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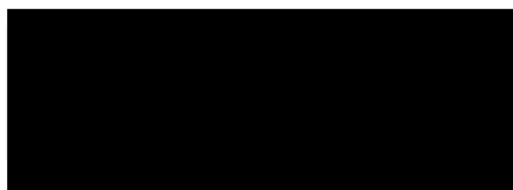
By email: submissions@foodstandards.gov.au.

The Obesity Policy Coalition (OPC) is a partnership between Cancer Council Victoria, Diabetes Australia – Vic, and the World Health Organization Collaborating Centre for Obesity Prevention at Deakin University, with funding from VicHealth. The OPC is concerned about the high rates of overweight and obesity in Australia, particularly among children.

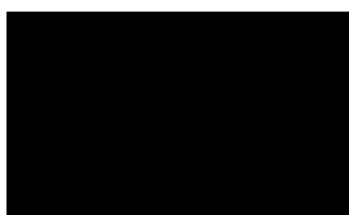
We are pleased to have the opportunity to provide comment on FSANZ's *Consultation Paper - Labelling Review Recommendation 17: Per serving declarations in the nutrition information panel*. We enclose our submission.

If you require further information, please contact [REDACTED] Legal Policy Adviser, on [REDACTED] or by email: [REDACTED]

Yours sincerely



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A partnership between:
The Cancer Council Victoria
Diabetes Australia-Vic
WHO Collaborating Centre
for Obesity Prevention,
Deakin University



**Submission to Food Standards Australia New Zealand (FSANZ) regarding
*Consultation Paper - Labelling Review Recommendation 17: Per serving
declarations in the nutrition information panel (Consultation Paper).***

February 2015

The Obesity Policy Coalition (OPC) is a partnership between Cancer Council Victoria, Diabetes Australia – Vic and the World Health Organization Collaborating Centre for Obesity Prevention at Deakin University. The OPC advocates for evidence-based policy and law reforms to address overweight, obesity and chronic disease in Australia.

We are glad to provide comment on the Consultation Paper. Our comments on the proposal to make the inclusion of 'per serve' information within Nutrition Information Panels (NIP) on packaged foods optional in Australia are confined to two brief points. We urge FSANZ to:

1. Ensure that all food labelling reforms are undertaken within the context of ongoing efforts to improve the utility of food labels for Australian consumers by promoting use of the Health Star Rating System (HSRS); and
2. Address the misleading application of industry-determined serving sizes.

1. Any reforms to the NIP should promote widespread adoption of the HSRS

It is documented that the NIP is confusing and difficult to interpret for consumers, particularly those with low literacy or from lower socio-economic groups.¹ By contrast, the HSRS is based on robust evidence and detailed consultation, and is designed to make healthier choices easier.²

The key concern when considering a labelling reform (such as the Recommendation 17) must therefore be its impact on the consistent and widespread adoption of the HSRS. The course of action adopted by FSANZ should be designed to support the HSRS.

The need to consider changes to the NIP in the context of facilitating the prompt implementation of the HSRS is reflected in the Panel's qualification to Recommendation 17: that the 'per serve' column on the NIP should only be removed "in the context of other, more easily understood nutrition advice being on the food label".

In considering how the alternative courses of action will affect the HSRS, FSANZ must assess, in light of all available evidence, whether 'per serve' information in the NIP is a desirable complement to HSRS information on packaging, or whether the adoption of Recommendation 17 would support uptake of the HSRS generally by freeing-up labelling space on packaging to make way for the HSRS.

We agree that where the %DI information appears on a pack by reference to a particular serving size, or where a nutrition content or health claim appears, the 'per serve' information should remain mandatory within the NIP to allow consumers to interrogate the basis of any such claims.

2. Serving size specifications on labels must be considered

The NIP generally, and 'per serve' information in particular has been shown to be poorly understood and of limited value to consumers. One major factor limiting the utility of 'per serve' information is the lack of any rules relating to the specification of serving sizes.

Recommendation 17 cannot be considered without regard to the issue of inconsistent and misleading application of serving sizes. The two issues are inextricably linked because the utility of 'per serve' information within the NIP is undermined where the serving sizes stated on packs do not reflect consumers' actual intake patterns, and where they are not consistently applied so as to enable meaningful comparison.

Serving sizes specified by manufacturers are confusing for several reasons. Industry-determined serving sizes do not correlate with actual average consumption levels as informed by population nutrition surveys, and are not consistent between manufacturers. Further, serving sizes are also applied inconsistently between different pack sizes *of the very same product*. For example, a single serve packet of Nachos Cheese Supreme corn chips weighs 45g, while the serving size listed on a larger pack (175g) is only 27g^{i,3}. The differing 'per serve' information on the two packs may give the nonsensical impression that the product contained in the larger pack sizes contribute less energy and fewer nutrients of concern to the diet than the same product consumed from a smaller pack. That is, the smaller the serving size attributed to a particular product by the food manufacturer, the healthier the product appears.

This widespread industry practice is wholly inconsistent with the FSANZ user guide for Standard 1.2.8, which provides:

"Serving sizes specified by the food business should reflect a realistic portion of the food that a person might normally consume on one eating occasion. Other legislation may be applicable in this case, including that the serving size should not be false, misleading or deceptive, or likely to mislead or deceive."

The misleading practice of listing different serving sizes on packages of the same product could be simply addressed within the scope of FSANZ's current consideration of Recommendation 17. This would not require consideration of other issues relating to serving size (including inconsistency with real consumption habits) but would still represent a significant step to improve the utility of the 'per serve' information provided on the NIP. Requirements that serving sizes be listed consistently within a particular product line could be expediently inserted into Standard 1.2.8

Conclusion

In considering Recommendation 17, we submit that FSANZ should:

1. approach any reforms with a view to supporting the ongoing implementation of the HSRS; and
2. address confusing and misleading use of inconsistent serving sizes on packages through simple changes to Standard 1.2.8.

ⁱ Other examples of serving size discrepancies between larger packs compared to single-serve packs include Cheezels (45g v 27g), Smith's Burger Rings (27g vs 40g)ⁱ, Grain Waves (20g vs 40g)ⁱ and Smiths Crisps (27g v 45g).

References

¹ Kelly B, Hughes C, Chapman K, Louie J, Dixon H, and King L. (On behalf of a collaboration of public health and consumer research groups) *Front-of-Pack Food Labelling: Traffic Light Labelling Gets the Green Light*. Sydney: Cancer Council, 2008; Viswathan M, Hastak M, Gau R. Understanding and facilitating the usage of nutritional labels by low-literate consumers. *Journal of Public Policy and Marketing*, 28(2), 2009, 135-45; Food Standards Australia New Zealand. Technical report: consumer research on percentage daily intake – qualitative research into the interpretation of %DI and %RDI labelling. Report prepared by TNS Research, Canberra: FSANZ, 2007.

² Hall & Partners Open Mind, for the Department of Health and Ageing. Proposed front-of-pack food labelling designs: quantitative research outcomes, 17 April 2013.

³ Nutrition information panels provided by Coles online shopping, available here:
<http://shop.coles.com.au/online/national/smiths-potato-chips-crinkle-cut-bbq>