

FOOD TECHNOLOGY ASSOCIATION OF AUSTRALIA

P O BOX 4107,
FRANKSTON HEIGHTS,
VIC 3199
TEL/FAX: 03 5971 5817
EMAIL: fta@ftaaus.com.au

21 March 2012

SUBMISSION

Attention: Manager **P293**
Food Standards Australia New Zealand
Box 7186,
Canberra BC,
ACT, Australia, 2610.

Re: Nutrition, Health and Related Claims – Call for Submissions

FTA Australia has reviewed this [Proposal](#) and endorses the following comments of the Technical Sub Committee:

Attachment D – Template for submissions – Proposal P293 – Nutrition, Health & Related Claims

To assist us in compiling submissions, please complete the tables below.

Table 1: Revised draft Standard 1.2.7

Submitter name: Food Technology Association - Australia	
<p>1. Does the revised drafting accurately capture the regulatory intent as provided in Attachment B? Please consider the clarity of drafting, any enforceability issues and the level of ‘user-friendliness’.</p> <p><i>The clarity and intent of the proposed changes are overall considered a great improvement over the previous versions. The change from a pre-approval scheme to self assessment increases the “user-friendliness” of the revised Proposal.</i></p> <p><i>However there are several issues that FTAA considered require addressing, as per below</i></p> <p>If not, please provide specific details in the table below. Ensure that the relevant clause number, schedule number or consequential variation item number that you are commenting on is clearly identified in the left column. Lines may be added if necessary.</p>	
Clause number	Comment
2. Interpretation - gluten	This definition is consistent with current Standard 1.2.3 Table to clause 4, however see comment to Schedule 1 re Gluten re separation of Oats, below.
18. How Health Claims are to be made	Whilst Schedule 2 has a “Column 5” this clause refers and only describes Clauses 1, 2, 3, 4 BUT no mention of Column 5. Requires amendment.
17 (2). Use of “subclause”	There appears to be an inconsistency in the use of the term “subclause” in some parts of this Draft and the term “sub-item” in other places. “Subclause” is an internationally accepted term and FTAA prefers this name to the use of “subitem” which may have other connotations and seems awkward / out-of-place. See for example Schedule 4 Clause 4 (2) re use of “subitem (1)”.

Schedule	Comments
1. - Gluten	The separation of oats causes concerns with Standard 1.2.3 and 1.2.8 –clause 16 – different wording / approaches. Whilst it is appreciated that the protein in oats is not gluten per se but does produce a similar gastric upset in susceptible populations, the treatment of oats in this proposed Standard is inconsistent.
1. – Dietary Fibre	General Claim Conditions – what are the definitions and differences between “low dietary fibre” claim and “reduced dietary fibre” claim. FTAA considered that the order shown should be “Increased” with the term “Source” added, then “Good Source” followed by “Excellent Source”. This is the arithmetical value order according to the Conditions in Column 4. I.e. “Increased Source” would have a minimum of 2.5g Dietary Fibre and no more than 4g and then “Good Source” follows logically. Also it is considered that this proposed order would be better understood by consumers.
1. Saturated Fatty Acids	Re “Low Proportion” - in section (b) insert the word “the” before “total fatty acid content.”
1. Sugar or Sugars	Re “No added” – in section (a) for clarity, insert “and” between “malt” and “malt extracts;”
1. Sugar or Sugars	Re “Unsweetened” – in section (b) insert “Maltitol”, “Polydextrose” and “Erythritol”.
1. Vitamin or Mineral	Re Section (c) it should be Clause 3 of Standard 1.3.2
2. Calcium	For the Specific Health Effect “Reduced risk of osteoporosis” the Dietary Context requires “adequate Vitamin D” but this level is not quantified nor has it any condition in Column 5. It is considered that the condition re Vitamin D in section (b) of “Calcium & Vitamin D” should also appear as a Condition for “Calcium”.
2. Minerals Page 38	Biotin and Folate are NOT Minerals and should be moved to the top of the following “Vitamins” page.
2. Folic Acid	The expression after “Folic Acid” – “but not Folate” is difficult to comprehend. Standard 1.1.1 refers to Folate with Folic Acid being a permitted form. Or does this expression mean to exclude the use of the other permitted form “L-Methyltetrahydrofolate”? Use of Folic Acid also is in inconsistent with Standard 1.1A.2 which refers to “folate” and not “Folic Acid” which will become redundant with the introduction of 1.2.7.
2. Part 4 – Foods – Fruit and Vegetables	The terms “increased amount” and “high amount” require definition or referral to some authoritative source for a base starting point as they are comparative terms. Also there should be consistency in the terms “high amount” and “high intake”, etc or the relationship explained. Otherwise the Specific Health Effect, Conditions are identical for “Increased” and “high”.
2. Part 4 – Sugars or Sugars	In Condition (b)(i) for clarity, include the word “of” after “less”. In Condition (b)(ii) for clarity, include the word “the” before “30 minutes”. As the test in Condition (b)(ii) would most likely not be able to be conducted in the vast majority of Australian confectioneries’ food laboratories, including independent specialist Analytical Laboratories, does this test have any relevance, especially as the test method requires human testing.
3. Category 2 & 3	It has been anecdotally reported that some cheese products usually that would be classified as Category 2 are being converted into Category 3 by the permitted (see Standard 1.3.2) addition of Calcium to >320mg/100g. Perhaps Category 3 cheese and cheese products should have >320mg/100g Calcium naturally present and not be fortified with or have added Calcium.

