

June 2015

## Evaluation of Labelling Review Recommendation 17: Per serving declarations in the nutrition information panel

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### Executive summary

In 2009, the then Australia and New Zealand Ministerial Council for Food Regulation (now the Australia and New Zealand Ministerial Forum on Food Regulation (Forum)) agreed to proceed with 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 in 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.*

In the government response to Recommendation 17, the Forum asked Food Standards Australia New Zealand (FSANZ) to prepare a proposal to provide assessment and advice on this proposed change to the labelling requirements for the nutrition information panel (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.

FSANZ understands that the intent of Recommendation 17 was the proposed removal of the mandatory requirement for per serving information in the NIP, but not to prevent the option of voluntarily declaring that information.

As a first step, FSANZ considered it appropriate to undertake a preliminary analysis of relevant issues associated with Recommendation 17. FSANZ has therefore:

- undertaken public consultation on the use of per serving information and views on the proposed removal of the mandatory requirement for per serving nutrient and energy declarations in the NIP
- compared current provisions in the Code for the presentation of nutrition information with that used in the United States of America (USA), Canada and the European Union (EU) and with guidelines provided by the Codex Alimentarius Commission
- considered the technical consequences of removing the mandatory requirement for per serving information on other requirements in the Code and other labelling information such as voluntary front-of-pack labelling.

The key findings from this analysis of Recommendation 17 are as follows:

- Submissions indicated that consumers, including those managing diseases, health professionals, food businesses and government agencies all value per serving information in the NIP.

- The vast majority of the 78 submitters to the public consultation did not support the recommendation to remove the mandatory requirement for per serving information in the NIP. This view was expressed by consumers, health professionals, food businesses and government agencies.
- Reasons given by submitters for not supporting removing the mandatory requirement for per serving information in the NIP included:
  - lack of a defined problem with per serving requirements
  - lack of apparent benefit for any stakeholder group
  - possible increased consumer confusion with variability in the content and format of NIPs given inclusion of per serving information would be voluntary
  - increased difficulty for consumers in calculating per serving amounts
  - little, if any, reduction in regulatory burden for industry
  - increased complexity of a valued nutrition education tool from variability in content and format of the NIP
  - increased difficulty with compliance and enforcement activities.
- The requirements for the declaration of energy and nutrients in the NIP in Australia/New Zealand differ from those in the USA, Canada and the EU. The main differences are that in the USA and Canada, energy and nutrients are declared per serving (and not per 100 g/100 mL) while in the EU, energy and nutrients are declared per 100 g/100 mL with the option of including per serving amounts.
- Should recommendation 17 be considered further, the impact of implementing the recommendation on a number of standards in the Code would need to be assessed. Situations where per serving information might be mandated would also need to be investigated, for example, when a daily intake claim or nutrition content or health claim is made.
- While some submitters stated it was unclear whether there is a problem with current requirements for per serving information, some noted that improvements could be made to the NIP in general. It was suggested that a review of the NIP as a whole may be helpful to identify problems and that such a review should be undertaken in the context of all nutrition labelling including front-of-pack labelling. Several submitters considered mandating serving sizes to be a more important issue than changing requirements for per serving information.
- Submitters noted that no decision about nutrition labelling should be made without consumer research in the Australia and New Zealand context.

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# 1 Introduction

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

In 2009, the then Australia 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). However, the panel acknowledged that 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 assumed 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 2011<sup>1</sup>. 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.

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

## 2 Project objectives and approach

The Forum asked FSANZ to prepare a proposal to *provide assessment and advice*. However, a proposal is a statutory process undertaken when a change to the Code is proposed.

FSANZ therefore considered it appropriate to, as a first step, undertake a preliminary analysis of relevant issues associated with Recommendation 17.

FSANZ has:

- undertaken public consultation on the use of per serving information and views on the proposed removal of the mandatory requirement for per serving nutrient and energy declarations in the NIP
- compared current provisions in the Code for the presentation of nutrition information with that used in the USA, Canada and the EU and with guidelines provided by the Codex Alimentarius Commission (Codex)
- considered the technical consequences of removing the mandatory requirement for per serving information on other requirements in the Code and other labelling information such as voluntary FoPL.

