

ACDPA Submission on FSANZ Consultation on P1062 - Defining added sugars for claims

September 2023

Full name (required)

- Insert here

Are you answering on behalf of an organisation?

- Yes

Name of organisation

- Australian Chronic Disease Prevention Alliance

What sector do you represent (required) drop down menu)

- Public health

Which country are you responding from?

- Australia

Please provide email address.

Provide any other information about your organisation you would like to provide.

- The Australian Chronic Disease Prevention Alliance (ACDPA) welcomes the opportunity to respond to the consultation. ACDPA brings together Diabetes Australia; Cancer Council Australia; National Heart Foundation of Australia; Kidney Health Australia; the Stroke Foundation and the Lung Foundation. These leading non-government health organisations share a commitment to reducing burden of chronic disease attributable to modifiable risk factors and delayed detection. ACDPA members work together to support primary and secondary prevention of chronic diseases, focussing on chronic disease risk factors and determinants to reduce preventable illness; and promoting health checks to support people to understand, manage and reduce disease risk and progression as early as possible.

If we require further information in relation to this submission, can we contact you?

- Yes

Do you want this submission to be treated as confidential? (required)

- No

Formal Consultation Questions

Question 1

FSANZ proposes to continue to set 'no added sugar(s)' claim conditions based on the addition of ingredients to foods (see section 5.2 of the Call for submissions document)

ACDPA disagrees with this proposed approach.

We agree that confusing and misleading consumers should be prevented, however omission of specific food components in Schedule 4 (a)(ii-ix) claim conditions would compromise the definition's effectiveness as it would create possible loopholes for foods containing added sugars, and inconsistent with the Australian and New Zealand Dietary Guidelines, to potentially carry 'no added sugar claims'.

Furthermore, the proposed definition omits specified products which limits the usefulness of the definition as the foundation for including added sugars in the Nutrition Information Panels (NIP) and Front of Pack Labels (FOPL).

As proposed, it is important that claim conditions are applied to foods with increased sugar content due to processing, and the addition of ingredients to foods. However, additionally claims should also not appear on single ingredient foods, which addition to other foods would render the same product a source of 'added sugar' – including fruit juice and pastes. Products which are sweetened with these types of single ingredients and carry a 'no added sugar claim' obfuscates reality, creating a health halo which will undermine the objective of the PIO92 and continue to confuse consumers as to the true healthfulness of foods (Brownbill et al, 2020).

The proposed definition does not meet the intention of the Food Ministers as discussed during their meeting in July 2023 to develop an added sugars definition aligned with dietary guidelines for food labelling, or to support consumers to make healthy choices per the 2020 Policy Guideline.

We recommend

- Further revision of the definition of added sugar to be singular and comprehensive, covering all ingredients which currently, or may in the future, contribute to added sugar content of foods.
- Updating the claim conditions such that foods considered or contributing 'added sugars' as component ingredients of other foods are restricted from carrying 'no added sugar' claims themselves.

REFERENCES

Brownbill AL, Braunack-Mayer AJ, and Miller CL (2020). What makes a beverage healthy? A qualitative study of young adults' conceptualisation of sugar-containing beverage healthfulness. *Appetite*, 150:104675-.

Australian Government Department of Health (2020). Policy Guideline on Food Labelling to Support Consumers to Make Informed Healthy Food Choices

Question 2

FSANZ proposes a food displaying a 'no added sugar(s)' claim must not contain an 'added sugars' as an added ingredient including an ingredient of a compound ingredient. FSANZ proposes defining 'added sugars' for this claim condition (see section 5.2.1.4 of the Call for submissions document).

Any comments on this approach or the defined added sugars (see below)?

FSANZ proposes to define 'added sugars' for the purpose of 'no added sugar(s)' claim conditions to mean the following derived from any source:

- hexose monosaccharides and disaccharides.
- starch hydrolysate.
- glucose syrups, maltodextrin and similar products.
- products derived at a sugar refinery, including brown sugar, molasses, raw sugar, golden syrup, treacle;
- icing sugar;

- invert sugar;
sugar and sugar syrups derived from plants;
- honey;
- malt;
- malt extracts;
- concentrated fruit juice, unless the food for sale is fruit juice; and
- deionised fruit juice.

ACDPA does not support this approach.

