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[25–14]

Consultation Paper – Labelling Review Recommendation 17: Per serving declarations in the nutrition information panel

In 2009, the then Australian and New Zealand Ministerial Council for Food Regulation (now known as the Australia and New Zealand Ministerial Forum on Food Regulation (Forum)) agreed to a comprehensive independent review of food labelling law and policy. An expert panel, chaired by Dr Neal Blewett, AC, undertook the review and the panel's final report, *Labelling Logic: Review of Food Labelling Law and Policy (2011) (Labelling Logic)* was publicly released on 28 January 2011. This consultation is about Recommendation 17, one of the 61 recommendations in *Labelling Logic*.

Recommendation 17 states: *That the declaration in the nutrition information panel of amount of nutrients per serve be no longer mandatory unless a daily intake claim is made.*

In the government response to Recommendation 17, the Forum asked FSANZ to prepare a proposal to provide assessment and advice on this proposed change. As a first step in analysing the issues associated with Recommendation 17, FSANZ is seeking stakeholder views and any relevant information.

To aid submitters in providing comments, questions are provided. Submitters are encouraged to provide comments in response to each question, as appropriate.

For information about making a submission, visit the FSANZ website at [information for submitters](#).

All submissions on applications and proposals will be published on our website. We will not publish material that is provided in-confidence, but will record that such information is held. In-confidence submissions may be subject to release under the provisions of the *Freedom of Information Act 1991*. Submissions will be published as soon as possible after the end of the public comment period. Where large numbers of documents are involved, FSANZ will make these available on CD, rather than on the website.

Under section 114 of the FSANZ Act, some information provided to FSANZ cannot be disclosed. More information about the disclosure of confidential commercial information is available on the FSANZ website at [information for submitters](#).

Submissions should be made in writing; be marked clearly with the word 'Submission' and quote the correct project number and name. While FSANZ accepts submissions in hard copy to our offices, it is more convenient and quicker to receive submissions electronically through the FSANZ website via the link on [documents for public comment](#). You can also email your submission directly to submissions@foodstandards.gov.au.

There is no need to send a hard copy of your submission if you have submitted it by email or via the FSANZ website. FSANZ endeavours to formally acknowledge receipt of submissions within 3 business days.

DEADLINE FOR SUBMISSIONS: 6pm (Canberra time) 13 February 2015

Submissions received after this date will not be considered unless an extension had been given before the closing date. Extensions will only be granted due to extraordinary circumstances during the submission period. Any agreed extension will be notified on the FSANZ website and will apply to all submitters.

Questions about making submissions or the application process can be sent to standards.management@foodstandards.gov.au.

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Executive summary

An independent review of food labelling was completed in 2011 with the publication of the final report *Labelling Logic: Review of Food Labelling Law and Policy (2011)* (*Labelling Logic*). *Labelling Logic* includes 61 recommendations.

Recommendation 17 from *Labelling Logic* states: *That the declaration in the nutrition information panel of amount of nutrients per serve be no longer mandatory unless a daily intake claim is made.*

The government response to the recommendations in *Labelling Logic* was publicly released in December 2011. In relation to Recommendation 17, the Forum acknowledged that food labels are a finite space for providing information to consumers and that the recommendation to remove per serving information aims to simplify requirements for the mandatory nutrition information panel (NIP) and reduce the regulatory burden on industry. The Forum asked FSANZ to prepare a proposal to provide assessment and advice on this proposed change to the labelling requirements for the NIP.

To allow FSANZ to gather information and understand stakeholder views, we are undertaking consultation as a first step in our work on Recommendation 17. Information received through this consultation will assist FSANZ with analysing issues associated with the proposed removal of the mandatory requirement for per serving nutrient and energy declarations in the NIP (unless a daily intake claim is made). Submitters are encouraged to respond to the questions in this consultation paper.

To help stakeholders prepare submissions, background information and our initial consideration of issues relating to Recommendation 17 are presented in this paper. A summary of key issues and reference to the section of the paper where issues are discussed are provided in Table 1 on the following page.

Following consideration of information and comments provided by submitters, FSANZ will prepare a report for the FSANZ Board. This report will include relevant information and evidence, and present options for any further work on Recommendation 17, including whether a proposal will be prepared and/or whether further advice from the Forum will be sought.

Table 1: Summary of key issues for Recommendation 17

Issue related to Rec. 17	Key points	Section in consultation paper
Use of per serving information	<ul style="list-style-type: none"> • There are a variety of uses for per serving information in the NIP including comparisons between single serve portion packages, enforcement and voluntary labelling schemes. • There is limited information on how consumers use per serving information in Australia and New Zealand. 	Section 3
Current requirements in the <i>Australia New Zealand Food Standards Code</i>	<ul style="list-style-type: none"> • Currently food businesses are required to include per serving information in the NIP. The Recommendation proposes to remove this requirement unless a daily intake claim is made (that is percentage daily intake for energy and mandated nutrients, and percentage recommended dietary intake for vitamins and minerals). • Per serving declarations in the NIP are pertinent to a number of provisions in the Code. For example: foods intended to be prepared or consumed with at least one other food, foods carrying nutrition content or health claims, formulated caffeinated beverages, and small packages. 	Section 4
International requirements	<ul style="list-style-type: none"> • In the United States of America and Canada, energy and nutrients in the nutrition facts table/panel are required to be listed per serving. • In the European Union, energy and nutrients in the nutrition table are required to be declared per 100 g/100 mL and may also be expressed per serving. 	Section 5
Consumer understanding	<ul style="list-style-type: none"> • There is some evidence that per serving information in the NIP could be confusing for some consumers, however, there are limited studies in the Australia and New Zealand context. 	Section 7
Front-of-pack labelling	<ul style="list-style-type: none"> • If Recommendation 17 was implemented, foods carrying percentage daily intake labelling on front-of-pack would still have per serving information in the NIP. • If percentage daily intake information for energy is used front-of-pack under the Health Star Rating System, then per serving amounts for energy and the mandated nutrients would still be included in the NIP, as is required under that system. 	Section 8
Simplifying the NIP and reducing regulatory burden	<ul style="list-style-type: none"> • The Forum recognised that Recommendation 17 aims to simplify requirements for consumers and reduce the regulatory burden on industry. FSANZ is keen to receive comment from submitters on these points. 	Section 10

1 Introduction

1.1 Background to Recommendation 17 – Per serving declarations in the nutrition information panel

In 2009, the then Australian and New Zealand Ministerial Council for Food Regulation (now known as the Australia and New Zealand Ministerial Forum on Food Regulation (Forum)) agreed to a comprehensive independent review of food labelling law and policy. An expert panel, chaired by Dr Neal Blewett AC, undertook the review and the panel's final report, *Labelling Logic: Review of Food Labelling Law and Policy (2011)* (*Labelling Logic*) (Blewett et al. 2011), was publicly released on 28 January 2011.