FSANZ understands that the intent of Recommendation 17 was the proposed removal of the mandatory requirement to include per serving nutrient and energy declarations in the NIP, but not to prevent the option of voluntarily declaring that information.

Given the strong stakeholder opposition to Recommendation 17 (see section 3.4), FSANZ decided preparing a literature review on consumer use and understanding of per serving information was unnecessary at this stage. FSANZ notes, however, that currently there are limited studies on consumer use and understanding of per serving nutrition information in the Australia and New Zealand context.

## 3 Analysis

### 3.1 Requirements for per serving information in the Code

Standard 1.2.8 – Nutrition Information Requirements sets out the requirements for the declaration of per serving information in the NIP (see Attachment A for details). The average quantity of energy, protein, fat, saturated fat, carbohydrate, sugars and sodium in the food must be declared per serving and per 100 g/100 mL in the NIP. In addition, the average quantity of any other nutrient or biologically active substance<sup>2</sup> about which a claim requiring nutrition information<sup>3</sup> is made must also be declared per serving and per 100 g/100 mL.

Figure 1 provides an example of how the NIP should be set out. Note that the serving size (determined by the food business) and the number of servings per package are also required in the NIP. Figure 1 also includes percentage daily intake (%DI) and percentage recommended dietary intake (%RDI), information which may be voluntarily provided in the NIP. Where such information is provided, there are mandatory requirements governing their use.

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<sup>2</sup> 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.

<sup>3</sup> 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.*

<b>NUTRITION INFORMATION</b>			
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.

**Figure 1:** Example of the format and content of an NIP (%DI and %RDI information is voluntary)

Recommendation 17 refers to the amount of nutrients per serving being *no longer mandatory unless a **daily intake claim** is made*. FSANZ assumes that **daily intake claim** refers to both %DI and %RDI information.

### 3.2 International regulatory approaches for nutrition labelling

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

In Canada and the USA, energy, mandated nutrients and any other nutrients in the nutrition facts table are required to be listed per serving. Percent Daily Value<sup>4</sup> amounts are also required for specified nutrients. 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 the percentage of reference amounts (percentage 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, fats, vitamins and minerals can be expressed per 100 g/100 mL or per

<sup>4</sup> 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.

package if the package only contains one serving or per serving. In countries where energy and nutrient information are normally expressed per serving, the information may be given per serving only.

Although the approach of mandating serving sizes for use on food labels is not in the scope of this project, in Labelling Logic, the 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 C.

### **3.3 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, in both countries, the NIP was voluntary for all foods except for infant formula. Foods carrying nutrition claims were required to have a NIP. 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.

A summary of previous consideration of per serving information under Proposal P167– Nutrition Labelling (Preliminary Assessment Report) is at Attachment D. The majority of submitters to that Proposal (late 1990's) supported the continued use of per serving information in the NIP.

Before the current project, FSANZ had not formally considered per serving information in the NIP since Proposal P167 was completed in 1999. FSANZ has, however, commissioned research studies on various aspects of the NIP. A summary of studies relevant to per serving information is also included at Attachment D. Studies carried out 10-15 years ago indicated that consumers used per serving information to make judgements about the nutrient content of a single food and to compare foods. There was some evidence that per serving information in the NIP was confusing for some consumers, but overall consumers considered that both per serving and per 100 g/100 mL declarations were of value in different circumstances.

### **3.4 Public consultation on Recommendation 17**

FSANZ undertook public consultation on Recommendation 17 from 5 December 2014 until 27 February 2015.<sup>5</sup>

FSANZ received 78 submissions, including 19 campaign submissions from those with (or caring for family members with) metabolic disorders such as phenylketonuria. Two late submissions were received; one was from a consumer and the other was a campaign submission. Whilst FSANZ is not required to consider late submissions, we note both these submitters did not support Recommendation 17.

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<sup>5</sup> The consultation paper and submissions are available at <http://www.foodstandards.gov.au/consumer/labelling/review/Pages/labelling-review-recommendation-17.aspx>.

