Co-operative Co Ltd	Industry-Australia	<ul style="list-style-type: none"> • The statement required when a ‘no added sugar’ claim is made may be confusing for consumers in the case of dairy products, as there is insufficient knowledge that lactose is a type of sugar. • Lactose has beneficial health effects as it is low GI and does not lead to milk and yogurt being cariogenic (see disqualifying criteria also).
Fonterra Co-Operative Group Limited	Industry – New Zealand	<ul style="list-style-type: none"> • The proposed statement may adversely affect consumption of dairy products. • Lactose naturally present in milk and yogurt should not be included in the statement about ‘naturally occurring sugar’.
New Zealand Dietetics Association (NZDA)	Public Health – New Zealand	<ul style="list-style-type: none"> • Agree with the National Heart Foundation of New Zealand that all reduced sugar claims should be $\geq 25\%$ lower in energy compared to a reference food.
Palatinit GmbH	Industry – International	<ul style="list-style-type: none"> • The claim ‘x% sugar free’ as proposed by FSANZ has essentially the same meaning as the ‘sugar free’ claim. Nevertheless, considers ‘x% sugar free’ to be more difficult for consumers to understand. • The UK Nutritional Claims in Food Labelling and Advertising Guidance Notes of 1999 recommends the use of ‘free’ claims for sugars, fat, saturates and salt, based on the conditions laid down in the Guidelines, as x% free claims could be misunderstood.

Submitter	Group	Comments
Palatinit GmbH	Industry – International	<ul style="list-style-type: none"> • ‘x% sugar free’ claims are possible but are a less attractive alternative to sugar free claims. It is a disadvantage to both consumers and manufacturers on many fronts. • Recommend FSANZ to maintain the current approach for sugar free claims and to harmonise the criterion for a sugar free claim with the international precedent where Codex has laid down a maximum of 0.5g sugar per 100g food.
<p>Australian Food and Grocery Council</p> <p>(Supported by Nestle Australia Ltd and Nestle NZ Ltd, Unilever Australasia, George Western Foods Limited/AB Food and Beverages, Simplot Australia Pty Ltd)</p>	Industry, Australia	<ul style="list-style-type: none"> • Agrees with criteria for low and reduced sugars (except for the ‘in one place’ requirement discussed under Comparative Claims). • No added sugar and unsweetened - Disagrees with the requirement for such claims to carry a statement to the effect “contains natural sugars” as it not evidence based and is likely to mislead consumers. • FSANZ omit in their summary within Appendix 6, the next statement from their own qualitative research report (FSANZ 2003 series no 5, P52): “It was also widely understood that ‘no added’ claims did not imply that the product had ‘none’ of the nutrient in question”. If this is consumer understanding, then there is no need for information in addition to that already fully disclosed in the Nutrition information panel. FSANZ then go on to state: “...a food labelling quantitative study found that less than two-fifths of 934 respondents (38%) knew that ‘no added sugar’ claims meant that the food could be low, medium or high sugar”. • Perceived risk to consumers of being misled is addressed by the current requirements of the Nutrition information panel to state the sugar content of the food. • Recommends that FSANZ removed the requirement ‘contains natural sugars’ from the ‘no added sugars’ claim criterion. • The AFGC agrees with FSANZ decision to include sugar free but recommends that a tolerance be included.
Cadbury Schweppes Pty Ltd	Industry - Trans Tasman	<ul style="list-style-type: none"> • ‘No added sugar’ - Concerns that there is concentrated fruit juice and deionised fruit juice but single strength fruit juice is not listed. Have concerns that some manufacturers will continue to use concentrated fruit juice and deionised juices and will not declare them as added sugars as there is no way to determine that these products have been added. • Enforcement agencies will be reluctant to act upon ‘gut feel’ complaints by competitors.

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9. NUTRITION CONTENT CLAIMS - SODIUM

Submitter	Group	Comments
John Birkbeck (Massey University)	Academic – New Zealand	<ul style="list-style-type: none"> • Since added salt equals sodium, why are they differentiated? ‘Added sodium’ is sufficient.
National Heart Foundation of Australia	Public Health – Australia	<ul style="list-style-type: none"> • As suggested for potassium claims above, it is recommended that in addition to requiring potassium in the panel, the conditions in column 3 should state that the potassium entry in the nutrition panel is directly below that of sodium. • For clarity, it is recommended that Division 3 (a) is reworded to ‘the food contains no added sodium compound, including no added sodium chloride (salt)’.
National Heart Foundation of New Zealand	Public Health - New Zealand	
National Foods Ltd	Industry, Australia	<ul style="list-style-type: none"> • Consumer research (FSANZ 2003) shows that ‘no added’ was unequivocally understood to mean that the product had only ‘natural sugar’ or ‘natural salt’, with nothing added. It was also widely understood that ‘no added’ claims did not imply that the product had none of the ‘nutrient’ in question. Consumers were far less sceptical of ‘no added’ claims. • Submits that it is redundant to include additional information for no added sugar or sodium claims. The sugar or sodium content is clearly displayed in the NIP, if the consumer requires verification. • According to COAG Principles, new regulation should only be introduced to correct a market failure, and in the case of ‘no added sugar’ or ‘no added salt’ claims, no market failure has been demonstrated. • Recommends the additional criterion for ‘no added sugar’ or ‘no added salt’ be removed, eliminating the need for a ‘contains naturally occurring sugar/salt’ disclaimer. The current definition for a sugar should prevail excluding ‘fruit juice concentrates’. • The recommendation aligns with the Council of Australian Government principles for new regulation, whereby new criteria should only be introduced to correct a regulatory market failure.
Nestle Australia Limited and Nestle New Zealand Limited	Industry – Trans Tasman	<ul style="list-style-type: none"> • Support the low sodium/salt criteria proposed. • Welcome the modification to the requirements for the reduced sodium claim. • Support AFGC regarding unsalted and no added sodium claims. • Recommends that a maximum sodium level be provided for salt free claims.
New Zealand Food Safety Authority (NZFSA)	Government – New Zealand	<ul style="list-style-type: none"> • Drafting error in table to clause 11 – (d) should be replaced with (c).

Submitter	Group	Comments
Heinz Australia/Heinz Wattie's New Zealand	Industry – Trans Tasman	<ul style="list-style-type: none"> • Recommends the requirement to include a statement regarding naturally occurring sodium for ‘no added’ claims is deleted. • If this disclaimer was to remain as part of the ‘no added sodium’ claim, a threshold should be established before the extra words are required. • Considers the disclaimer is confusing as naturally occurring levels may be insignificant to total intake and the statement could be seen as alarmist and overstating the value of the nutrient. • In reality nearly every food that makes these claims will need to include the statement. E.g. ‘no added sodium’ beetroot contains 30mg sodium per serve, naturally. • If label space is a concern, this statement may be a deterrent from making the claim. • The claim is currently positive but these words make it negative which codes not support consumer health.
<p>Australian Food and Grocery Council</p> <p>(Supported by Nestle Australia Ltd and Nestle NZ Ltd, Unilever Australasia, George Western Foods Limited/AB Food and Beverages, Simplot Australia Pty Ltd)</p>	Industry, Australia	<ul style="list-style-type: none"> • Supports the criteria for ‘low salt’ and reduced salt/ sodium claims (except for the requirement “the claim must be presented so that all elements of the claim are in one place”, as discussed under Comparative Claims above). • No added & unsalted - disagrees with the requirement for such claims to carry a statement to the effect ‘contains naturally occurring sodium’ as it is not evidence-based and is likely to mislead consumers. Noted that FSANZs’ own research indicated that a similar disclosure statement for sugar did not assist consumers. • Any risk is managed by the requirement for full disclosure within the nutrition information panel. • Recommends that the requirement to include a statement to the effect ‘contains naturally occurring sodium’ be removed from the provisions. • Agrees with FSANZ decision to include salt free but recommends that a tolerance be included.
World Action Group on Salt and Health	Public Health, Australia	<ul style="list-style-type: none"> • Disagrees with requirement for naturally occurring sodium to be disclosed. • Almost all foods except oils contain naturally occurring sodium. If naturally occurring sodium is considered significant for some reason, foods without it (i.e. oils) could be required to state that they contain no naturally occurring sodium. • Can see no use in making any statement about naturally occurring sodium.