Recommendation 17 from *Labelling Logic* states: *That the declaration in the nutrition information panel of amount of nutrients per serve be no longer mandatory unless a daily intake claim is made.*

The labelling review panel noted that consumers find the declaration of nutrients per serving and percentage daily intake values confusing. The panel also commented that in Australia and New Zealand serving sizes are determined by the manufacturer but are mandated in the United States of America (USA). However, the panel noted that there is little indication that per serving information when based on standard serving sizes is helpful in guiding consumer food intakes (Cowburn and Stockley 2005). The panel considered that a simpler approach would be to declare amounts of nutrients per 100 g/100 mL in the nutrition information panel (NIP) (while retaining a statement of serving size) although they acknowledged such an approach would require greater numeracy skills and so should be considered in the context of other, more easily understood nutrition advice being on the food label. It is not clear what the panel had in mind when making this comment, but it is likely that this statement was made in the context of possible forthcoming front-of-pack labelling (FoPL) as recommended by the panel (Recommendations 50–55).

1.2 Government response to Recommendation 17

The Government response to the recommendations in *Labelling Logic* was publicly released in December 2011¹. In relation to Recommendation 17, the Forum acknowledged that food labels are a finite space for providing information to consumers and that the recommendation to remove per serving information aims to simplify requirements for the mandatory NIP and reduce the regulatory burden on industry.

The Forum asked FSANZ to prepare a proposal to provide assessment and advice on this proposed change to the labelling requirements for the NIP. The Forum noted that all proposed changes to the *Australia New Zealand Food Standards Code* (Code) are required to adhere to an agreed process and be assessed by FSANZ.

2 Project approach and scope

2.1 Approach

To allow FSANZ to gather information and understand stakeholder views, we are undertaking a round of consultation as a first step in our work on Recommendation 17.

¹ Government response to *Labelling Logic* is at <http://www.foodlabellingreview.gov.au/internet/foodlabelling/publishing.nsf/content/home>

Information received through consultation will assist FSANZ with analysing issues associated with the proposed removal of the mandatory requirement for per serving nutrient and energy declarations in the NIP (unless a daily intake claim is made). The analysis will include:

- background information including current requirements in the Code and FSANZ's previous consideration of per serving information
- consideration of any technical consequences of removing per serving information on requirements in the Code and other labelling information such as voluntary front-of-pack labelling
- comparing approaches used internationally for per serving information
- reviewing literature and information on consumer use and understanding of per serving information in the NIP
- consideration of stakeholder views of Recommendation 17.

Initial consideration of the issues is provided in this consultation paper.

2.2 Scope

FSANZ understands that the scope of consideration of Recommendation 17 is the proposed removal of the mandatory requirement to include per serving nutrient and energy declarations in the NIP but not to necessarily prevent the option of voluntary per serving declarations.

This project excludes consideration of the serving size statement, a formal cost-benefit analysis, and any other aspects related to the format/content of the NIP including mandating serving sizes.

3 Uses of per serving information on food labels

Per serving information on food labels may have a number of uses as follows:

- to help consumers evaluate the nutrient content of a particular food in the context of the number of servings consumed and the whole diet
- to facilitate easy comparison of the energy and nutrient content of foods in single serve portions
- to provide information needed for enforcement agencies to easily check compliance with the Code, e.g. meeting conditions for nutrition content claims where the conditions are based on per serving amounts
- to provide information for health professionals when guiding clients with special dietary requirements e.g. salt intake (noting that such information could be calculated using the values in the per 100 g/100 mL column)
- to provide easily available information for voluntary labelling schemes such as the Glycemic Index (GI) symbol program (in relation to required amount of carbohydrate per serving), the Heart Foundation Pick-the-Tick programme², and Healthy Kids Association programs for food in school canteens in Australia³.

² Information about the Pick-the-Tick programme is at <http://www.heartfoundation.org.nz/healthy-living/healthy-eating/heart-foundation-tick> and <http://www.heartfoundation.org.au/healthy-eating/heart-foundation-tick/pages/default.aspx>

³ Information about the Healthy Kids Association is at <http://healthy-kids.com.au/>

Question for Submitters

- Q1 How do you or your organisation use per serving information in the nutrition information panel on food labels?
- Q2 Are there any particular food categories or types of food packages (e.g. single serve packages) for which per serving information is particularly useful? If so, what are they? Explain why the information is useful.

4 Requirements for per serving information in the *Australia New Zealand Food Standards Code*

4.1 Requirements for per serving information

Standard 1.2.8 – Nutrition Information Requirements, sets out the requirements for format and content of the NIP.

The average quantity of the following must be declared per serving and per 100 g or 100 mL of the food in the NIP:

- energy content (expressed in kilojoules or in both kilojoules and calories (kilocalories))
- protein
- fat
- saturated fat
- carbohydrate
- sugars
- sodium (expressed in milligrams; or both milligrams and millimoles), and
- any other nutrient or biologically active substance⁴ about which a *claim requiring nutrition information* is made⁵.

For foods intended to be prepared or consumed with at least one other food, food businesses have the option of including an additional column in the NIP that reflects the food prepared with other intended foods (clause 11 of Standard 1.2.8). However if a claim requiring nutrition information is made about a food that is required to be prepared or consumed with at least one other food, the NIP must include this additional column. The heading for the additional column outlines what the additional foods are and the quantities of these foods. The column then reflects the average quantities of energy and nutrients in the food made up with the other intended foods. It is at the discretion of the food business whether this column is displayed per serving or per 100 g or 100 mL.

There are additional information requirements in Standard 1.2.7 – Nutrition, Health and Related Claims and Standard 1.2.8 associated with making nutrition content claims and health claims about specific nutrients. For example, if a claim requiring nutrition information is made about polyunsaturated fatty acids or monounsaturated fatty acids, the NIP must include declarations of the content of trans, polyunsaturated and monounsaturated fatty acids, in addition to a declaration of energy content and the quantity of the six mandatory nutrients. In all cases, declarations of nutrient content are required per serving and per 100 g/100 mL.

⁴ Biologically active substance is defined in clause 1 of Standard 1.2.8 and means a substance, other than a nutrient, with which health effects are associated.

⁵ Subclause 4(1) in Standard 1.2.8 states: *A claim requiring nutrition information means – (a) a nutrition content claim; or (b) a health claim; but does not include – (c) a declaration that is required by the Act, or (d) an endorsement.*

Standard 2.6.4 – Formulated Caffeinated Beverages sets out requirements for the declaration of the amount of caffeine and any substances listed in column 1 of the Table to subclause 2(2) where present, on the label. Such declarations are required per serving and per 100 mL and can be adjacent to or following a NIP provided the declarations are clearly distinguished from the NIP.

Health claims and some nutrition content claims are only permitted on foods that meet the Nutrient Profiling Scoring Criterion (NPSC) set out in Standard 1.2.7. There are some additional labelling requirements for foods that carry claims and are required to meet the NPSC in order to make the claim. For example, if a property of food, such as dietary fibre, is relied upon for the food to meet the NPSC, this property and the amount of this property of food per serving and per 100 g/100 mL must be declared in the NIP.