### 3.4.1 Uses of per serving information in the NIP

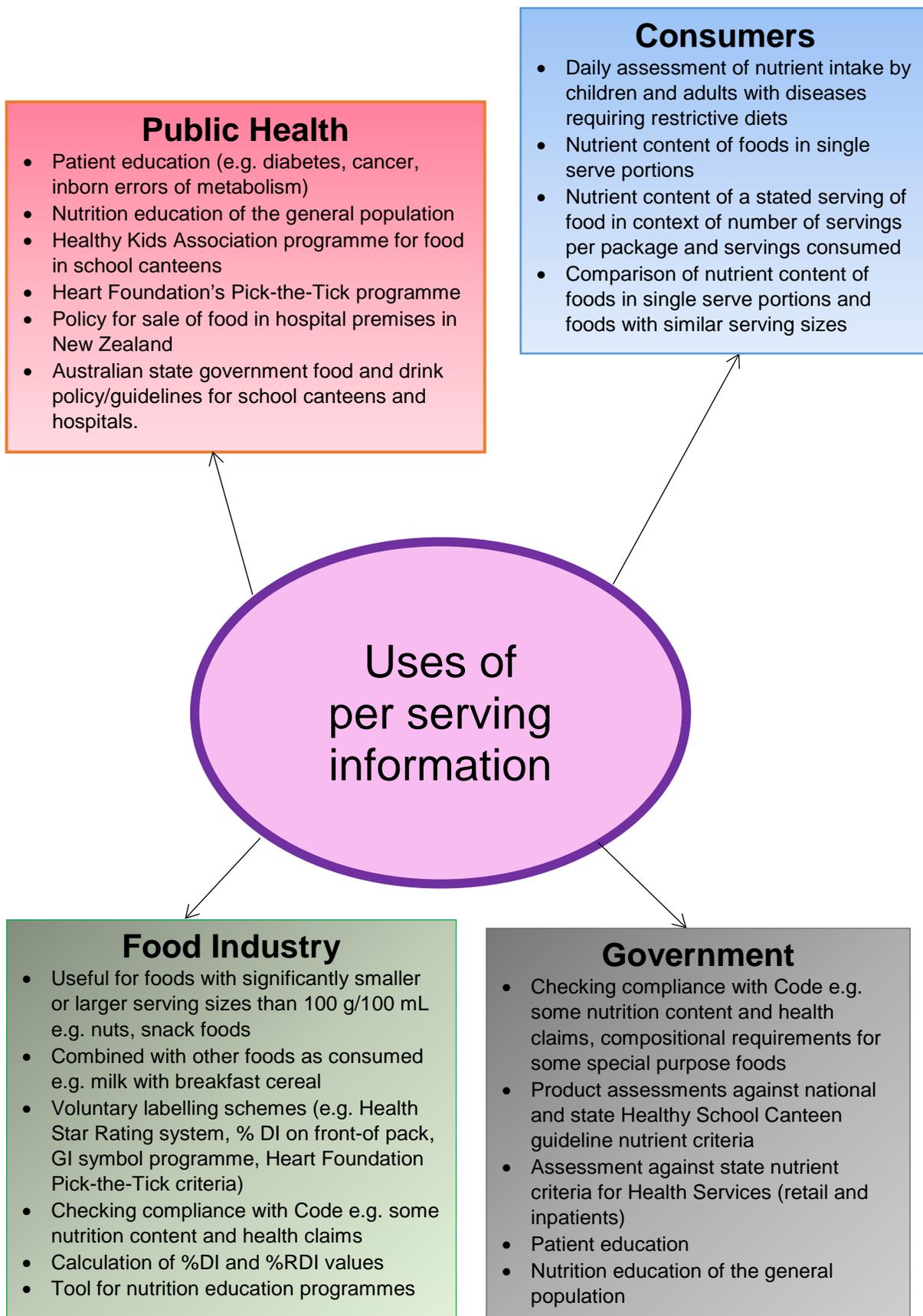
It is clear from submissions that there is a wide range of uses of per serving information in the NIP for consumers, health professionals, enforcement agencies and food businesses (see Figure 2). In particular, submitters emphasised the importance of per serving information in the management of lifelong diseases such as phenylketonuria, diabetes, and kidney diseases.

Per serving information is also useful for comparing the nutritional value of foods with similar serving sizes or foods consumed at one eating occasion; for checking compliance with Code requirements such as nutrition content and health claims; for the basis of some nutrient criteria in government school canteen programmes<sup>6</sup>, hospital food guidelines, and the Heart Foundation's Pick-the Tick<sup>7</sup> programme; and as a tool for general nutrition education.

