

Application A1090

Voluntary Addition of Vitamin D to Breakfast Cereal

Review Consultation Paper

Summary

NSW (as represented by the NSW Food Authority and the NSW Ministry of Health) welcomes the opportunity to comment on Application A1090 – Voluntary Addition of Vitamin D to Breakfast Cereal.

NSW supports the proposed option to limit vitamin D fortification permissions to only those breakfast cereals that pass the Nutrition Profile Scoring Criteria (NPSC) provided in the Nutrition, Health and Related Claims Standard (Standard 1.2.7) of the Australia New Zealand Food Standards Code (the Code).

The following key points are provided in support of the above position:

NSW Premier's Priority – Childhood overweight and obesity

One of the 12 key priorities of the NSW Premier¹ is to reduce overweight and obesity rates of children by 5% over 10 years. Children who are overweight or obese are more likely to have poor health and wellbeing outcomes, compared with children of a healthy weight. They are more likely to carry excess weight into adulthood, placing them at increased risk of developing chronic diseases later in life.

In 2015, more than one in five children in NSW was estimated to be overweight or obese.

Excessive consumption of energy-dense, nutrient-poor (discretionary) foods is a major contributing factor to the high incidence of childhood overweight and obesity rates. According to the Australian Health Survey² Australian children obtain more than a third of their energy intake from unhealthy foods.

It is understood that only high-sugar, low-fibre breakfast cereals would be precluded from fortifying with Vitamin D should the NPSC be used to restrict permission. Based on the FSANZ analysis provided in the consultation paper, this represents 15% of the total breakfast market, with 85% able to fortify with Vitamin D without reformulation.

From the FSANZ analysis, NSW understands that exclusion of 15% of the breakfast cereal market would have minimal impact on the potential health benefit

¹ [Premier Baird priorities](#)

² [Food Consumption statistics](#)

(improvement in rates of vitamin D sufficiency) that could be provided from the fortification of breakfast cereals with Vitamin D.

NSW suggests that as a result, the excluded 15% of the cereal market are provided with a reformulation incentive in order to gain access to the vitamin D permission.

Given the current Government priority to reduce the incidence of childhood overweight and obesity in NSW, and the fact that cereals which would be excluded are predominately consumed by children, NSW supports the proposal to limit the vitamin D fortification permission to only those breakfast cereals that pass the NPSC.

NSW Healthy Eating and Active Living Strategy 2013-2018:

NSW, through the Ministry of Health, has implemented a comprehensive Healthy Eating and Active Living (HEAL) Strategy for 2013 – 2018³ to address the major health burden imposed on NSW by overweight and obesity in children and adults. This Strategy supports the Premier's Priority childhood overweight and obesity target above and includes an objective to reduce the intake of energy-dense and nutrient-poor foods and drinks.

NSW is supportive of restricting vitamin D fortification permissions to only those breakfast cereals that comply with the NPSC to ensure consistency with both the HEAL Strategy and the Australian Dietary Guidelines recommendations to limit the intake of foods high in added sugar, added salt and saturated fat. NSW recognises that restricting fortification permissions alone will not achieve a measurable obesity reduction, but suggests it is appropriate as it provides a reformulation incentive to industry to achieve NPSC compliance in order to access the permission.

'Health Halo' effect:

NSW suggests that restricting vitamin D fortification permission to those breakfast cereals that pass the NPSC will assist in minimising the 'health halo' effect that could have otherwise been attributed to energy-dense, nutrient-poor discretionary cereals.

NSW notes the recent infringement notices issued by the Australian Competition and Consumer Commission concerning misleading healthy food representations associated with application and use of the 'school canteen approved' logo and tick⁴.

NSW would suggest that a vitamin by its very presence in a food has an implied health effect, and a general consumer perception of improved health. To minimise the impact of 'health halo', NSW suggests it is appropriate to limit the ability to fortify cereals with vitamin D to only those that pass the NPSC.

Ministerial Policy Guidance

NSW notes the existing provision within the Ministerial Policy Guideline Fortification of foods with vitamins and minerals:

³ [HEAL strategy](#)

⁴ [ACCC media release 11 July 2016](#)

Permission to fortify should not promote increased consumption of foods high in salt, sugar or fat, or foods with little or no nutritional value that have no other demonstrated health benefit⁵.

NSW further notes that clarification statement of the Legislative and Governance Forum for Food Regulation of 20 November 2015 concerning this provision:

The intent of the Policy Guideline for the Fortification of Food with Vitamins and Minerals is to not permit voluntary fortification of a food category, or products within a food category, that are high in salt, sugar or fat, or foods with little or no nutritional value. FSANZ should use recognised nutrition profiling tools and initiatives that are capable of identifying foods that are high in salt, sugar or fat, or little or no nutritional value, to determine which foods are appropriate for fortification⁶.

NSW would suggest the application of the NPSC to breakfast cereals as a food category is appropriate to preclude energy-dense, nutrient-poor cereals from additional fortification permissions.

ENDS

The views expressed in this submission may or may not accord with those of other NSW Government agencies. The NSW Food Authority has a policy which encourages the full range of NSW agency views to be submitted during the standards development stages before final assessment. Other relevant NSW Government agencies are aware of and agree with this policy.

⁵ [Policy Guidance Vitamins and Minerals](#)

⁶ [Clarification statement for Vitamin and Mineral Fortification Policy Guidance](#)