Small packages⁶ are exempt from including a NIP on the label. However, if a claim requiring nutrition information is made on or about a food in a small package, the label must include the following information:

- serving size
- the average quantity of energy and the claimed nutrient or biologically active substance present per serving of the food
- percentage Recommended Dietary Intake (%RDI) contributed by one serving of the food for any vitamin or mineral that a claim requiring nutrition information is made.

The Table to subclause 8(3) of Standard 1.2.8 sets out additional labelling requirements where particular claims requiring nutrition information are made about food in a small package. In all cases, declarations of specified nutrients are required per serving.

4.2 Requirements for serving size

A NIP must include the average quantity of food in a serving and the number of servings of the food in the package, expressed as either:

- the number of servings of the food, or
- where the weight or volume of the packaged food is variable, the number of servings of the food per kg, or other units as appropriate, for example, sausages packed onto trays in a supermarket.

The word 'slice', 'pack', or 'package' may replace the term 'serving'. For example, one slice of bread (28 g) may be used to represent a serving. The word 'serving' may also be replaced with any other appropriate word describing a common measure or unit including 'metric cup' or 'metric tablespoon'.

Clause 5 of Standard 1.2.8 sets out the prescribed format for the NIP.

The following is an example of how the NIP should be set out.

⁶ A small package means a package with a surface area of less than 100 cm².

NUTRITION INFORMATION		
Servings per package: 25 Serving size: 15 g		
	Average Quantity per Serving	Average Quantity per 100 g
Energy	384 kJ	2560 kJ
Protein	4.4 g	29.3 g
Fat, total	7.6 g	50.7 g
– saturated	1.5 g	10.0 g
Carbohydrate	2.0 g	13.3 g
– sugars	0.9 g	6.0 g
Sodium	41 mg	273 mg

Serving sizes are not defined in the Code and the size of the serving used in the NIP is not prescribed. The serving size must be declared in grams (g) if the food is a solid or semi-solid and in millilitres (mL) if the food is a liquid. The food business determines which declaration is appropriate i.e. whether a food is a solid, semi-solid or liquid food.

The FSANZ user guide for Standard 1.2.8⁷ makes the following suggestions to assist food businesses to determine serving sizes.

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.

If the serving size is equal to 100 g, the two columns are still required to be displayed in the nutrition information panel, namely the 'per serving' and 'per 100 g' (or per 100 mL) columns.

4.3 Daily intake claims

Recommendation 17 refers to the amount of nutrients per serving being *no longer mandatory unless a **daily intake claim** is made*. For the purposes of this project FSANZ assumes that **daily intake claim** refers to both percentage daily intake (%DI) information and percentage recommended dietary intake (%RDI) information.

4.3.1 Percentage daily intake information

Percentage daily intake information may be voluntarily provided in the NIP. Where such information is provided, there are mandatory requirements governing its use.

Daily intake reference values provide information on the total amount of energy, protein, fat, saturated fatty acids, carbohydrate, sugars, dietary fibre and sodium to be consumed daily by an 'average' adult, based on an 8700 kJ diet that is in accordance with national dietary guidelines. Percentage DI information therefore expresses the percentage of the daily intake for these particular nutrients and energy that will be obtained from consuming one serving of the food. Percentage DI values must be calculated using the daily intake reference values stated in the Table to subclause 7(3) of Standard 1.2.8.

⁷ The user guide for Standard 1.2.8 is at <http://www.foodstandards.gov.au/code/userguide/pages/nutritioninformation1406.aspx>

Percentage DI information differs from %RDI information which specifically applies to vitamins and minerals.

Where %DI values are displayed in the NIP, the %DI for energy, protein, fat, saturated fatty acids, carbohydrate, sugars, and sodium provided by the food must all be included. It is at the discretion of the food business whether %DI for dietary fibre is included.

Either of the following statements must also be included in the NIP where %DI values are included:

- ‘based on an average adult diet of 8700 kJ’
- ‘Percentage daily intakes are based on an average adult diet of 8700 kJ.’

4.3.2 Percentage recommended dietary intake information

Percentage RDI information must be provided in the NIP if a claim requiring nutrition information is made about a vitamin or mineral that has an RDI listed in the Code. Percentage RDI information expresses the percentage of the RDI of certain vitamins and minerals that will be obtained from consuming one serving of the food. This information is required irrespective of whether %DI information is voluntarily included and is not required to be declared per 100 g/mL. The vitamins and minerals with (regulatory) RDIs are listed in the Schedule to Standard 1.1.1 – Preliminary Provisions – Application, Interpretation and General Prohibitions.

Percentage RDI information is not required for a food for infants (standardised by Standard 2.9.2 – Food for Infants), however, it may voluntarily be provided in the NIP of these foods.

4.3.3 Presenting %DI and %RDI information in and outside the NIP

The following is an example of a NIP containing %DI and %RDI values.

NUTRITION INFORMATION			
Servings per package: (insert number of servings)			
Serving size: g (or mL or other units as appropriate)			
	Average Quantity per Serving	% Daily Intake* (per Serving)	Average Quantity per 100 g (or 100 mL)
Energy	kJ (Cal)	%	kJ (Cal)
Protein	g	%	g
Fat, total	g	%	g
– saturated	g	%	g
Carbohydrate	g	%	g
– sugars	g	%	g
Sodium	mg (mmol)	%	mg (mmol)
		% RDI (per serving)	
Vitamin C	mg	%	mg
Calcium	mg	%	mg

*Percentage daily intakes are based on an average adult diet of 8700 kJ.

Certain rules apply if the %DI or %RDI information provided in the NIP as outlined above is also presented outside the NIP, for example on the front of a food label.

The %DI and %RDI information must be presented together with the serving size of the food. If more than one %DI or %RDI value is presented outside the NIP, those values must be presented together. Information that is presented in accordance with these requirements is not considered to be a nutrition content claim.

Question for Submitters

Q3 The Labelling Review recommendation suggests that per serving information be voluntary *unless a daily intake claim is made*.

Do you support this approach? That is, do you think declaration of per serving information in the nutrition information panel should be mandatory if a daily intake claim is made (e.g. %DI or %RDI)? Give reasons for your answer.

Q4 As noted above, there is currently variation in the format of NIPs on food labels because of voluntary permissions for the use of %DI labelling and the option to include a third column for foods intended to be prepared or consumed with at least one other food. If per serving information in the NIP was voluntary this would result in more variability in the format of NIPs across the food supply. Do you think this would be a problem? Why/why not?

4.4 Qualifying criteria for nutrition content claims

Qualifying criteria for nutrition content claims about vitamins, minerals, dietary fibre, omega-3 fatty acids and protein set out in Schedule 1 of Standard 1.2.7 are based on per serving amounts. Whether there would be any merit in requiring per serving information in the NIP when nutrition content claims about these nutrients are made is an issue that could be considered in the context of per serving information being voluntary. The labelling review panel did not refer to this issue in *Labelling Logic*.