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10. GLYCAEMIC INDEX (GI) AND GLYCAEMIC LOAD (GL)

Submitter	Group	Comments
Australian Consumers' Association	Consumers - Australia	<ul style="list-style-type: none"> • Does not support the FSANZ proposal that any product can identify its GI on the label but a product can only carry a 'low GI' claim if it is linked with an endorsement programme. • Supports the use of the term GI in assisting consumers with diabetes. However, does not believe that there is sufficient evidence that a low GI diet with assist the general population in achieving long term weight loss. • Is concerned that products may state the GI but not identify whether that is low, medium or high GI. Consumers with a limited understanding to the GI concept may see a product with a GI of 80 and draw their own conclusion as to whether that is a high, medium or low GI food. The GI is a complex concept for many consumers to understand. • An Australian Standard on the method of testing GI is being developed and that this may impact on GI claims. Suggests FSANZ make reference to this Australian Standard in the Food Standards Code and revise proposals in relation to GI claims to ensure that consumers are not misled by GI labels. GI claims should not be permitted without being placed in context of 'low, medium or high' GI.
Australian Food and Grocery Council (Supported by Nestle Australia Ltd and Nestle NZ Ltd, Unilever Australasia, George Western Foods Limited/AB Food and Beverages, Simplot Australia Pty Ltd)	Industry, Australia	<ul style="list-style-type: none"> • The AFGC in its response at initial assessment did not consider GI and GL to be content claims and therefore recommended FSANZ remain silent, leaving Fair Trading Law and Trade Practices as the regulatory framework. • Rejects FSANZ proposal to restrict the use of designators, low medium and high to those foods that have purchased an endorsement from the GI Symbol Programme as this is trade restrictive and anti-competitive. • Recommends that until an Australian standardised testing protocol is in place, FSANZ remain silent on GI and GL claims, for similar reasons to the position they have taken on carbohydrate claims. • Agrees that if GI or GL is used in conjunction with a substantiated health claim, then the rules governing the health claim should apply, be it General level or High level.
Australian Fruit Juice Association (AFJA)	Industry - Australia	<ul style="list-style-type: none"> • Strongly disagree that the use of descriptive terms, e.g. low, medium and high, for GI together with the relevant quantitative figures is not permitted. • There is currently insufficient understanding in the community on what the figures alone mean. • Appears that FSANZ have concerns with methodology for GI testing, however if FSANZ accepts the GI Programme then surely they are accepting Sydney University's methodology.

Submitter	Group	Comments
Australian Nut Industry Council	Industry - Australia	<ul style="list-style-type: none"> The chestnut industry may refer to GI or Load as chestnuts are high in carbohydrates and low in fat. ANIC supports this. However does not support the inability of foods to use descriptors low, moderate and high when describing the GI of their products unless they are a part of the GI Symbol Programme. Believes this is discriminatory and removing these descriptors may confuse consumers as consumers are already familiar with these terms. Recommends allowing industry to use the descriptors low, moderate and high when referring to GI on labels.
Campbell Arnott's Asia Pacific	Industry- Australia	<ul style="list-style-type: none"> Approach is anti-competitive as other reputable companies would be at a disadvantage The claim should be available to all stakeholders as essentially FSANZ must consider this as it's own endorsement of the science Qualifying criteria should be set to prevent high fat food from being able to carry GI claims. A 50% fat cut off would be suitable GI/GL should be allowed as scores and in descriptive terms of low, medium and high. As a minimum, the standard should be amended to allow the GI score to be published in some consistent format across foods such as reporting a value from 100, e.g. GI 26/100.
<p>Confectionery Manufacturers of Australasia Supported by CMA NSW Branch CMA Queensland Branch CMA SA Branch CMA Victoria Branch Langdon Ingredients CMA NZ Branch</p> <p>International Confectionery Association</p>	<p>Industry – - Australia</p> <p>Industry – New Zealand</p> <p>Industry - international</p>	<ul style="list-style-type: none"> Recommends consistency between the requirements proposed in Standard 1.2.7 and those being developed by Standards Australia. GI/GL claims linked to an endorsement (namely the Glycaemic Index Symbol Programme) Other appropriately accredited laboratories are able to validate similar claims and therefore FSANZ should not be providing preference to one programme, thereby offering exclusivity and commercial advantage in a free market. Particularly, as this programme permits low, medium and high terminology and the proposal made by FSANZ prohibits these descriptor terms. In order to make a low GI claim a food would need to be licensed through Glycaemic Index Limited. GI/GL Claims not linked to enforcement The FSANZ approach proposing these claims is defined in Standard 1.2.7. This approach refers to a GI/GL index (content claim) and health effect (general or high level health claim). Concerned that the general public do not understand the claim in the form of an index, whereas there is familiarity with the “low”, “medium” and “high” descriptor terms which FSANZ proposes will not be permitted, except by way of the Glycaemic Index Symbol Programme endorsement (Standard 1.2.7, Clause 2 (2)(b)). Proposes that FSANZ adopt the descriptor approach as an alternative to the unfamiliar index. Whilst the draft Australian Standard for GI does not specifically address labelling provisions, it does prescribe the range applicable to “low”, “medium” and “high” GI. These are appropriate terms to describe GI/GL to the consumer and should be ratified in the Standard.

Submitter	Group	Comments
Dairy Australia Fonterra Co-Operative Group Limited	Industry-Australia Industry – New Zealand	<ul style="list-style-type: none"> • Not allowing descriptor terms with the GI value, may obligate industry to subscribe to the Glycaemic Index Symbol Programme. • There is an increasing amount of data becoming available regarding recognised reference values (for low etc). Note that the use of GI has for the classification of carbohydrate-rich foods has been endorsed by the FAO/WHO who recommended GI be considered together with information about food composition (Henry et al., (2005) Glycaemic index and glycaemic load values of commercially available products in the UK. Brit J Nutr 94, 922-30.). • Disagrees with the assumption that consumers using GI would be under the care of health professionals and therefore able to prescribe meaning to GI values. • Recommends that until a standardised analytical method of testing is in place that no stance on GI claims be taken.
Dairy Farmers Group	Industry - Australia	<ul style="list-style-type: none"> • Consider it appropriate that in order to inform and educate consumers, it is essential that a descriptor be permitted in close proximity to the numeric value, e.g. GI = 32 (low).
Department of Human Services Victoria	Government – Australia	<ul style="list-style-type: none"> • GI should include disqualifying criteria for total fat as a minimum as higher fat levels slow absorption of sugar and therefore reduce the GI. • This issue is important as low GI foods are currently being promoted not only for consumers with diabetes but also for consumers wishing to lose weight.
Dietitians Association of Australia (DAA)	Public Health - Australia	<ul style="list-style-type: none"> • Recommends the adoption of definitions used in the draft Australian Standard on Glycaemic Index testing so that ‘Low’, ‘Medium’ and ‘High’ GI descriptors can be used in association with GI claims.
Fonterra Co-Operative Group Limited supported by Fonterra Brands Australia (P&B)	Industry – New Zealand Industry - Australia	<ul style="list-style-type: none"> • Stating just the Glycaemic Index or Glycaemic Load in the form of a number is meaningless to consumers. Even though there is general knowledge that low GI products are preferable, there is poor understanding of the physiological basis of this system. • If FSANZ acknowledge the benefit of labelling products with GI, then support should be given with regards to regulating appropriate measurements and protocols (such as in the Draft Australian Standard for GI testing which had descriptors). • Suggest implementing programmes explaining national reference values and stating recommended/validated standardised analytical methods, so descriptors such as ‘low’, ‘reduced’ etc. linking to GI or could be permitted. Consumer education campaigns could clarify the measurement criteria to increase public understanding and prevent confusion. • Acknowledging the future global inclination towards making health messages thereby supporting industry and promoting consumer exposure and awareness is important and identifies with FSANZ principles and overseas practices. • Oppose the inclination to limit messages as a way of protecting the public, believing it only results in inconsistent practices and ignorance. Rather than the time and cost spent in enforcing more complicated legislation, focus should be on increasing knowledge and responsibility.
George Western Foods Limited and AB Food and Beverages	Industry – Australia	<ul style="list-style-type: none"> • The proposal that foods cannot be described as low, medium or high GI except by the GI symbol seeks to establish a regulatory monopoly for the owners of that symbol.