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<sup>6</sup> For example, information about the Healthy Kids Association programme in New South Wales is at <http://healthy-kids.com.au/>

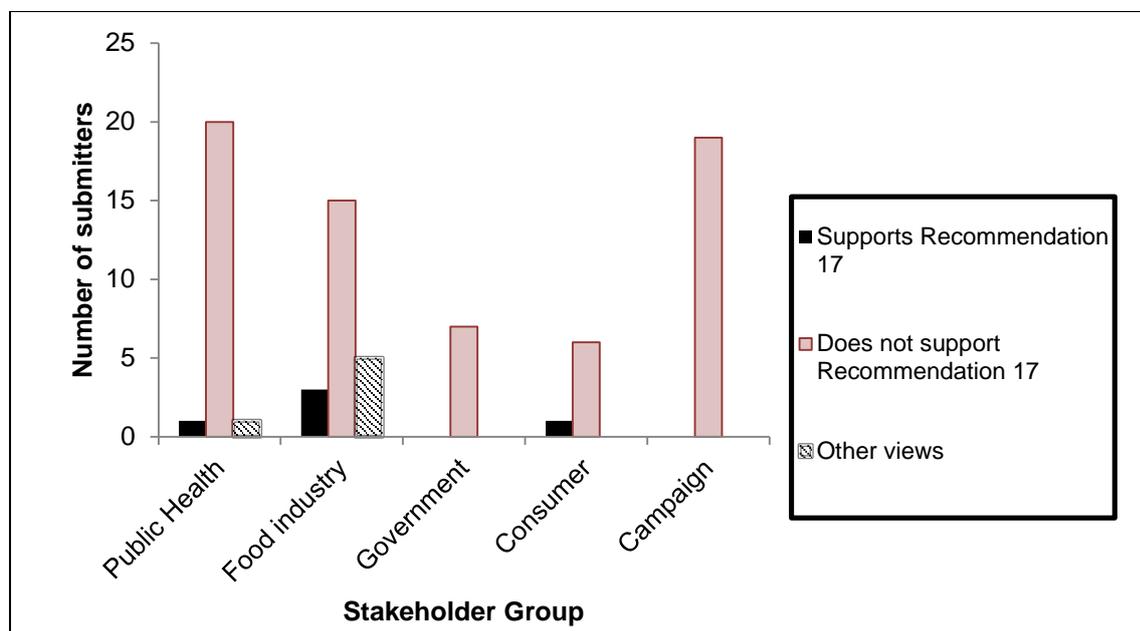
<sup>7</sup> Information about the Pick-the-Tick programme is at <http://www.heartfoundation.org.nz/healthy-living/healthy-eating/heart-foundation-tick> and <http://www.heartfoundation.org.au/healthy-eating/heart-foundation-tick/pages/default.aspx>



**Figure 2:** Uses of per serving information in the NIP

### 3.4.2 Reasons for supporting/not supporting Recommendation 17

Figure 3 shows that the majority of submitters did not support Recommendation 17 and that this view is shared by all stakeholder groups.



**Figure 3:** Submitter views of Labelling Review Recommendation 17, by stakeholder group

Five industry submitters did not express a clear preference for or against Recommendation 17. Two submitters suggested that per serving information in the NIP should be voluntary for foods that contain more than one serving, but mandatory for foods that are consumed at one eating occasion. One of the submitters was uncertain about Recommendation 17, another had a neutral position and the other commented that the benefit of the recommendation was unclear.

Submitters provided many reasons for not supporting Recommendation 17. The main themes were:

- lack of a defined problem with per serving information in the NIP and lack of an apparent benefit from implementing Recommendation 17
  - little evidence available on consumer use and understanding of per serving information in Australia and New Zealand
  - removal of the mandatory requirement for per serving information is an inappropriate regulatory reform
- lack of evidence of the impact of implementing Recommendation 17
  - the extent to which per serving information might be removed if it was voluntary is not clear
  - the impact of increased variability in the content and format of the NIP on consumer understanding of the NIP in general is unknown
  - the impact of the removal of per serving information on consumer choice and understanding of the nutritional value of the food is unknown.
- impact of voluntary per serving information in the NIP on consumers
  - management of diets for those with chronic disease (e.g. diabetes, kidney