Question for Submitters

Q5 If per serving information in the nutrition information panel was voluntary, do you think the inclusion of per serving information in the nutrition information panel should be mandatory when a nutrition content claim about vitamins, minerals, protein, omega-3-fatty acids or dietary fibre is made? Give reasons for your answer.

Q6 If per serving information in the nutrition information panel was voluntary, do you think the inclusion of per serving information in the NIP should be mandatory in any other specific regulatory situations? Explain your answer.

5 International approaches to NIP information

A summary of requirements for the declaration of energy and nutrients in NIPs (or similar) in Australia/New Zealand, Canada, the USA, the European Union (EU) and from the Codex guidelines is at Attachment A.

In Canada and the USA, energy and mandated nutrients and any other nutrients in the nutrition facts table/panel are required to be listed per serving. Percent Daily Value⁸ amounts are also required for specified nutrients.

⁸ Percent Daily Value is similar to %DI in the Code. In the USA and Canada percent daily values (%DVs) are based on the Daily Value recommendations for key nutrients for a 2000 calorie daily diet (8360 kJ). The Daily Value recommendations for fat, saturated fatty acids, carbohydrate, sodium and dietary fibre are similar but not identical to those used in Standard 1.2.8.

While declarations of energy and nutrients are not required per 100 g/100 mL as they are in Australia/New Zealand, in the USA such values can be included voluntarily if a product is both sold locally and exported.

In the EU, energy and nutrients in the nutrition table are required to be declared per 100 g/100 mL and when vitamins or minerals are included, they must also be expressed as a percentage of reference intakes per 100 g/100 mL. Energy and nutrients may also be expressed per serving. Inclusion of percentage of reference amounts (% Guideline Daily Amount (GDA)) for energy and nutrients in the nutrition table is voluntary and can either be expressed on a per serving or per 100 g/100 mL basis.

The Codex Guidelines for Nutrition Labelling state that energy and the amounts of protein, carbohydrate and fats should be expressed per 100 g/100 mL or per package if the package only contains one serving. Per serving information may also be provided. The amounts of vitamins and minerals should be expressed in metric units or as a percentage of a nutrient reference value per 100 g/100 mL or per package or per serving. It is also stated that in countries where serving sizes are normally used, information may be given per serving only.

Although the approach of mandating serving sizes for use on food labels is not the subject of this consultation, in *Labelling Logic*, the labelling review panel referred to the use of mandatory serving sizes in the USA. It is of interest to note that the regulatory approaches taken for industry determination of serving sizes in the USA and Canada may in fact result in some variability in serving sizes within food categories. Information on the requirements for determining serving sizes in the USA and Canada, along with proposed changes, is provided at Attachment B.

6 Previous FSANZ consideration of per serving information in the NIP

Per serving information has been provided in mandatory NIPs in both Australia and New Zealand since 2002 when the joint Code was fully implemented. Before preparing the joint Code in the late 1990s, nutrition information presented in a NIP was voluntary for all foods, except for infant formula, and mandatory for all foods carrying nutrition claims, in both countries. Although the nutrients required to be declared differed in Australia and New Zealand, declarations had to be expressed per industry nominated serving and per 100 g/100 mL.

As part of the development of the joint Code, in 1997 the then Australia New Zealand Food Authority (ANZFA) released a consultation paper under Proposal P167 – Nutrition Labelling (Preliminary Assessment Report). ANZFA specifically sought public comment on continuing the use of per serving as a reference unit for declaring nutrition information. As reported in the subsequent Full Assessment Report for P167, the majority of submitters, including most industry groups, supported continuing the use of per serving as a reference unit for declaring nutrient content. Consumer familiarity and consistency with Codex were the main reasons given, although Codex provides for a choice between either per serving or per 100 g/100 mL. The Dietitian Association of Australia also noted the usefulness of this measure for placing nutrient intake in the context of the whole diet. The Australian Food and Grocery Council (AFGC) requested that, for single serve packages, the word ‘pack’ or similar should be allowed to replace the word serve. In response, ANZFA proposed to continue use of per serving as a reference unit for declaring nutrition information and permit the word ‘pack’ or similar for single serve packages to be used.

In the Full Assessment Report, ANZFA reported findings of a study undertaken in 1998 on the inclusion of %DI labelling in the NIP (Scott et al. 1999).

The main objective of this study was to evaluate consumer reactions to the inclusion of %DI information (on a per serving basis) in three different NIPs, however, focus group participants (n=27) made the following comments on the use of serving size and per serving information:

- serving sizes vary from one person to another
- serving sizes are difficult to visualise even if they are defined
- serving sizes on packages can be smaller than actual portions eaten
- serving sizes are merely a guide
- unsure how serving sizes relate to daily nutrition
- per serving column is for people who need to accurately know their intakes because of specific health problems, but unsure if column is used in this manner
- per serving information not for comparing products; per 100 g is best used for comparing products.

ANZFA also noted that half the focus group participants said they used per 100 g information to compare products with different serving sizes while the other half said they used per serving information, noting that it was harder to do.

The three NIP formats evaluated in the study were as follows:

1. NIP information expressed using per serving and per 100 g/100 mL
2. NIP information expressed using per serving, per 100 g/100 mL and %DI
3. NIP information expressed using per serving and %DI

Study participants disliked NIP format 3 the most because it did not have the per 100 g/100 mL column which was considered to be the only useful expression for comparing products. Participants also thought that per serving information was redundant because 'it stretches the mental powers' too much. In response to this finding, ANZFA invited comment on the possible inclusion of %DI information in the NIP instead of per serving information in the Full Assessment Report. In response to submissions, ANZFA concluded there was little support for replacing per serving with %DI information. There was strong resistance to making %DI mandatory primarily because it is not possible to have generic %DI values for all adults and children over 4 years and that the concept itself could be confusing. There was no specific discussion on the merits of having %DI information alongside per serving information given the former expresses the percentage of the daily intake for particular nutrients and energy that will be obtained from consuming one serving of the food. Labelling Review Recommendation 17 states that per serving information should be retained in the NIP when %DI information is voluntarily included.

FSANZ has not formally considered per serving information in the NIP since P167 was completed in 1999. FSANZ has, however, commissioned research studies on various aspects of the NIP. Findings relevant to this current project are presented in the following section.

7 Consumer use and understanding of per serving information

7.1 Introduction

As noted earlier, it is anticipated that FSANZ will prepare a literature review on consumer use and understanding of per serving information. Evidence supplied by submitters will be considered in such a literature review.

This section provides a brief discussion of consumers' use and understanding of the NIP in general, and of per serving information. It provides context for submitters to consider the value of per serving information in the NIP, but is not a comprehensive review of relevant literature.