Submitter	Group	Comments
George Western Foods Limited and AB Food and Beverages	Industry - Australia	<ul style="list-style-type: none"> • It is unclear what market failure is being sought to be addressed, but the establishment of such a monopoly cannot be any real solution. • This will result in consumers being denied GI information, or else being put in the position of having to call marketers to ask about the GI status of a food. • The prohibition should be deleted.
Glycaemic Index Ltd (GIL)	Public Health – Australia	<p>Glycaemic Index</p> <ul style="list-style-type: none"> • Previous advice from ANZFA in March 2001 was that these were nutrition function claims, not nutrition content claims. As such they should be regulated as general level health claims and be subject to disqualifying criteria. • If they remain as nutrition content claims with no disqualifying criteria, GIL will continue to be disadvantaged in the market place, as the GI Symbol Programme has a comprehensive range of category specific disqualifying criteria that have to be met, whereas other less healthy foods are currently making low GI claims. • Recommends the adoption of definitions used in the draft Australian Standard on Glycaemic Index testing so that ‘Low’, ‘Medium’ and ‘High’ GI descriptors can be used in association with GI claims. <p>Glycaemic Load</p> <ul style="list-style-type: none"> • A low GI-high carbohydrate food or a high GI-low carbohydrate food can have a low GL. These two approaches will have very different metabolic effects on insulin sensitivity, triglyceride concentrations and free fatty acid levels (3), and satiety, weight management and cardiovascular risk are not the same. • Epidemiological evidence supports the consumption of : <ul style="list-style-type: none"> – Moderate-high carbohydrate (184-215g/day or 41-47% of energy in women; and 222-237 g/day or 41-43% of energy in men) – Higher fibre (about 20g per day) – Low GI (45-50) diets in the prevention of Type 2 diabetes • It is highly unlikely that a high GI, low carbohydrate, (and as a consequence) low GL diet will have the same protective effect. • The simplest way to consume a moderate-high carbohydrate, low GI diet is to follow the Dietary Guidelines for Australians and to incorporate the recommendations of the World Health Organization/Food and Agriculture Organisation (2). By choosing the lowest GI food within a food group, an individual will most likely be choosing the food with the lowest GL. • Does not recommend the use of glycaemic load in isolation, as it may lead to the unintentional and habitual consumption of low carbohydrate diets. Statements should be included in the standard which explicitly prohibits claims about glycaemic load. Does not recommend that FSANZ allow any GL claims on the labels of foods • Pg P106 should be amended by removing the term “...or Glycaemic load” from the text, and a statement explicitly prohibiting claims about glycaemic load should be added in .

Submitter	Group	Comments
Glycaemic Index Ltd (GIL)	Public Health - Australia	<ul style="list-style-type: none"> • (2) Carbohydrates in human nutrition. 1998. Report of a Joint FAO/WHO Expert Consultation. FAO Food and Nutrition Paper – 66. • (3) Wolever TMS and Mehling C. Long-term effect of varying the source or amount of dietary carbohydrate on postprandial plasma glucose, insulin, triacylglycerol, and free fatty acid concentrations in subjects with impaired glucose tolerance. Am J Clin Nutr. 2002; 76 (1): 5-56
Go Grains Health and Nutrition Limited supported by George Western Foods Limited/AB Food and Beverages and Campbell Arnott's Asia Pacific	Industry - Australia	<ul style="list-style-type: none"> • Strongly object to the requirement that GI claims 'does not include any descriptors in relation to the level of the property that is present', for the following reasons: <ul style="list-style-type: none"> – It is discriminatory that manufacturers who pay to belong to the GI symbol programme are able to use descriptors on product labels while others do not. – Low, medium and high criteria for GI are established in the market place and there is some consumer recognition. – It will be confusing to consumers if products that currently use GI descriptors suddenly cease to do so. – Numbers are more meaningful to consumers if they have some way of interpreting them. – The GI descriptors provide a context in which to interpret the numbers. • If it is agreed that there is not sufficient science to establish levels for the descriptors, then no manufacturer should be able to use them, whether or not they subscribe to an endorsement programme.
Goodman Fielder NZ Ltd	Industry, NZ	<ul style="list-style-type: none"> • Meadow Fresh (NZ) has been making GI claims on products since the beginning of 2002. Provides copy of GI registered trademark which appears on foods tested by the Department of Human Nutrition, Otago University. Would like to continue using the trademark rather than a generic one. • Believes the Australian Glycaemic Index Ltd Index Symbol is not a reliable or meaningful piece of information in the absence of a descriptor term to put it in perspective. Concerned about descriptor terms "low", "medium" or "high" not being permitted. Believes that using the index values alone, without descriptor terms to put them in context, is misleading and deceptive. Does not support this proposal. (References American Journal of Clinical Nutrition 2002 Vol. 76. Pages 5 -56, by Foster-Powell, Holt and Brand-Miller.
Heinz Australia/Heinz Wattie's New Zealand	Industry – Trans Tasman	<ul style="list-style-type: none"> • Recommends that products should be able to describe GI levels as 'low', medium' or 'high' outside of any GI endorsement programme, to keep a level playing field and avoid consumer confusion. • Use of GI descriptors with endorsement programmes only provides an unfair playing field and forces companies to join a programme. • Stating a number is pointless and meaningless to consumers, who generally know to look for 'low'.
International Diabetes Institute	Public Health – Australia	<ul style="list-style-type: none"> • Prohibition of 'low GI' claims unless made under an endorsement will reduce 'low GI' claims and therefore reduce public awareness of low GI foods. • Restriction of GI claims to those who can afford to join an endorsement programme builds consumer cynicism regarding potential health benefits and may disadvantage the consumer in making healthy food choices.