- disease) and inborn errors of metabolism such as phenylketonuria would be much more challenging
  - increased consumer confusion from variability in NIPs
  - possible confusion if amounts of energy, saturated fat, sugars and sodium are presented per pack (i.e. per serving) or per industry agreed serving size as part of the Health Star Rating system but not provided per serving in the NIP
  - more time needed for manual calculation
  - increased literacy and numeracy skills required
  - harder to visualise what 100 g food looks like
  - NIP may end up smaller and harder to read
  - harder to compare nutrient value of single serve foods
  - could be misleading to provide nutrient information per 100 g only when typical serving size is a lot smaller or larger than 100 g/100 mL
  - lack of apparent benefit to consumers
  - not in line with the FSANZ second objective to provide information for informed choice
- impact on industry
    - may discourage industry from standardising serving sizes
    - not a level playing field for industry – some food businesses may gain a competitive advantage in including/not including per serving information
    - confusing for industry therefore inadvertent breaches of requirements more likely in an area where technical non-compliance is already high
    - might be seen as an industry strategy to limit consumer information which is not the case
    - as it would not reduce the work for industry in preparing the NIP, what is the regulatory burden that would be reduced?
- a valued nutrition education tool would be more complicated
    - variability in information in the NIP would make education more difficult
    - may encourage overconsumption of foods in oversized portions
    - Health Star Rating system should complement and not replace per serving information in the NIP
    - missed opportunity to educate consumers about nutrient profile (when serving size is realistic)
    - consumers would need to learn how to interpret NIPs with and without per serving information
    - government and non-government nutrition education resources refer to serving sizes
- impact on compliance and enforcement activities
    - harder to check compliance of foods with voluntary labelling programmes (e.g. Healthy Kids Association school canteen programme, Heart Foundation Pick-the-Tick, GI symbol programme)
    - harder to check compliance with national and/or state government canteen and health service food and drink policy/guidelines.
    - enforcement and monitoring of compliance with the Code would be made more complex with greater variability in the NIP content and it would be harder to check compliance with requirements based on per serving amounts
    - affect checking compliance of the kilojoule menu disclosure legislation in New

South Wales, Australian Capital Territory and South Australia<sup>8</sup>.

While most submitters did not support Recommendation 17, some noted the following advantages with a voluntary approach for per serving information in the NIP:

- less information in the NIP could mean more label space, especially for smaller packages
- may allow larger font size for other information
- may reduce confusion for consumers when using the NIP and when comparing foods
- reinforce the importance of using per 100 g/100 mL amounts when comparing foods
- Health Star Rating system together with per 100 g/100 mL amounts would provide enough information for informed choice
- instead of per serving amounts, the Health Star Rating system should be mandated
- serving sizes are often unrealistic therefore per serving amounts are not useful
- increased flexibility for industry particularly when per serving amounts are not useful, e.g. for foods that are used as ingredients in recipes, although even if voluntary per serving likely to be used in most cases
- sensible option when serving is 100 g/100 mL so column is not repeated
- may help to align labelling requirements in other markets and facilitate trade.

#### **3.4.4 Technical issues associated with Recommendation 17**

Given the strong submitter opposition to Recommendation 17, only an overview of technical issues associated with the recommendation is presented.

Should Recommendation 17 be implemented, a number of technical and regulatory issues would need to be considered as follows:

- requirements for per serving information in the NIP when a daily intake claim is made (%DI or %RDI) as referred to in Recommendation 17 itself
- requirements for per serving information in the NIP when a nutrition content claim is made about vitamins, minerals, protein, omega-3 fatty acids or dietary fibre, including comparative claims, as claim conditions are based on per serving
- any other impact on standards in the Code such as Standard 1.2.8, Standard 1.2.7 – Nutrition, Health and Related Claims, Standard 1.3.2 – Vitamins and Minerals and Standard 2.6.4 – Formulated Caffeinated Beverages
- the possibility that the amounts of energy, saturated fat, sugars and sodium are presented per pack (i.e. per serving) or per industry agreed serving size as part of the Health Star Rating system but not provided per serving in the NIP
- mandating per serving information in the NIP for Special Purpose Foods, i.e. foods regulated in Standard 2.9.3 – Formulated Meal Replacements and Formulated Supplementary Foods and Standard 2.9.4 – Formulated Supplementary Sports Foods, as it useful for consumers, dietitians and enforcement agencies to be able to easily identify nutrients per serving
- requirements for per serving information in the NIP for foods sold as a single serving and for unitised foods (i.e. foods with discrete units such as biscuits, sliced bread)
- impact on the operation of Australian state guidelines for food sold in school canteens (Healthy Kids Association programme in Australia)