7.2 Consumer use and understanding of the NIP

Two studies of Australians and New Zealanders, conducted before the mandatory requirements for the NIP were fully implemented, found that people used the NIP periodically when buying a product for the first time (NFO Donovan Research 2001; Scott et al. 1999). Most participants strongly supported the NIP being present on food products (NFO Donovan Research 2001), and use was higher when the shopper was not time-constrained (Scott et al. 1999). People who reported having nutrient restrictions for health and/or religious reasons viewed the NIP as very important (NFO Donovan Research 2001).

A survey conducted in 2002 found a high awareness of the NIP on food packaging by consumers in both Australia and New Zealand (NFO Donovan Research 2003). When asked *what kinds of information can be found on packaged food and drink products?*⁹ 40% of consumers mentioned the NIP. When later shown a picture of a NIP, the level of recognition increased to 86%. Sixty-six per cent reported that they used the NIP, at least occasionally. Of respondents who reported using at least three label elements (including voluntary elements such as nutrition content claims), 52% identified the NIP as one of their top three elements used. Of the twelve food categories used in the research, the NIP was most commonly used for breakfast cereals (65%), dairy products (56%), and oils, butter, margarine, dairy spreads and other fats (56%).¹⁰

The FSANZ Consumer Attitudes Survey 2007 found that at least¹¹ 62% of Australians and 56% of New Zealanders reported using the NIP when purchasing a product for the first time (TNS Social Research 2008). An Australian study of grocery shoppers found that only 42% of grocery shoppers could use the NIP to correctly rank three breads in ascending order for salt content, although 62% were able to use the NIP to accurately identify which of two breakfast cereals had the highest salt content (Grimes et al. 2009).

A New Zealand study found that around two-thirds of grocery shoppers appear to be able to correctly read both the NIP values for per serving and per 100 g/100 ml when asked to locate values for specific nutrients (Gorton et al. 2009). As part of this research, the shoppers were asked to use a NIP to decide whether a mock cracker product was healthy: only 36% of Māori shoppers and 64% of New Zealand European/other shoppers were able to correctly assess the product using the NIP.

7.3 Consumer use and understanding of per serving information

There is some evidence that per serving information in the NIP may be confusing some consumers. In a qualitative study conducted before the NIP was standardised, people were confused over the per serving and per 100 g/100 mL columns (NFO Donovan Research 2001).

⁹ Full question: firstly, thinking about all of the different types of food products available to buy, can you tell me what kinds of information can be found on packaged food and drink products?

¹⁰ The twelve product categories were: Dairy products; Oils, butter, margarine, dairy spreads and other fats; Canned foods; Breads; Frozen foods; Breakfast cereals; Pasta / rice / noodles; Fresh produce (fruit, vegetables, meat, eggs, fish); Soft drinks, cordials, fruit juices; Sweet biscuits / cakes / confectionery; Savoury biscuits & snacks; Infant formula / baby food.

¹¹ The study asked about separate aspects of the NIP, and percentages are reported separately for each NIP element. No overall percentage of use is reported, and respondents could select all elements that applied, so the highest percentage has been used. Overall use is likely to be higher than the use reported for the common response category (The amount of fat).

The research concluded that *although participants were divided in their preferences for information to be presented per 100 g (%) or per serving, the overall preference tended to be for 100 g as this was viewed as easier to work with. Nonetheless, having both was viewed as an acceptable format and of value in different circumstances* (p.34). In particular, the per serving column was viewed as providing information on the nutrient amounts that the person would actually consume.

When asked to make nutrition assessments of various foods using experimental NIP formats, Australian and New Zealand research participants were more likely to use the per serving information than the per 100 g/100 mL information (50% use compared to 39% use) (Scott et al. 1999). Participants were more likely to use the per serving column both for making judgements about a single food (48% compared to 35% who used per 100 g/100 mL) and for comparing two foods (52% compared to 43% who used per 100 g/100 mL). However, the percentage of correct nutritional judgements was unaffected by which column of information was used (65% correct judgements for both). The more recent Australian study of grocery shoppers found that, of the 58% who had incorrectly ranked the breads based on salt information in the NIP, 19% had used the per serving column to perform the rankings (Grimes et al. 2009).

When shown a picture of the nutrition information for a tub of yoghurt and asked what pieces of information they would use when considering purchasing, 4% of Australian and New Zealand respondents mentioned the per serving column (NFO Donovan Research 2003). However, when asked to choose the healthier product based on two snack food NIPs, where the serving size was the same, 54% reported that they mainly used the per serving column. Only 30% reported using the per 100 g/100 mL column, and 15% reported using both columns. In a subsequent evaluation for crackers, where the serving sizes differed between the two products, 55% reported using per serving information compared with 31% who used the per 100 g/100 mL column. However, there was no significant effect of column use on whether the correct (healthier) choice was selected.

The FSANZ Consumer Attitudes Survey 2007 asked respondents about both use of the per serving column and use of the per 100 g/100 mL column. Use of the per 100 g/100 mL column was slightly more common: 24% of Australians and 19% of New Zealanders reported using this information when purchasing a product for the first time, compared with 21% and 13%, respectively, for the per serving column (TNS Social Research 2008).

An American experiment that required participants to read the Nutrition Facts panel (NFP) on a packet of candies found that non-dieters exposed to a two-column NFP containing both per serving and per-package information ate significantly fewer candies on average compared to non-dieters who only saw a one-column NFP containing only the per serving information (Antonuk & Block 2006). There was no equivalent effect for dieting participants. However, as the package contained exactly 50 candies, and each candy weighed less than 1 g, the per-package information provided to participants was not equivalent to the per 100 g/100 mL information used in Australia and New Zealand. Additionally, the only one-column format that was tested was the per serving information.

7.4 Other considerations

While the NIP is a source of nutrient information for consumers, health professionals also use the information. One qualitative study of health professionals in Australia and New Zealand examined this issue (NFO Donovan Research 2002). Nutritionists used the NIP to educate clients about key nutrients such as fat, sugar and fibre, assist in weight-loss discussions, and to explain and contextualise nutrient content claims. Nutritionists wanted both columns, although they had a preference for the per 100 g/100 mL column, as this column provides a standardised basis for comparisons between products and brands.

The per serving column was viewed as useful only when the serving size was practical and realistic. Another criticism of the per serving column was the units used, as some nutritionists in New Zealand felt that a cup-based measurement would more accurately reflect how consumers measure out food. General practitioners (GPs) tended to use the NIP when counselling clients on weight management. Again, while GPs found both columns in the NIP useful, the per serving column was viewed as not helpful when the amount was unrealistic in terms of how much would actually be consumed by a client.

Questions for Submitters

Q7 What additional studies examine consumer use and understanding of per serving information in the nutrition information panel on food labels? Please provide a copy of studies where possible.