As noted in response to Question 1, claims of 'no added sugar' should not be permitted on products which contain ingredients which are single ingredient foods which can also be used for sweetening, for example fruit paste or juice. The definition above should be enhanced and expanded to include other ingredients which add sugar as a single ingredient or component ingredient, currently or in the future.

We recommend the following inclusions within the definition of added sugars:

1. All sugars listed in (a)(i) of the Draft Variation (Att A) to the Australia New Zealand Food Standards Code, plus explicit examples from
 - (c)(iv) of lactose in whey powder, isomaltose, sugar alcohols
 - (c)(iv) including cane sugar, beet sugar, white sugar, granulated sugar, fruit sugar and coconut sugar.
 - (c)(vii) including high fructose corn syrup, tapioca syrup and maple syrup, rice, and rice malt syrup.
- Fruit juice should not be permitted to carry no added sugar claims. The text 'unless the food for sale is fruit juice' should be removed.
- A sugars listed in (a)(ii)–(ix) of the Draft Variation (Att A) to the Australia New Zealand Food Standards Code
- Concentrated vegetable juices should be incorporated into section (c)(xi).
- Vegetable juice' should be added to condition '(c)(xii) alongside 'deionised fruit juice'.
- Extend (c)(xiii) to deionised vegetable juices.
- Additional sugars:
- Whole, cut or chopped dried fruit – aligning with Australian and New Zealand dietary guideline recommendations to limit these in the diet, due to their high sugar content and risk of overconsumption.
- Canned fruit or frozen fruit that contains fruit juice (fruit juice should be defined an added sugar)
- Vegetable juice, vegetable and vegetable juice powder, vegetable pulp, vegetable puree and concentrated vegetable puree.
- A blend or combination of any two or more listed fruit or vegetable ingredients.
- monosaccharides and disaccharides formed or residual from processing, including from hydrolysis and fermentation during the production of a food.
- low energy sugars (monosaccharides and disaccharides) listed in subsection S11–2(3) of schedule 11.

Question 6

FSANZ proposes a fruit product which is the food for sale (e.g., fruit juice) be permitted to make a 'no added sugar(s)' claim.

This includes when the food is sold as a singular fruit (e.g., apple juice) or a blend of different fruits (e.g. blend of fruit juices), providing the food contains no 'added sugars' or other products identified in claim conditions, as added ingredients. A blend or combination of different fruit products (e.g., fruit juice and fruit purée) will not be permitted to make the claim.

FSANZ also proposes to clarify that fruit does not include legumes, fungi, herbs, nuts, and spices for the purpose of the claim conditions (see section 5.3 of the Call for submissions document).

ACDPA does not agree with this approach.

Per our response to Question 1, no added sugar claims on products which are also a form of added sugar when used to sweeten other foods risks misleading and confusing consumers by creating a 'health halo' on products otherwise energy dense and less healthy than they may be marketed to be. No added sugar claims on energy dense products, such as juice, risk encouraging consumers to choose and consume more of these products – despite Australian and New Zealand Dietary Guidelines recommending limiting intake of juices to occasional, small amounts (125ml). In the case of juices, these are suboptimal sources of nutrients when compared with whole fruit, and comparable to sugary soft drinks in terms of energy density, and thus a key source of excess energy and contributor to diet related chronic conditions including tooth decay and obesity (NHMRC, 2013).

Research from New Zealand on no added sugar claims found that around one third of people surveyed, particularly among culturally and linguistically diverse communities, believed that 'no added sugar' inferred a product did not contain sugar, even when they were in fact energy dense. (Gorton et al, 2010)

No added sugar claims on products which are energy dense irrespective of the source of energy risk misleading consumers and exacerbating health impacts of energy dense foods.

As the products listed above are both sources of added sugar and energy dense themselves, they should be included in the definition of added sugars, and thus should not be allowed to carry 'no added sugar' claims as single ingredients foods or when used as a sweetening ingredient in other foods.

ACDPA agrees with the proposal that legumes, fungi, herbs, nuts, and spices should not be considered fruits for any definition of added sugar or for 'no added sugar' claim conditions.

REFERENCES

National Health and Medical Research Council (NHMRC), Department of Health. (2013) Australian Dietary Guidelines. Canberra;

Gorton D, Mhurchu CN, Bramley D, and Dixon R. (2010) Interpretation of two nutrition content claims: a New Zealand survey. Aust N Z J Public Health. 34(1):57–62.