Submitter	Group	Comments
International Diabetes Institute	Public Health - Australia	<ul style="list-style-type: none"> • Recommends allowing the use of Low GI claim on a product provided the product had been tested in human GI studies. • (Substantiation/classification of claims) As a general level health claim referring to a health effect, GI should be regulated by the Code requirement that the manufacturer must hold data to support their claim. • Restricting the use of GI to an index number rather than ‘low GI’ could result in public confusion in interpretation of GI values and restrict the use of the claim by manufacturers. • ‘Low’, ‘medium’ and ‘high’ GI is the standard terminology used by the scientific community, industry, healthcare professionals and the general public. Consumers are not informed of the relevance of GI figures. • Recommends the use of the internationally accepted categories of Low, Medium and High GI rather than the use of GI index number
John Birkbeck (Massey University)	Academic – New Zealand	<ul style="list-style-type: none"> • The GI concept has some scientific support but except in very specific clinical situations it is not correct to use it in labelling. • It may have some value in clinical diets for diabetics, but reflects a value for a single food, and we rarely consume foods singly. • Other items in the meal may radically alter the apparent GI of a food, e.g., in the use of guar gum to improve glucose handling in diabetics. • Submits that this section be deleted (5.3.4). • Does not accept that GI has the value which is claimed by its proponents for diet choice in healthy people.
Kellogg’s (Aust.) Pty Ltd	Industry-Australia	<ul style="list-style-type: none"> • Sets up a competitive advantage for those manufacturers who wish to pay for GI Endorsement Programme • This approach is not supported by Kellogg’s and needs further review and clarification • If agreed that there is not sufficient science to establish levels for descriptors for GI then no manufacturer should be able to use them, whether or not they subscribe to an endorsement programme.
Kraft Foods Ltd	Industry - Australia	<ul style="list-style-type: none"> • Express concern with the acceptance of GI (Glycaemic Index) and GL (Glycaemic Load) for labelling purposes, when the methodology has not been established and which there is much debate. • Understand that Standards Australia is investigating the methodology, but also that they are having difficulty. Understand that the concept is of value, however regulating it at this stage without the methodology confirmed is presumptive. • Concerned that GI/GI claims can only apply to foods containing at least a medium amount of carbohydrate, a concept that a lot of consumers do not understand. This is based on the number of queries to Kraft Foods Customer Service Hotline. This would suggest that, when it is sufficiently robust to be added, a category for foods which are not able to be tested should be added. Perhaps this category should be ‘non-GI’.

Submitter	Group	Comments
Mandurah Australia Pty Ltd	Industry - Australia	<ul style="list-style-type: none"> • The problem with the currently proposed regulations in relation to GI/GL is that it will not be possible to make any glycaemic claims for products with polyols. Glycaemic claims can only be made as statement of the GI or GL in numerical form (e.g. this product has a GI of 32) In order to make such a claim, the product will have to undergo a GI determination. Polyols are excluded from this by the definition in the Australian Standard for GI determination. This means, that it is not possible to determine the GI of polyol based candies (as there are no available carbohydrates), but this can be done for a sugar candy. Also, it does not make sense to compare the GI of a polyol based product with a regular sugar-based product, because in the first case the GI does not consider the polyols (only other available carbohydrates present on the product), while the GI of the regular based product also takes the sugar into account. • Polyols are used, by tradition, to replace sugars in baked goods, jams and other products for their very low glycaemic properties. They are ingredients which allow / facilitate the manufacturing of food alternatives with reduced to low effects on blood glucose levels. Such products are of interest for people with diabetes as well as other people who take the low glycaemic properties of foods into account within a healthy diet. These people rely on information on glycaemic properties of foods. Excluding polyols from these claims is a major drawback for many consumers as well as manufacturers. For example, a claim ‘reduced glycaemic’ would be very useful for polyol containing products, as this allows consumers to compare the glycaemic response of equal amounts (serving sizes) of regular cookies versus polyol-based cookies. • Request that FSANZ do not restrict glycaemic claims to a statement of the GI or GL, but to also allow other ways (in wording or picture) to describe glycaemic properties of foods.
Manufactured Food Database	Government- NZ	<ul style="list-style-type: none"> • Endorses the proposed change that the only permitted claim for Glycaemic Index is a numerical one. • Notes that there is considerable variation in analytical methods.
Meat and Livestock Australia	Industry - Australia	<ul style="list-style-type: none"> • Agrees with the proposal to allow GI/GL claims but believes the claim should not be isolated to a particular food e.g. replacing protein with carbohydrate will lower the GL of a meal.
Mrs Mac’s Pty Ltd	Industry- Australia	<ul style="list-style-type: none"> • ‘Low’ etc claims won’t be allowed, even if they have the endorsement and testing by Diabetics Association of Australia. • Allowing GI Index claims only will mean packaging changes and costs to manufacturers’.
National Centre of Excellence in Functional Foods	Academic & Other - Australia	<ul style="list-style-type: none"> • According to the draft Standard on the Glycaemic Index of foods from Standard Australia (October 2005) consumer awareness of the GI has increased from 3 in 10 grocery shoppers in 2002 to 8 in 10 shoppers in 2004. In the same document the following categories of GI were reported: Low GI – 55 and below; Medium GI – 56 to 69; High GI – 70 and above. While these categories relate to food and food items they do not apply to mixed meals. GI values alone may provide little benefit to consumers and could potentially cause confusion. While the Standard on GI of foods by Standard Australia is still in draft form, it is likely that a final version will be available in coming months. • Reference could be made in Standard 1.2.7 to the final categories contained within the final Standard approved by Standard Australia. This would enable descriptors such as low, medium and high to be used with respect to the GI of the food. However, the exact GI value of the food item should also be an obligatory component of label should a descriptor be used. Both should be located in very close proximity to avoid confusion.

Submitter	Group	Comments
National Foods Ltd	Industry, Australia	<ul style="list-style-type: none"> • Gives extensive background to consumer interest in GI and initiatives introduced by the food industry. • Restricting use of GI (and GL) information is misleading to the consumer and limits the knowledge they have access, to make informed dietary choices. • National Foods submits the rationale for permitting GI and GL numeric values only on food packaging and advertising materials is based on no scientific evidence, no evidence of market failure and no sound rationalisation. • FSANZ have accepted the use of the GI or GL numeric values and ratings for the GI Symbol Programme (Sydney University) – an endorsement programme. To remove any anti-competitive connotations, to maximise consumer understanding and avoid misperception, and to facilitate product innovation, the permission to use GI or GL claims on labelling or education materials, should be made publicly available. • National Foods strongly advocates for substantiated GI (and GL) numeric values and ratings be permitted on all food labelling and education materials.
National Heart Foundation of Australia	Public Health – Australia	<ul style="list-style-type: none"> • Unclear what is meant in Division 3 (a) ‘the claim refers to the presence of the property’. Does this mean something like ‘this food has a glycaemic index’ or ‘this food can impact glycaemia because it contains carbohydrate’? Recommends clarification.
National Heart Foundation of New Zealand	Public Health - New Zealand	
National Starch Food Innovation	Industry - Australia	<ul style="list-style-type: none"> • GI lacks sufficient evidence to support the categorisation of tested foods into low, medium and high and as such, these levels should not be included in the standard. • Potential to mislead consumers using the categorisation of tested food is of significant concern given arbitrary manner in which the category cut-offs were initially set and the lack of direct health evidence. • Takes issue with the concept and determination of “available carbohydrate” as the basis for testing a food’s impact on the glucose profile. • Underlying flaw in GI testing procedure is to suggest that a 50g portion of a carbohydrate food accurately reflects the impact of that food on a healthy person’s glucose profile. • Outlines the Glycaemic Response as a more accurate measure of the impact on blood sugar of a consistent consumer-friendly portion of food (such as that labelled as one serving on the NIP). • One of the likely consequences associated with mandating GI as the only means of communicating the impact of glucose release will be unwanted and potentially unhealthy nutritional manipulation of food components in order to achieve a lower GI score. • Adding fat or increasing acidity have the effect of reducing the GI but these cannot be viewed as healthy compositional changes. Yet the addition of a valuable, inherently healthy ingredient such as resistant starch is totally discounted when measuring GI.