4. Table 4	Why is the value for 2 Points ≥ 3.2 and not just $>$? Is there some significance in ≥ 3.2 ?
4. Clause 6 - Fibre points	The heading to Clause 6 should have the words “(F Points)” included after “Fibre Points” in the same manner as the other headings.
Consequential variations	Comments

Table 2: Fat-free and % fat-free claims

Submitter name: Food Technology Association - Australia	
Question	Comment
<p>2. What evidence can you provide that shows consumers are purchasing foods of lower nutritional quality because they are being misled by fat-free or % fat-free claims?</p> <p>FSANZ is primarily interested in the substitution of foods of higher nutritional quality with foods of lower nutritional quality which have fat-free claims. Substitution within a general food group (e.g. choosing a different confectionery product) is of lesser importance.</p> <p><i>(Note: Please provide documented or validated evidence where possible)</i></p>	<p>No comments</p>
<p>3. Do you support option 1 (status quo), option 2 (voluntary action through a code of practice), or option 3 (regulate with additional regulatory requirements for fat-free and % fat-free claims)? Please give your reasons.</p>	<p>FTAA supports Option 1 which is the status quo.</p> <p>However “Consumer Awareness” is regarded as a very important component of the “fat-free” and “% fat-free” claims which it is suggested could be addressed by the addition of a statement immediately adjacent to either of these two claims stating “Please refer to Nutrition Information panel” or similar wording with the same intention.</p> <p>It is further suggested that this same statement be placed on the label adjacent to any “free” or % free” claims for any nutrients including sugar, salt, saturated fatty acids, etc.</p> <p>This type of statement will draw consumers’ attention to the levels of other nutrients that may have been used to compensate or substitute for the “free” or “% free” nutrient claims.</p>
<p>4. Please comment on the possible options for additional regulatory requirements for fat-free and % fat-free claims (option 3) (refer section 8) as follows:</p> <p>a. Which option do you support and why?</p> <p>b. What is an appropriate sugar concentration threshold for options 3(b) and 3(d)?</p>	<p>No comment – see above</p>

<p>Where possible, provide information and evidence to support your suggested threshold value.</p> <p>c. Are there other suitable options for additional regulatory requirements for fat-free and % fat-free claims? Please describe.</p>	
---	--

If there are any queries regarding this submission, please contact the Technical Secretary, Tony Zipper, Telephone (03) 9532 8213, Fax (03) 9532 8213, Mobile 0409 324 075, E-mail tzipper@dodo.com.au.

We would appreciate being maintained on the circulation list for any changes in this matter and to receiving notification of the next step concerning this [Proposal](#).