8 Per serving information and front-of pack labelling

In response to the comment from the labelling review panel in *Labelling Logic* that Recommendation 17 *should be considered within the context of other, more easily understood nutrition advice being on the food label*, a description of voluntary front-of-pack labelling currently in use in Australia and New Zealand is included in this section. It is of interest to consider whether or not voluntary inclusion of per serving information in the NIP would affect the use of front-of-pack labelling. Consumer use of information in the NIP in the context of front-of-pack labelling is clearly also of interest but there is currently little information available in the Australia/New Zealand context.

8.1 Percentage daily intake front-of-pack labelling

As noted earlier, where food businesses choose to present %DI and/or %RDI information outside the NIP, for example, on the front of the product, certain requirements for such labelling in the Code must be followed (see section 4.3.3). The main requirement is that if %DI information is used on the front of products then serving size must also be presented and the %DI information must be included in the NIP. If more than one piece of %RDI or %DI information is presented outside of the NIP, then that information must be presented together.

The AFGC have developed a Code of Practice¹² covering the use of %DI information on the front of packages and call it the *Daily Intake Guide* (DIG). In addition, information on the DIG for consumers is provided on the AFGC's My Daily Intake Webpage¹³. The Code of Practice presents several formats of DIG labelling that can be used, all of which include serving size.

8.2 Health Star Rating System

The Health Star Rating System (HSR) System¹⁴ provides nutritional information on the food label and assigns individual foods a star rating, with healthier foods being assigned more stars than less healthy options. The Forum has agreed that the HSR System should be implemented voluntarily in Australia and New Zealand over the next five years

¹² The Code of Practice is at <http://www.afgc.org.au/our-expertise/industry-codes/code-of-practice-for-food-labelling-and-promotion/>

¹³ The My Daily Intake Webpage is at <http://www.mydailyintake.net/>

¹⁴ Further information on the HSR System is at <http://www.health.gov.au/internet/main/publishing.nsf/Content/foodsecretariat-front-of-pack-labelling-1>

The HSR System has three elements:

- **Health Star Rating** – an overall evaluation of the food based on its nutrient profile, presented as a star rating graphic and numeric
- **Energy Declaration** – the energy content of the food on a per 100 g or 100 mL basis or per pack when presented as a single serve package intended for consumption in a single sitting, or per reference portion (such as per single pack, per bottle) when presented as part of a multipack
- **Nutrient content declarations** – individual label icons indicating the amount of prescribed nutrients per 100 g or 100 mL basis or per pack when presented as a single serve package or packages with discrete portions.

The HSR System is designed to assist consumers to discriminate between foods in the same food category and to compare foods across different food categories, with a possibility of 10 different star ratings ranging from ½ star (least healthy) to 5 stars (most healthy). The HSR System is not designed to give information on the quantity of each food to be consumed in a healthy diet.

The full HSR System graphic consists of the Health Star Rating, the energy icon, three prescribed nutrient icons and one optional nutrient icon. Food businesses can determine whether to include all elements of the graphic or some of them. Amounts of energy and nutrients are declared per 100 g/100 mL, per pack or per industry agreed standardised serving sizes. The reference amount is shown on the HSR graphic. As of June 2014, only two food categories have agreed serving sizes; beverages and chocolate/sugar confectionery. In relation to beverages, for packages containing less than or equal to 600 mL, the serving size is the entire package, while for packages containing greater than 600 mL, the serving size is 250 mL. The serving size for chocolate/sugar confectionery is 25 g.

Under the HSR System, %DI information can only be included in the graphic for energy and only when the amount of energy is given per pack (not per 100 g/100 mL). In addition, when %DI information is provided, %DI information for energy and all mandated nutrients (protein, fat, saturated fat, carbohydrate, sugars, sodium) must be included in the NIP. Although not specifically mentioned in the HSR System Style Guide¹⁵, presumably %DI for energy could also be provided on packages using the industry agreed serving size as the reference value stated in the graphic.

8.3 Recommendation 17 and front-of-pack labelling

Under the proposed approach for Recommendation 17, if %DI values are used in the NIP, the inclusion of per serving information would be mandatory. DIG front-of-pack labelling requires the inclusion of %DI values in the NIP. This means that if Recommendation 17 was implemented per serving information would always be included in the NIP where DIG is voluntarily used.

In relation to the use of the HSR System, if the inclusion of per serving information in the NIP was voluntary, then situations could arise where amounts of energy, saturated fat, sugars and sodium are presented per pack (i.e. per serving) or per industry agreed serving size in the HSR graphic, but not be available per serving in the NIP.

¹⁵ The HSR System Style Guide is at http://www.ahmac.gov.au/cms_documents/Health%20Star%20Rating%20Style%20Guide_30%20June%202014.pdf

In this scenario, per serving amounts of the other (NIP) mandated nutrients would also not be included in the NIP. Whether such a scenario is problematic for consumers could be considered in any further work on Recommendation 17.

9 Other projects in Australia and New Zealand related to serving size

In New Zealand, the Ministry of Health is reviewing serving sizes used in its series of *Food and Nutrition Guidelines* for different population groups. The guidelines and related resources support policy makers, health practitioners, educators, health promoters and consumers to promote and consume a healthy diet. Current New Zealand serving sizes used in the guidelines were developed in the 1990s. The Ministry of Health considers there is a need to update serving sizes to reflect the development of new nutrient requirements, changes in eating patterns and New Zealand's cultural make-up, and to support education initiatives focussed on choosing optimal diets for health and wellbeing.

The Food and Health Dialogue (the Dialogue)¹⁶ was established in March 2009 by the Australian Government with the primary focus being food innovation. This includes a voluntary reformulation program to reduce the salt, added sugar, saturated fat and energy, and increase the fibre, wholegrain, fruit and vegetable content of commonly consumed foods. The future of the Dialogue is currently being considered by the Government, including possible activities aimed at broadening the focus of the Dialogue to include serving size used on food labels and physical activity.

10 Advantages and disadvantages of Recommendation 17

We are interested to know what food businesses, enforcement agencies, consumers and public health professionals think are advantages and disadvantages of removing the mandatory requirement for per serving information in the NIP.

As noted in Section 1.2 of this report, the Forum recognised that food labels are a finite space for providing information to consumers and that Recommendation 17 aims to simplify the requirements for consumers and reduce the regulatory burden on industry. We invite submitters to provide comment on these points under Question 8 given below.

Question for Submitters

Q8 From your perspective, what are the advantages and disadvantages of per serving information in the nutrition information panel being voluntary? Please provide evidence where possible.

Q9 Do you think the declaration of the amount of energy and nutrients per serving in the NIP should be voluntary? YES/NO/UNCERTAIN

Please give reasons and evidence to support your view.

If you are UNCERTAIN, please indicate what information you would need in order to form a view.

¹⁶ Further information on the Dialogue is at <http://www.foodhealthdialogue.gov.au/internet/foodandhealth/publishing.nsf>

11 Next Steps

Following consideration of information and comments provided by submitters, FSANZ will prepare a report for the FSANZ Board. This report will include relevant information and evidence, and present options for any further work on Recommendation 17, including whether a proposal will be prepared and/or whether further advice from the Forum will be sought.