Submitter	Group	Comments
National Starch Food Innovation	Industry – Australia	<ul style="list-style-type: none"> • Blood glucose is only one factor – of equal or more importance is the impact of an ingredient or food on blood insulin levels. High levels of circulating insulin and insulin resistance are well-known and recognised risk factors for a number of conditions including metabolic syndrome. • Ingredients such as fructose and protein do not immediately contribute to blood sugar levels and as such foods with these ingredients naturally present or added have lower GI. However these increase blood insulin levels via a different mechanism.
Nestle Australia Limited and Nestle New Zealand Limited	Industry – Trans Tasman	<ul style="list-style-type: none"> • The requirement that where a GI or GL Index claim refers to a health effect, then the associated claims must comply with conditions for those claims, including the disqualifying criteria (stated in Section 5.5.4) will mean that claims in association with weight management will only be permitted on foods that are low in energy. Foods that are low in GI (with significant levels of available carbohydrate) are likely not to be able to claim the weight management effects that are mentioned by FSANZ in this section. • Recommend that function claims that are substantiated for low GI foods and weight management be permitted and not subject to restrictive energy levels.
New Zealand Food and Grocery Council (FGC)	Industry – New Zealand	<ul style="list-style-type: none"> • Questions whether these can be defined as content claims. • It is essential to establish standardised analytical methods for these claims.
New Zealand Institute for Crop & Food Research Ltd	Academic and Other - New Zealand	<ul style="list-style-type: none"> • Consider the emphasis in the first paragraph of section 5.5.4 not to be strictly correct, as glycaemic index (GI) and glycaemic load (GL) are both determined from the glycaemic response to foods, not to carbohydrate in foods, except that the GI is determined on a food dose calculated from the carbohydrate content of a food. • The presently used “GI of food” is not the GI of a food at all, but of a food carbohydrate • Paragraph 2 of section 5.5.4 implies that high GI foods are helpful in replenishing blood glucose. However, the replenishment depends on the glycaemic impact of the consumed food, and that depends on its carbohydrate content as well as its GI. As written, paragraph 2 helps perpetuate the common misconception that GI on its own is indicative of glycaemic effect. • The method for GI determination proposed in the draft GI Standard is highly unreliable (standard deviations 20-30). Consider it is too early to imply that this method will provide more reliable GI values than other methods when further developments in methodology are taking place. Crop & Food Research is currently working with CSIRO on an enhanced method. • Recommend that this Standard be reviewed within the next 18 months in order to consider new developments in methodology. • Paragraph 5 of section 5.5.4 incorrectly defines GL as referring to a serving of food. It refers to the glycaemic impact of a given quantity of food, not to a serving. It may be referred to as GL/serving if a serving is the quantity involved. • ‘Munro 2004’ should be spelt ‘Monro 2004’ in the text and footnote.

Submitter	Group	Comments
New Zealand Institute for Crop & Food Research Ltd	Academic and Other - New Zealand	<ul style="list-style-type: none"> • In relation to paragraph 5 of section 5.5.4: GI does not describe anything about a food; it describes the relative glycaemic effect of food adjusted by its carbohydrate content. A food with a carbohydrate content of 10% may have the same GI as a food with a carbohydrate content of 90%. The qualitative effect is not the same. And although GI may be regarded as indicative of carbohydrate ‘quality’, it is based on measurement of a food’s effect, not a carbohydrate effect. • GL is referred to as an index. GI is an index, but GL is not – it is a variable that is dependent on food quantity. Reference to ‘GL index’ is incorrect. • Are presently reassessing approaches to the measurement of the glycaemic impact of foods for the purposes of food labelling and for consumer guidance towards healthier food choices. Lifestyle Foods, a Crop & Food Research and industry participant research programme is supporting an endorsement symbol submitted by the New Zealand Nutrition Foundation under the pre-approval system. • Supports this endorsement approach as the best means to convey the impact of GL to consumers. • The single value used in the GI scheme implies a greater level of scientific accuracy in GL/GI values than is possible using current clinical GI or GL determination methods. However, if taken in the context of a daily eating plan (as per the endorsement programme) we believe that foods can be classified as high, medium or low GL.
New Zealand Institute for Crop & Food Research Ltd	Academic and Other - New Zealand	<ul style="list-style-type: none"> • At this point gaps in scientific knowledge mean that a high level health claim should not be made in relation to GI and GL effects. Further scientific research is required to: <ul style="list-style-type: none"> • a. demonstrate that values obtained under the tightly prescribed conditions of clinical glycaemic analysis, as prescribed in the draft standards for GI, can be generalised to the usual conditions under which foods are consumed; • b. develop improved methods for measuring glycaemic impact, including an in vitro method to overcome the issue of human variability and to allow glycaemic impact to be presented more as a food variable consistent in presentation with nutrient values; • c. establish that claims based on GI and GL are valid with respect to improving health outcomes for free-living consumers following international research on the utility of GI and GL in improving health outcomes, which is at present inconclusive; • d. provide a much clearer understanding of the many food factors that determine the extent to which glycaemic impact, defined as the product of a given dose of glycaemic carbohydrate and the intrinsic glycaemic potency of its constituent monosaccharide constituents, is translated to a glycaemic response. • Present support is based on the weight of evidence suggesting that consumers may safely alter their daily eating plans to incorporate a larger range of low and medium GL foods and experience beneficial health outcomes provided other nutritional criteria are satisfied, but as noted consider more research is required to take this further.

Submitter	Group	Comments
Palatinit GmbH	Industry – International	<ul style="list-style-type: none"> • Welcomes the consideration and inclusion of glycaemic claims in the regulations. There should be various consumer groups interested in and profiting from this information including: sports people, persons suffering from diabetes and other persons following a low glycaemic diet. • The glycaemic effect of foods is increasingly recognised to play a beneficial role within a healthy diet and for the general population (FAO/WHO 1998). This is based on a growing body of research over the past 20 years indicating that a carbohydrate-based low glycaemic diet (this term commonly refers to carbohydrates as total carbohydrate minus dietary fibre) is less likely to be associated with nutrition-related diseases like obesity, diabetes, coronary heart disease and possibly some types of cancer than a carbohydrate-based high-glycaemic diet. • Strongly support the communication of glycaemic properties of foods. However, there are some shortcomings with the current approach allowing only for GI and GL claims in numerical form as GI or GL. • According to the Draft Australian Standard on Glycaemic Index of Foods, only completely available carbohydrates shall be considered. Sugar replaces (polyols) are partially or non-available carbohydrates and are therefore excluded. Therefore, it will not be possible to make a GI or GL claims for food products in which sugars have been replaced by polyols despite these products in their traditional version (sugars-based) being known consumers to be a significant source of highly digestible carbohydrates. • Strictly speaking the GI is only a mathematical tool to compare carbohydrates in foods according to their effect on blood glucose levels. What is most relevant from a health perspective is whether a food causes a high or a low glycaemic response which is associated with a high or a low insulin demand. • The hormone insulin plays a central role in controlling plasma glucose levels, but also in the overall regulation of the intermediary metabolism and underlying physiological mechanisms. It promotes the uptake of nutrients like glucose into cells and subsequent processes to store the ‘excess energy’ for periods of demand. In this respect, the aim should be to reduce the day insulin profile by means of a low glycaemic diet. This can be achieved by either lowering the intake of carbohydrates (often resulting in increased fat in diet) or selecting carbohydrate rich foods with a low glycaemic response. The later should be favoured. Most low glycaemic foods are fibre-rich. The choice of low glycaemic ingredients instead of high glycaemic ingredients are also tools to influence carbohydrate digestion of carbohydrate rich foods with particularly low fibre content, thus reducing their glycaemic response. • Isomalt and other polyols are associated with a very low insulin demand and can thus help to reduce the day insulin profile. The exchange of sugars by polyols like isomalt for their glycaemic properties has long been traditional in foods for diabetics. Isomalt has a very low effect on blood glucose and insulin levels. This has been shown in a number of studies, the most recent one performed at the University of Sydney (SUGiRS) in 2002. • Isomalt has been shown to have a reducing effect on markers of medium-term glycaemic control (HbA1c, fasting glucose, postprandial glucose concentrations) in people with diabetes. The use of isomalt instead of sugars within an overall healthy diet can be a means of improving glycaemic control in diabetics as well as in health people.

