

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: New Zealand Nutrition Foundation*	
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'.	
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.	
Clause number	Comment – no comment
Schedule	Comments– no comment
Consequential variations	Comments– no comment

<p style="text-align: center;">*About the New Zealand Nutrition Foundation</p> <p>Established in the 1980s, the New Zealand Nutrition Foundation is a professional, non-profit organisation that believes all New Zealanders should have access to accurate information enabling them to make informed choices about food and the effect it has on their health.</p> <p>The Foundation works pro-actively on nutrition issues with Government and its agencies, the food industry, health promotion groups, schools, the public and media. It supports nutrition campaigns promoting well-researched nutrition messages and education programmes in identified areas of need. An independent Scientific Advisory Group ensures the Foundation's academic excellence.</p>

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

Submitter name: New Zealand Nutrition Foundation*	
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>See: Gorton D and Ni Mhurchu C. Interpretation of two nutrition content claims: a New Zealand survey. <i>Aust NZJ Public Health.</i>2010; 34:57-62</p> <p>This study showed many consumers think foods containing 'fat-free' and '%fat free' claims are healthy overall. This belief was higher in groups most in need of accurate information for decisions about food purchases.</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>We prefer Option 3 Reason: This will put these claims on the same basis as higher level health claims, which is appropriate on the basis of consumer misinterpretation of the meaning of 'fat-free' and '% fat-free' to mean these food are healthy overall.</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)? 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>	<p>a. We prefer Option 3a; i.e. to require foods using fat free and % fat free claims to meet the nutrient profiling scoring criterion. Reason: as above</p> <p>b. For sugar threshold options foods also should meet nutrition profiling criterion. Sugar may be "naturally occurring" or added and added sugar should be considered as part of the criteria of the nutrition profile. While micronutrient intake may not be compromised it is the total calorie intake that is related to weight gain.</p> <p>See: Livingstone MB, Rennie KL. Added sugars and micronutrient dilution. <i>Obes Rev.</i> Mar 2009;10 Suppl 1:34-40. Plus the health of teeth is also important. Oral health messages for the Australian public. Findings of a national consensus workshop. <i>Aust Dent J.</i> Sep 2011;56(3):331-335.</p>