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<sup>8</sup> This legislation requires quick-service restaurants to display kilojoule information (per serving/item on menus).

- impact on the requirement in New South Wales, Australian Capital Territory and South Australia for quick-service restaurants to display information about the energy content per item.

Of the submitters who commented on situations where inclusion of per serving information in the NIP should be mandatory if Recommendation 17 was implemented, the majority supported mandating per serving information in the NIP when a daily intake claim is made and when nutrition content claims, with conditions based on per serving, are made.

### **3.4.5 Submitter suggestions for possible future consideration of nutrition labelling**

While most submitters did not support Recommendation 17, some suggested that aspects of nutrition labelling requirements could be improved and that there should be a policy review of nutrition labelling. Submitters suggested that such a review should be undertaken in the context of the recently launched voluntary Health Star Rating system and could include consideration of the drivers for the determination of serving size and the use of the NIP across different food categories such as foods used in food service, as ingredients and ready-to-eat foods.

Many submitters stated that the lack of standardised serving sizes is a more significant issue than the per serving column in the NIP per se. It was noted that often serving sizes of foods within a food category are inconsistent and do not relate to amounts commonly consumed, and that serving sizes on different sized packages of the same food can vary. Comments were made that serving sizes on food labels should be standardised to support the Australian Dietary Guidelines and the Australian Guide to Healthy Eating. Other submitters noted that standardised serving sizes can be misleading as food can be used in different ways, and that it can cause difficulties when food package sizes cannot be easily altered. Nonetheless, standardising serving sizes is an important issue for many submitters.

It was also noted that no decision about nutrition labelling should be made without consumer research. Such research could include the value of per serving information to consumers, consumer use and understanding of per serving information, how per serving information influences consumer decision making about portion size, and the use of standardised and non-standardised serving sizes.

In early 2015, to support work on the Labelling Review recommendations, FSANZ commissioned an online survey of consumers across Australia and New Zealand on food label use and understanding. The survey is designed to develop estimates of consumers' awareness, attitudes, understanding of, and self-reported behaviours relating to, a subset of mandatory labelling elements on foods. Questions on consumer use and understanding of per serving information in the NIP are included. The research findings are expected to be available late 2016. The findings will provide general information on self-reported use of per serving information. Respondent use of the per serving versus per 100 g information when assessing the relative healthiness of two products is being tested in a limited range of circumstances as part of the research to investigate how label elements are used to make decisions. However, this online survey will not provide FSANZ with a detailed analysis of consumer use and understanding of per serving information, nor will it provide any data on how per serving information are used in the real world. Additional research, using different research methodologies, would be required to explore this further, if required.

FSANZ notes that there are projects underway in New Zealand and Australia relating 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 professionals, 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)<sup>9</sup> 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 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.

## 4 Conclusion

The key findings from this analysis of Recommendation 17 are as follows:

- Submissions indicated that consumers, including those managing diseases, health professionals, food businesses and government agencies all value per serving information in the NIP.
- The vast majority of the 78 submitters to the public consultation did not support the recommendation to remove the mandatory requirement for per serving information in the NIP. This view was expressed by consumers, health professionals, food businesses and government agencies.
- Reasons given by submitters for not supporting removing the mandatory requirement for per serving information in the NIP included:
  - lack of a defined problem with per serving requirements
  - lack of apparent benefit for any stakeholder group
  - possible increased consumer confusion with variability in the content and format of NIPs given inclusion of per serving information would be voluntary
  - increased difficulty for consumers in calculating per serving amounts
  - little, if any, reduction in regulatory burden for industry
  - increased complexity of a valued nutrition education tool from variability in content and format of the NIP
  - increased difficulty with compliance and enforcement activities.
- The requirements for the declaration of energy and nutrients in the NIP in Australia/New Zealand differ from those in the USA, Canada and the EU. The main differences are that in the USA and Canada, energy and nutrients are declared per serving (and not per 100 g/100 mL) while in the EU, energy and nutrients are declared per 100 g/100 mL with the option of including per serving amounts.
- Should recommendation 17 be considered further, the impact of implementing the recommendation on a number of standards in the Code would need to be assessed. Situations where per serving information might be mandated would also need to be investigated, for example, when a daily intake claim or nutrition content or health claim is made.