Submitter	Group	Comments
Palatinit GmbH	Industry – International	<ul style="list-style-type: none"> • Recommend FSANZ provide claims regulating glycaemic claims for polyol containing foods. Propose also to allow for mathematical descriptors like: <ul style="list-style-type: none"> (a) The glycaemic response (GR). The GR can be expressed as the area under the blood glucose curve of a defined amount of carbohydrate (including polyols) relative to that of the same amount of glucose₁. (b) The Glycaemic Glucose Equivalent (GGE) as defined by John Monro₂. • A GI or GL claim in numerical form without further descriptors may not mean anything to most consumers. Therefore propose FSANZ allow descriptors like low, medium and high, which may first be based on the classification given by the University of Sydney until others may be established. A describing statement putting a GI value into context may help the consumer towards a better understanding e.g. ‘GI values range between 0 and 100. Within this scale, the GI of 32 of this food is low’ • Propose to allow for a ‘reduced’ descriptor for products in which the glycaemic response (IAUC) has been reduced by at least 25% or 30% compared to the regular counterpart. Such a claim would be independent from a numerical GI classification, while it will help consumers to easily recognise foods with a lower glycaemic response. • Low and reduced glycaemic products contribute to a lower insulin day profile which is the main target for the health oriented consumer. • References • ₁ Livesey, G (2003) Health potential of polyols as sugar replaces, with emphasis on low glycaemic properties. Nutrition Research Reviews 16, 163-191. • ₂ Monro, JA and Williams, M. (2000) Concurrent management of postprandial glycaemia and nutrient intake, using glycaemic glucose equivalents, food composition data, and computer-assisted meal design. Asia Pacific Journal of Clinical Nutrition 9, 67-73. • Monro, J.A. (2005) Expressing the glycaemic potency of foods. Proceedings of the Nutrition Society 64, 115-122.
Parmalat Australia Ltd	Industry, Australia	<ul style="list-style-type: none"> • Agree with rationale that regulation of GI descriptors should be based on authoritative tests. • Pending further education being undertaken on the significance of a GI value, consumers are able to more readily relate to a ‘low’ claim than a numeral value. • Believes it is anti-competitive that the only means by which a manufacturer can convey to consumers that a food is ‘low GI’ is by subscribing to the Glycaemia Index Symbol Programme. • Recommends that FSANZ remains silent on GI/GL claims pending finalisation of a standard for the determination of GI in foods by Standards Australia.
Queensland Health	Government – Australia	<ul style="list-style-type: none"> • GI claims should not be allowed until further evidence of their role in health is established. • A GI value in the absence of information regarding what is an appropriate GI level is of little use to consumers. • The GI does not always assist in identifying healthy foods because the GI value is affected by factors other than the carbohydrate content of the food (e.g. ice cream is low GI because of its fat content).

Submitter	Group	Comments
Rosemary Stanton	Public Health - Australia	<ul style="list-style-type: none"> • The references to weight control (Section 5.5.4) need to note that findings have been mixed and inconsistent in determining correlation between GI/GL and weight control. • A number of studies show no correlation (Ref 3, 4, 5 plus more available) and results have shown differences in boys and girls (6). • Many products which carry the endorsement would not meet the disqualifying criteria in relation to content claims if it were applied (see Endorsements). <ol style="list-style-type: none"> 3. Liese AD, Schulz M, Fang F, Wolever TMS, D'Agostino RB, Sparks KC, Mayer-Davis EJ. Dietary Glycemic Index and Glycemic Load, Carbohydrate and Fiber Intake, and Measures of Insulin Sensitivity, Secretion, and Adiposity in the Insulin Resistance Atherosclerosis Study. <i>Diabetes Care</i>. 2005;28(12):2832-2838. 4. Aston LM Glycaemic index and metabolic disease risk. <i>Pro Nut Soc</i> 2006. 65(1):125-34. 5. Raatz SK, Torkelson CJ, Redmon JB, Reck KP, Kwong CA, Swanson JE, Liu C, Thomas W, Bantle JP. Reduced glycemic index and glycemic load diets do not increase the effects of energy restriction on weight loss and insulin sensitivity in obese men and women. <i>J Nutr</i>. 2005 Oct;135(10):2387-91. 6. Nielsen BM, Bjornsbo KS, Tetens I, Heitmann BL. Dietary glycaemic index and glycaemic load in Danish children in relation to body fatness. <i>Br J Nutr</i>. 2005; 94(6):992-7.
Simplot Australia Pty.Ltd.	Industry - Australia	<ul style="list-style-type: none"> • Recommends that FSANZ adopts the definitions used in the Draft Australian Standard on GI for the descriptors low GI, medium GI and high GI. Current examples include canned legumes e.g. chick peas and red kidney beans.
South Australia Department of Health	Government - Australia	<ul style="list-style-type: none"> • Scientific evidence for use of GI is not strong. • Recommends that FSANZ defers implementation of GI until stronger substantiating evidence for its effectiveness is available. • If GI claims are approved, they need to be pre-approved statements.
Standards Australia	Academic & other - Australia	<ul style="list-style-type: none"> • The Working Group FT-024-00-02 – Glycaemic Index is in the process of developing an Australian Standard to establish a recognised scientific method for the determination of the GI of carbohydrates in foods. • The Draft Standard sets out the basis for classification of foods into low, medium and high GI. It defines the GI, outlines qualifying factors and requirements for its application. • The Draft Standard has completed the public comment stage of the Standards Australia standards development process. The Working Group is currently in the process of preparing the Draft Standard for Postal Ballot Stage and it is expected that it will be published as an Australian Standard during the year.
Tomox Pty Limited	Public Health - Australia	<ul style="list-style-type: none"> • Lack of descriptors for GI is not consumer friendly
Unilever Australasia	Industry – Trans Tasman	<ul style="list-style-type: none"> • These claims are areas experiencing a range of different issues at this time and we believe that more time should be spent investigating these specific issues and resolving some of the areas of uncertainty before claims criteria can be determined.

**Proposal P293 Nutrition, Health and Related Claims
Summary of submissions to the Draft Assessment Report**

11. NUTRITION CONTENT CLAIMS – LIGHT/LITE

Submitter	Group	Comments
Department of Human Services Victoria	Government – Australia	<ul style="list-style-type: none"> The characteristic that makes the food light should be stated adjacent to the claim and in a font size relative to the claim font size to ensure it is as noticeable as the claim itself.
National Foods Ltd	Industry, Australia	<ul style="list-style-type: none"> Light/lite claims are currently in the market place and used by consumers. As per page 26, Attachment 5, FSANZ acknowledges that ‘light/lite’ claims are justifiable because they have been widely used in the market place and are used internationally. The rationale for revising the criteria so that light/lite claims refer only to ‘reduced’ claims rather than ‘reduced’ or ‘low’ is to foster: <ul style="list-style-type: none"> — consistency with the international regulation of Codex and the European Union — to reduce the variation in nutrition content criteria, and — to minimise confusion amongst consumers on food packaging using these claims. In response to the first rationale, FSANZ chooses when and when not to be consistent with international regulation, and with which regulation. The United States does permit ‘light’ for ‘reduced’ and ‘low’ claims, whilst the UK Food Standards Agency has no requirements for ‘light/lite’ claims. In response to their second rationale, FSANZ have rarely factored ‘reducing the variation’ of criteria into establishing criteria for nutrition content claims. Again, they seem to alter criteria to suit their desired response. In response to their final rationale, Proposal P293 lacks evidence to support the supposition that use of the term ‘light’ or ‘lite’ on food labels is creating confusion for consumers. Consumer research highlights that any confusion around these claims was in determining which nutrient ‘light/lite’ referred to, as opposed to whether it related to the product being ‘low’ or ‘reduced’ in the claimed nutrient (i.e. fat, sugar) (FSANZ 2003). In fact, consumers questioned whether the claim related to low calorie, low fat, or low in sugar. FSANZ has failed to consider the impact on consumers and manufacturers if ‘light/lite’ products are removed from the marketplace because they meet the criteria for ‘low’. Light/lite claims that relate to ‘low’ should be encouraged as they are consistent with Dietary Guidelines that recommend lower amounts of fat, sugar and salt – they are low risk claims, further supported by a mandatory nutrition information panel and the need to state the characteristic which makes the food ‘light’ on the food label. Strongly recommends that the criteria for ‘light/lite’ claims remains as is in CoPoNC and as was recommended in the Initial Assessment Report. It would read: <i>‘Light/lite’ claims relates to a nutrient or energy, where the food must comply with the conditions for ‘low’ or ‘reduced’.</i>