12 Questions for submitters

Q1 How do you or your organisation use per serving information in the nutrition information panel on food labels?

Q2 Are there any particular food categories or types of food packages (e.g. single serve packages) for which per serving information is particularly useful? If so, what are they? Explain why the information is useful.

Q3 The Labelling Review recommendation suggests that per serving information be voluntary *unless a daily intake claim is made*.

Do you support this approach? That is, do you think declaration of per serving information in the nutrition information panel should be mandatory if a daily intake claim is made (e.g. %DI or %RDI)? Give reasons for your answer.

Q4 As noted in Section 4, there is currently variation in the format of NIPs on food labels because of voluntary permissions for the use of %DI labelling and the option to include a third column for foods intended to be prepared or consumed with at least one other food. If per serving information in the NIP was voluntary this would result in more variability in the format of NIPs across the food supply. Do you think this would be a problem? Why/why not?

Q5 If per serving information in the nutrition information panel was voluntary, do you think the inclusion of per serving information in the nutrition information panel should be mandatory when a nutrition content claim about vitamins, minerals, protein, omega-3-fatty acids or dietary fibre is made? Give reasons for your answer.

Q6 If per serving information in the nutrition information panel was voluntary, do you think the inclusion of per serving information in the NIP should be mandatory in any other specific regulatory situations? Explain your answer

Q7 What additional studies examine consumer use and understanding of per serving information in the nutrition information panel on food labels? Please provide a copy of studies where possible.

Q8 From your perspective, what are the advantages and disadvantages of per serving information in the nutrition information panel being voluntary? Please provide evidence where possible.

Q9 Do you think the declaration of the amount of energy and nutrients per serving in the NIP should be voluntary? YES/NO/UNCERTAIN

Please give reasons and evidence to support your view.

If you are UNCERTAIN, please indicate what information you would need in order to form a view.

13 References

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Attachments

- A. Requirements for declaration of energy and nutrients in nutrition information panels in Australia/New Zealand, Canada, the USA, the EU and from Codex
- B. Regulatory requirements for serving sizes in Canada and the USA

Attachment A – Requirements for declaration of energy and nutrients in nutrition information panels in Australia/New Zealand, Canada, the USA, the EU and from Codex

Australia/New Zealand ²	Canada ³	USA ⁴	EU including the UK ^{5,6}	Codex Guidelines for Nutrition Labelling ⁷
<p>The nutrition information panel is mandatory for most packaged foods. Energy and the mandatory nutrients and any other nutrients in the panel are required to be listed per serving and per 100 g/100 mL in the NIP.</p> <p>A NIP must include the average quantity of food in a serving and the number of servings of the food in the package expressed as either:</p> <ul style="list-style-type: none"> the number of servings of the food, or where the weight or volume of the packaged foods is variable, the number of servings of the food per kg, or other units as appropriate. <p>The word 'slice', 'pack', or 'package' may replace the term 'serving'. For example, one slice of bread (28 g) may be used to represent a serving. The word 'serving' may also be replaced with any other appropriate word describing a common measure or unit including 'metric cup' or 'metric tablespoon'.</p>	<p>The nutrition facts table is mandatory for most packaged foods. Energy and mandatory nutrients and any other nutrients in the table are required to be listed per serving. Values for % Daily Value are also required for total fat, saturated & trans fat together, cholesterol, sodium, total carbohydrate, dietary fibre, vitamin C, vitamin A, calcium, iron and any declared vitamins and minerals. Declaration of % Daily Value for cholesterol is optional.</p> <p>The nutrition facts table must include the serving size (expressed as a consumer friendly measure followed by the equivalent metric quantity) and the number of servings per container.</p> <p>The manufacturer has some flexibility in determining serving sizes. A list of reasonable serving sizes is available in the regulations, and it may be used as a reference tool and guide when evaluating the appropriateness of a serving size.</p> <p>Manufacturers have the option</p>	<p>The nutrition facts panel is mandatory for most packaged foods. Energy and mandatory nutrients and any other nutrients in the panel are required to be listed per serving. Energy per serving from fat is also required. If the amounts per serving are less than a specified level, a label statement 'Not a significant source of.....' can be used. Values for % Daily Value are also required for total fat, saturated fat, cholesterol, sodium, total carbohydrate, dietary fibre, vitamin C, vitamin A, calcium, iron and any other declared vitamins and minerals.</p> <p>The nutrition facts panel must include the serving size (expressed as a common household measure followed by the equivalent metric quantity) and the number of servings per container.</p> <p>The FDA has established Reference Amounts Customarily Consumed (RACCs) for 39 food product categories in the Food and Drugs Act. The RACCs are used to derive serving sizes in accordance with requirements</p>	<p>The nutrition table is mandatory for most packaged foods. Energy and mandatory nutrients and any other nutrients in the table are required to be listed per 100 g or 100 mL. When vitamins and minerals are included in the table, they must also be expressed as a percentage of reference intakes per 100 g/100 mL.</p> <p>The inclusion of the percentage of reference intakes (% Guideline Daily Amount (%GDA)) for energy and the mandated nutrients in the nutrition table is voluntary. %GDA values are not permitted for the voluntary nutrients. %GDA values may be expressed per serving or per 100 g/100 mL.</p> <p>Energy and mandatory nutrients may be expressed per portion and/or per consumption unit, provided the portion or unit is stated on the label along with the number of portions or units in the package. There are three cases where portions and/or consumption units may be used:</p> <ul style="list-style-type: none"> in addition to the mandatory 	<p>Declaration of nutrient content should be numerical. Additional means of presentation is not excluded.</p> <p>Energy value should be expressed per 100 g/100 mL or per package if the package contains only a single portion. The information may also be given per serving or per portion provided that the number of portions contained in the package is stated.</p> <p>Information on the amounts of protein, carbohydrate and fat in the food should be expressed per 100 g/100 mL or per package if the package contains only one serving. The information may also be given per serving or per portion provide the number of portions contained in the package is stated.</p> <p>Information on vitamins and minerals should be expressed in metric units or as a percentage of a nutrient reference value per 100 g/100 mL or per package or per serving. Information on protein may also be expressed as percentages of the nutrient</p>

Australia/New Zealand ²	Canada ³	USA ⁴	EU including the UK ^{5,6}	Codex Guidelines for Nutrition Labelling ⁷
<p>Serving size is determined by the manufacturer.</p> <p>Where the average quantity of energy and nutrients are less than levels specified in the Code, a 'less than..' statement can be used in the nutrition information panel.</p>	<p>of using serving sizes that differ from the suggestions in the table provided they are reasonable and not misleading. Note that there are very specific requirements for single serving containers.</p>	<p>in the regulations.</p> <p>The voluntary listing of nutrition information per 100 g or per 100 mL is permitted.</p>	<p>expression per 100 g/100 mL for all nutrients</p> <ul style="list-style-type: none"> • in addition to the mandatory expression per 100 g/100 mL and NRVs per 100 g/100 mL for vitamins and minerals • in addition to or instead of the voluntary expression of GDA reference intakes per 100 g/100 mL. 	<p>reference value.</p> <p>In countries where serving sizes are normally used, information required as stated above may be given per serving only or per portion provided that the number of portions contained in the package is stated.</p>

² The *Australia New Zealand Food Standards Code* is at <http://www.foodstandards.gov.au/code/Pages/default.aspx>.

