

Food Standards Australia New Zealand  
PO Box 7186  
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AUSTRALIA

By email - [submissions@foodstandards.gov.au](mailto:submissions@foodstandards.gov.au)

30 March 2012

Dear Sir/Madam,

**Call for submissions on draft nutrition, health and related claims  
standard**

Thank you for the opportunity to comment on FSANZ's draft Standard 1.2.7, draft Food Standards (Proposal P293 – Nutrition, Health and Related Claims – Consequential) Variation and Discussion Paper.

The Victorian Health Promotion Foundation (VicHealth) was established by the Victorian Parliament (in accordance with the Tobacco Act 1987) with a mandate to promote good health for all Victorians. Our health promotion investments target the greatest preventable risk factors for ill health, including poor nutrition and the harmful use of alcohol, and the social, cultural and environmental conditions that influence them. VicHealth is concerned about the influence of inadequate food and beverage labelling on Australians' food choices and diets, as well as its potential for influencing alcohol consumption.

VicHealth is pleased to support comments and responses detailed in the submission of the Public Health Association of Australia.

We are generally supportive of the revised drafting of Standard 1.2.7 and feel it adequately captures the regulatory intent, has greater clarity and will enable higher levels of compliance and enforcement.

VicHealth is particularly supportive of the changes to health claims, where all claims are considered equivalent and therefore all now require pre-approval and foods carrying them will be required to meet the requirements of the Nutrient Profiling Scoring Criteria (NPSC).

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*Patrons*

Sir James Gobbo  
Dr Nigel Gray AO  
Professor Emeritus,  
Sir Gustav Nossal AC CBE

Like the PHAA, VicHealth would prefer that all foods carrying claims, whether content or health claims and whether they are % fat free claims or not, be required to meet the NPSC, due to the evidence regarding the level of confusion consumers have in relation to claims and hence their ability to mislead and deceive.

With regard to Fat free and % fat free claims, VicHealth supports Option 3, that fat-free and % fat-free claims be regulated with additional regulatory requirements. We would also recommend that "low-fat" claims be regulated in this manner, since essentially they must meet the same criteria. Within option 3, VicHealth supports option 3(a), that fat-free and % fat-free claims should only be permitted on foods that meet the Nutrient Profiling Scoring Criteria (NPSC). The alternate options are problematic for reasons identified in the PHAA submission.

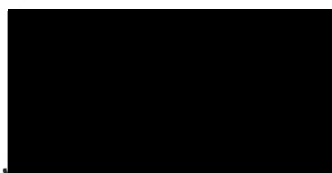
VicHealth shares the concern relating to re-drafting of Standard 1.2.8, which changes provisions around the requirements for percentage daily intake. These changes are not as a consequence of the introduction of Standard 1.2.7 and have therefore not been consulted on and, we believe, are unnecessary and could result in further consumer confusion.

Finally we are concerned about the removal of conditions for cause-related marketing since there is potential for this type of marketing to link a health-related cause with a particular food without it being a health or nutrition content claim necessarily. This would not be in keeping with the spirit of the standard, would result in these types of claims not being regulated, but could still be interpreted as a health claim by consumers.

We congratulate FSANZ on the work they have done in bringing this standard to this stage. We are hopeful that it can be approved and implemented without further delay, so that the regulatory system can effectively deal with breaches.

If you have any questions about the submission or need any further information, please contact Julie Woods, Manager, Nutrition and Food Systems, VicHealth, (03) 96671348 or email at [j.woods@vichealth.vic.gov.au](mailto:j.woods@vichealth.vic.gov.au)

Yours sincerely,



Chief Executive Officer  
VicHealth