Submitter	Group	Comments
Nestle Australia Limited and Nestle New Zealand Limited	Industry – Trans Tasman	<ul style="list-style-type: none"> • Nestlé had several products that carry ‘light’ claims that are low fat rather than reduced fat products, for example, brand LIGHT & CREAMY (fat 2.6 – 2.8%, low fat and 97% fat free claim) is used on several low fat ice cream products and has been for over 10 years, on several packaging configurations. • This brand is currently worth \$35 million and is growing at 18%. This is a significant growth, which shows that consumers understand the product and the claim and it has a role in their total diet. • ORIGINAL brand ice cream is a reduced fat product. Seems ludicrous that they could not call the lower fat product ‘light’ and in order to do so would need to state that the light product is 60% less fat than their reduced fat product. Low fat seems a simpler claim for consumers to understand. • LIGHT & CREAMY branding on CARNATION low fat evaporated milk product – has 98.5% fat free claim and complies with the low fat requirements, also carries a reduced fat claim with the comparison being cream – a food that this product can substitute for within the diet. The brand is worth \$15 million. • Nestlé recommends that light or lite claims continue to be permitted on products with low claims as well as on products with reduced claims according to the requirements as currently specified in the Code of Practice on Nutrient Claims.
<p>Australian Food and Grocery Council</p> <p>(Supported by Nestle Australia Ltd and Nestle NZ Ltd, Unilever Australasia, George Western Foods Limited/AB Food and Beverages, Simplot Australia Pty Ltd)</p>	Industry, Australia	<ul style="list-style-type: none"> • Rejects FSANZ revised criteria for light/lite claims that exclude its use in conjunction with ‘low’ claims. • Concludes that the only purpose for excluding ‘low’ claims must be “consistency with Codex and EU”. • Notes that <ul style="list-style-type: none"> — FSANZ have proposed being inconsistent (but more permissive) with Codex by being silent on ‘free’ claims; and — it is not inconsistent with Codex to be more permissive and that allowing the use of light/lite with low claims would be more permissive. • The AFGC considers that the only purpose to this change is the convenience of FSANZ (reduce variation in criteria) and that FSANZ have not demonstrated a risk to consumers requiring management for which this change is proposed. • To change criteria without justification would cause considerable problems for industry and consumers. • In addition, restricting the use of light/lite to reduced claims only has the following unintended consequences: <ul style="list-style-type: none"> — the requirement to have a standard product to refer to means that should the Light product be successful, the standard reference product may be delisted/deleted; — the consequence of this is that it would be necessary to compare against a competitor which would need constant monitoring; or — compare with an industry average, also requiring constant monitoring. • Recommends FSANZ adopt the CoPoNC criteria for light/lite claims without amendment.
Dairy Australia supported by Murray Goulburn Co-operative Co Ltd Fonterra Co-Operative Group Limited	Industry- Australia Industry – New Zealand	<ul style="list-style-type: none"> • Revised nutrition criteria refers to reduced claims but no longer to low fat claims • Suggest it appropriate to reintroduce the low fat conditions under CoPoNC for making ‘light’ claims • Agree that it is vital this is done in conjunction with stating the characteristic about which the claim is made.

Submitter	Group	Comments
Kraft Foods Ltd	Industry - Australia	<ul style="list-style-type: none"> • Agree that a claim that a product is 'light' should state the characteristic in which the term is light in association with the claim. Is comfortable with 'light' claims being restricted to products which qualify for 'reduced' claims, in line with Codex.
Unilever Australasia	Industry – Trans Tasman	<ul style="list-style-type: none"> • The criteria proposed are inconsistent with the current CoPoNC criteria. Foods have been able to use the terms light/lite where a food complies with either the criteria for a low or the criteria for a reduced claim. • Request consideration of the retention of these dual criteria as in a number of cases, it is not possible and/or desirable to make a comparison to another product. • Permitting the use of either the 'reduced' or 'low' criteria for the claim, when the element that makes the product meet this claim is clearly marked with the light/lite claim ensures that consumers are clear as to the intent of the claim.

**Proposal P293 Nutrition, Health and Related Claims
Summary of submissions to the Draft Assessment Report**

12. NUTRITION CONTENT CLAIMS – COMPARATIVE CLAIMS and DEFINITION OF REFERENCE FOOD

Submitter	Group	Comments
National Foods Ltd	Industry - Australia	<ul style="list-style-type: none"> • Supports comparative claims on food products. • Widely uses comparative claims on food products and believes that consumers understand these claims. • Disagree with the additional qualifier for 'increased' claims to meet the source criteria. • Whilst National Foods complies with the proposed requirements for a comparative claim, they believe FSANZ has: <ul style="list-style-type: none"> – provided no sound rationalisation for this additional mandatory criterion – demonstrated no benefit of its purported outcome to the consumer – opposed consistency of regulation for the risk-associated with this claim, and – breached the COAG principles of having regard for unnecessary regulation. • Recommend that consistency be applied to nutrition content claims – the standard qualifying criteria should apply to all comparative claims, being '25% more or less of a nutrient' depending on the claim being made'. The need for additional qualifiers is unwarranted.
National Heart Foundation of Australia National Heart Foundation of New Zealand	Public Health – Australia Public Health - New Zealand	<ul style="list-style-type: none"> • If comparative nutrition content claims are generally intended to be permitted, recommends a provision be included in Division 3 of the Standard about the need for a minimum 25% increase or decrease, for example, there were no criteria listed for comparative claims for omega fatty acids. • Recommends that for 'reduced fat' and 'reduced sugar' claims, the focus should be on the energy density of food and kilojoules intake, rather than on the reduction in fat intake alone. Fat is not the only determinant of energy density (in relation to weight loss). • A survey conducted by the Heart Foundation of New Zealand in 2003 demonstrated only small reductions in energy for some products carrying reduced fat claims, for example average reduction of 13% in one food category. • Therefore recommend that that products carrying a reduced fat/sugar claim should also be at least 25% reduced in energy relative to the reference food, as well as a statement of the reduction in energy for these foods.
Department of Human Services Victoria	Government – Australia	<ul style="list-style-type: none"> • Comparative nutrition content claims must either be subject to disqualifying criteria or must also have an accompanying statement stipulating whether or not the food is lower in kilojoules. This approach would rely on there being a standard nutrient reference value for each food group.