³ The Canadian *Food and Drug Regulations* are at http://laws-lois.justice.gc.ca/eng/regulations/C.R.C.%2C_c._870/. An Industry Labelling Tool is at <http://www.inspection.gc.ca/food/labelling/food-labelling-for-industry/eng/1383607266489/1383607344939>.

⁴ Title 21 – Food and Drugs from the United States Food and Drug Administration is available at http://www.ecfr.gov/cgi-bin/text-idx?SID=50c7e808f8d7d041fe07e13453d53306&c=ecfr&tpl=/ecfrbrowse/Title21/21cfrv2_02.tpl. A food labelling guide is available at <http://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/LabelingNutrition/ucm2006828.htm>.

⁵ In 2011 the EU released new regulations on the provision of food information to consumers (EU 1169/2011). These requirements become fully effective in December 2014 for foods with a nutrition information panel, and for all foods from December 2016. The nutrition information panel remains voluntary in the EU from December 2014 to December 2016. EU 1169/2011 is available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:304:0018:0063:EN:PDF>.

⁶ A draft guidance document on labelling requirements is available at <https://www.gov.uk/government/consultations/food-information-regulations-fir-2013>. The industry groups FoodDrinkEurope and EuroCommerce released a guidance document on EU 1169/2011 (Food Information for Consumers) in September 2013. This document is available at http://www.fooddrinkeurope.eu/uploads/press-releases_documents/FDE_Guidance_WEB1.pdf.

⁷ Codex guidelines are available at <http://www.codexalimentarius.org/standards/list-of-standards/>.

Attachment B – Regulatory requirements for serving sizes in Canada and the USA

The Canadian *Food and Drug Regulations* include a list of over 150 foods with serving sizes, often expressed as a range. Amounts of food usually eaten by an individual at one sitting, known as *reference amounts*, are also listed for each food. Food businesses are able to base serving sizes used in the nutrition facts table on those given in regulations or use other serving sizes provided they are not misleading.

In Canada there are specific requirements for food sold as single servings. The entire amount in a package of food is considered to be the serving size when:

- The food packaged in the container could reasonably be eaten by one person at a single sitting. For example, a 600 mL bottle of juice dispensed from a vending machine may be consumed during a single occasion.
- The reference amount of the food is less than 100 g or 100 mL and the package contains less than 200% of that reference amount.
- The reference amount is 100 g or 100 mL or more and the package contains 150% or less of that reference amount.

When foods meet the above requirements, information in the nutrition facts table must be based on the amount of food in the entire package. For example, the nutrition information for a 355 mL can of soft drink must be based on 355 mL and not the reference amount of 250 mL.

The United States Food and Drug Administration (USFDA) has included Reference Amounts Customarily Consumed (RACCs) for 158 food product categories in the *Food and Drugs Act*. In determining serving sizes for use in the nutrition facts panel, food businesses must first identify the appropriate RACC in the regulations. For a multi-serving product, a serving size closest to the RACC is determined followed by the number of servings for the product. Using such an approach means that there is likely to be variation in serving sizes amongst products in a food category.

As in Canada, there are detailed requirements for products sold as single servings. Products that are packaged and sold individually are considered to be single servings if they contain less than 200% of the RACC for the product category. Above 200% of the RACC, food businesses can choose to either label the product as a multi-serving product or as a single serving product if it can reasonably be consumed at a single eating occasion. There are other requirements for products that have a RACC of 100 g/100 mL or larger. Serving sizes may differ among single serving products within a food category.

Proposed changes to regulatory requirements for serving sizes in Canada and the USA

Health Canada and the USFDA are reviewing aspects of the nutrition facts table/panel. As outlined in a recent public consultation, Health Canada¹⁷ is proposing to introduce new serving size guidelines to help food businesses make serving sizes more closely aligned with the regulated reference amounts so that serving sizes will be more consistent amongst similar foods. Health Canada considers that such a change would make it easier for consumers to compare foods. The three guidelines¹⁸ are as follows:

¹⁷ Information about Health Canada's review of the nutrition facts table is at <http://www.hc-sc.gc.ca/fn-an/label-etiquet/consultation/index-eng.php>

¹⁸ Information of the proposed changes to serving sizes is at <http://www.hc-sc.gc.ca/fn-an/consult/2014-serving-size-portion-indiquee-fs-fr-eng.php>

Guideline 1: For most foods that can be measured, the serving size on the label would be the reference amount as stated in the regulations.

Guideline 2: For most foods that come in pieces, the serving size would be the number of pieces closest to the reference amount (g), shown together with the corresponding weight. Also, for foods that are divided before eaten (e.g. pizza), the serving size would be the fraction of the food closest to the reference amount, shown together with the corresponding weight. This would mean that there would be some variability with the number of pieces and weights of serving sizes within a food category, although less variability than that with the current system since serving sizes closest to the reference amount would need to be used and not other *reasonable* serving sizes.

Guideline 3: For certain foods (e.g. breakfast cereals, sliced bread) the serving size would be based on a consumer household friendly measure, rather than the reference amount. Consumer friendly household measures would reflect the amount of a product that most people eat at one time, e.g. 2 slices of bread.

Health Canada is currently considering stakeholder comments in response to these proposed changes.

Aspects of the review of the nutrition facts panel being undertaken by the USFDA that are of most interest in the context of this consultation are the proposed changes to serving sizes, the changes to requirements for foods labelled as a single serving¹⁹ and the proposed bolding and increased font size of the number of servings in the nutrition facts panel.

Following analysis of recent food consumption data, the USFDA has determined that about 17% of the RACCs that were set in 1994 should be changed. This means that food businesses may have to adjust serving sizes so that they more closely reflect what people eat. The USFDA is also proposing to require some products previously labelled as more than one serving to be labelled as a single serving because consumers typically consume them in one sitting. Specifically, it is proposed that products containing between 150% and 200% of the RACCs be no longer labeled as more than one serving. Other products that may be consumed in one or multiple sittings would be required to be labelled per serving and per package rather than just per serving. The USFDA refers to such labelling as the 'dual column labelling' requirement. It is proposed that dual column labelling would be required if a product contained at least 200% of the RACC and less than or equal to 400% of the RACC. For products containing more than 400% of the RACC, dual column labeling would not be required.

The USFDA is currently considering stakeholder comments in response to these proposed changes.

¹⁹ Further information about the proposed changes to serving sizes is at <http://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/LabelingNutrition/ucm385663.htm>