Submitter	Group	Comments
<p>Australian Food and Grocery Council</p> <p>(Supported by Nestle Australia Ltd and Nestle NZ Ltd, Unilever Australasia, George Western Foods Limited/AB Food and Beverages, Simplot Australia Pty Ltd) Australian Food and Grocery Council (and supporters)</p>	<p>Industry, Australia</p>	<ul style="list-style-type: none"> • Although FSANZ state: “Therefore, FSANZ proposed option is to adopt the requirements as currently set out in CoPoNC”, this is not what is proposed. An additional requirement is added that, “the claim must be presented so that all elements of the claim are in one place.” • This conflicts with having regard to Ministerial Council advice that provides for the use of split claims: “Where the information about the claim is separated into sections (split claim), the first part of the claim must direct the reader to further information provided elsewhere in the same communication medium.” • This provision was included because it was recognised that space limitations on labels may require more detailed claim information to be placed elsewhere. • The AFGC recommends that if the intent of the phrase: “in one place”, is the same as “in the same communication medium” then this should be clearly stated, as this would provide for the use of split claims. • If this is not the intent, then the AFGC recommends that the requirements of CoPoNC be adopted without the additional statement added by FSANZ. • Definition of reference food proposed by FSANZ is unnecessarily complex and ambiguous. • Category has a dictionary definition of: “a group or set of things, people, or actions that are classified together because of common characteristics”. From this definition a frozen chop could be seen as the same category (frozen food) as a frozen ice cream. • Regular also has a number of dictionary definitions, one of which is usual (which appears to be the intent here: “normally expected, or most often used or done”. However, regular can also mean standard as in a regular coffee, which is not the intent here. • The AFGC recommends that FSANZ simplify the definition to: <i>a reference food is an equivalent food to the food in relation to which the claim is being made.</i> • This removes any ambiguity because equivalent has a simple dictionary definition of ‘being the same, or effectively the same, in effect, value, or meaning as something and usually interchangeable with it’.
<p>Food and Beverage Importers Association</p>	<p>Industry - Australia</p>	<ul style="list-style-type: none"> • While referring to the current Code of Practice on Nutrient Claims, the Draft Assessment Report states that comparative claims may be made between foods that are of the same food group or between foods that may substitute for one another in the diet. Foods that can substitute for one another in the diet, as permitted by the Code of Practice, however have not been carried over to the standard. Comparisons between foods that substitute for one another are meaningful to consumers, relevant and factual and should continue to be permitted. • Similarly, comparative claims should be permitted about nutrients and biologically active substances, as these claims can provide consumers with useful information about alternative sources of particular nutrients for consumers. • Recommends that split claims be permitted for comparative claims in the same manner as other claims. • Supports the criteria for reduced fat claims, apart from the requirement that all of the elements of a reduced fat claim must be presented in the one place. The Ministerial policy guidance in relation to ‘split’ claims should be followed.

Submitter	Group	Comments
Kraft Foods Ltd	Industry - Australia	<ul style="list-style-type: none"> For the difference in the nutrient content between the product and that which it is being compared to be best understood, the nutrient content should be adjacent to the claim where possible. Notes 25% reduction in fat will not result in a 25% reduction in energy unless the fat is replaced by water (however as fat is the most energy dense component there will be an energy reduction). Technologically, replacing fat with water is not always possible, especially in foods which rely on low water content for microbiological stability. If this area is not well understood then an education programme rather than setting disqualifying criteria would be the logical way to address this issue. Setting disqualifying criteria will result in some reformulation, but it will also result in some withdrawal of the claim as it will not always be possible to be met. Fewer foods making comparative claims will result in consumers turning away from foods which at least have some reduction in fat. Requiring a concomitant reduction in energy is counterproductive.
Confectionery Manufacturers of Australasia Supported by CMA NSW Branch CMA Queensland Branch CMA SA Branch CMA Victoria Branch Langdon Ingredients CMA NZ Branch International Confectionery Association	Industry – - Australia Industry – New Zealand Industry - international	<ul style="list-style-type: none"> Is concerned that some claims appear to require all elements of the claim included in the one place without the privilege of a split claim e.g. reduced, diet, no added sugar.
Food Products Association (FPA)	Industry- International	<ul style="list-style-type: none"> Disagree that ‘more’ or increased should be increased by at least 25% compared to a reference food (but agree with 25% for ‘reduced’). In the United States FDA regulations require an increase of at least 10% of a nutrient. 10% increases will result in more balanced nutrient contributions to diet over time and will avoid any problems with fat soluble vitamins concentrated in or added to foods or beverages.
National Heart Foundation of Australia National Heart Foundation of New Zealand	Public Health, Australia Public Health - New Zealand	<ul style="list-style-type: none"> A reference food cannot, by definition, be ‘equivalent to’ the food to which the claim is being made, so the definition is very unclear and would benefit from rewording. Suggests replacing ‘equivalent’ with something like ‘the unmodified version of the same brand of food to which the claim refers’ or that consideration be given to whether part (b) alone of this definition might suffice.
NSW Food Authority	Government – Australia	<ul style="list-style-type: none"> In the definition of ‘reference food’, it is unclear as to what ‘equivalent’ is meant to imply i.e. is it nutritional status, ingredient composition etc? Clarification is also required in relation to the term ‘regular product’.

Submitter	Group	Comments
<p>Nestle Australia Limited and Nestle New Zealand Limited</p> <p>Nestle Australia Limited and Nestle New Zealand Limited</p>	<p>Industry – Trans Tasman</p> <p>Industry – Trans Tasman</p>	<ul style="list-style-type: none"> • Recommends the current requirements for comparative claims as in the Code of Practice on Nutrient claims be adopted. • This permits comparative claims between different foods where the foods can substitute for one another in the diet. • These types of claims should be permitted about nutrients and biologically active substances. They provide useful information about alternative sources of nutrients. • Submission gives example of Federal Court ruling in a case of a comparison between Energizer’s lithium battery and Duracell’s alkaline battery, where this comparison was accepted. This gives authority to not have to compare ‘like’ products, provided it is clear which products are being compared and the comparison is not misleading. • Codex permits comparative claims to be ‘different versions of the same food or similar foods’ which Nestle interpret can be applied to foods that substitute for one another in the diet. • Agree with the removal of the weighted average part of the Code of Practice but do not agree with the intention that only foods of the same type can be considered a reference food. • Recommends that similar foods be considered within the definition for reference food. • There is no evidence of market failure with these types of reference foods. • Support the criteria for reduced fat claims except that the claim cannot be split. • The Ministerial Policy provides for split claims; however this appears not to have been captured for comparative claims. Recommends that split claims be permitted for comparative claims, light and diet claims.
National Foods Ltd	Industry, Australia	<ul style="list-style-type: none"> • In response to comments received from the Initial Assessment Report, FSANZ have simplified the definition of a ‘reference food’ to exclude the words ‘weighted average’. • National Foods concurs with FSANZ’s recommendations for a simplified definition for a ‘reference food’, but suggests a revised definition to minimize any further ambiguity. It would read, “an equivalent food, to the food in relation to the claim being made”. This aligns with AFGC’s recommendation. • National Foods accepts the revised definition for a ‘reference food’, assuming both published food composition tables and nutritional analysis suffice remain as adequate evidence to support the comparative claim.
Coles Myer Ltd	Industry - Australia	<ul style="list-style-type: none"> • “Reference food” is defined to mean food that is “equivalent to the food in relation to which the claim is being made” and “a regular product in the same category of food...” Request further clarity on the meaning of “equivalent” in this context (e.g. does it relate to weight, ingredients etc). Also request clarity on what is meant by ‘regular’ in this context.

Submitter	Group	Comments
<p>Australian Food and Grocery Council</p> <p>(Supported by Nestle Australia Ltd and Nestle NZ Ltd, Unilever Australasia, George Western Foods Limited/AB Food and Beverages, Simplot Australia Pty Ltd)</p>	<p>Industry, Australia</p>	<ul style="list-style-type: none"> • Definition of reference food proposed by FSANZ is unnecessarily complex and ambiguous. • Category has a dictionary definition of: “a group or set of things, people, or actions that are classified together because of common characteristics”. From this definition a frozen chop could be seen as the same category (frozen food) as a frozen ice cream. • Regular also has a number of dictionary definitions, one of which is usual (which appears to be the intent here: “normally expected, or most often used or done”. However, regular can also mean standard as in a regular coffee, which is not the intent here. • The AFGC recommends that FSANZ simplify the definition to: <i>a reference food is an equivalent food to the food in relation to which the claim is being made.</i> • This removes any ambiguity because equivalent has a simple dictionary definition of “being the same, or effectively the same, in effect, value, or meaning as something and usually interchangeable with it”.