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<sup>9</sup> Further information on the Food and Health Dialogue is at <http://www.foodhealthdialogue.gov.au/internet/foodandhealth/publishing.nsf>

- While some submitters stated it was unclear whether there is a problem with current requirements for per serving information, some noted that improvements could be made to the NIP in general. It was suggested that a review of the NIP as a whole may be helpful to identify problems and that such a review should be undertaken in the context of all nutrition labelling including front-of-pack labelling. Several submitters considered mandating serving sizes to be a more important issue than changing requirements for per serving information.
- Submitters noted that no decision about nutrition labelling should be made without consumer research in the Australia and New Zealand context

## 5 References

Blewett N, Goddard N, Pettigrew S, Reynolds C, Yeatman H (2011) Labelling logic: Review of food labelling law and policy (2011). Department of Health and Ageing, Canberra, Australia. <http://www.foodlabellingreview.gov.au/internet/foodlabelling/publishing.nsf/Content/labelling-logic>. Accessed 29 September 2014

Cowburn G and Stockley L (2005) Consumer understanding and use of nutrition labelling: a systematic review. Public Health Nutrition 8:1: 21-8

## Attachments

- A. Requirements for per serving information in the Australia and New Zealand Food Standards Code
- B. Requirements for declaration of energy and nutrients in nutrition information panels in Australia/New Zealand, Canada, the USA, the EU and from Codex
- C. Regulatory requirements for serving sizes in Canada and the USA
- D. Previous FSANZ consideration of per serving information in the NIP

## Attachment A – Requirements for per serving information in the Australia and New Zealand Food Standards Code<sup>10</sup>

### 3.1.3 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 substance<sup>11</sup> about which a *claim requiring nutrition information* is made<sup>12</sup>.

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.

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.

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<sup>10</sup> The current Code expires on 1 March 2016, when the revised Code developed under Proposal P1025 takes effect and Chapters 1 and 2 of the current Code are repealed. All the Code requirements presented in Attachment A are in the revised Code.

<sup>11</sup> 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.

<sup>12</sup> 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.*

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 packages<sup>13</sup> 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.

### **1.3.2 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.

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<sup>13</sup> A small package means a package with a surface area of less than 100 cm<sup>2</sup>.

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

<b>NUTRITION INFORMATION</b>		
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 1.2.8<sup>14</sup> 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.*

### **1.3 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.

#### **1.3.1 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 (DI) 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

<sup>14</sup> The user guide for Standard 1.2.8 is at <http://www.foodstandards.gov.au/code/userguide/pages/nutritioninformation1406.aspx>

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.

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.'

### 1.3.2 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/100 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.

### 1.3.3 Presenting %DI and %RDI information in and outside the NIP

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

<b>NUTRITION INFORMATION</b>			
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.

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

Australia/New Zealand <sup>2</sup>	Canada <sup>3</sup>	USA <sup>4</sup>	EU including the UK <sup>5,6</sup>	Codex Guidelines for Nutrition Labelling <sup>7</sup>
<p>The nutrition information panel (NIP) is mandatory for most packaged foods. Energy, 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"> <li>the number of servings of the food, or</li> <li>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.</li> </ul> <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, 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 and 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>The nutrition facts panel is mandatory for most packaged foods. Energy, 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.</p>	<p>The nutrition table is mandatory for most packaged foods. Energy, 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.</p>	<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.</p>

Australia/New Zealand <sup>2</sup>	Canada <sup>3</sup>	USA <sup>4</sup>	EU including the UK <sup>5, 6</sup>	Codex Guidelines for Nutrition Labelling <sup>7</sup>
<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 NIP.</p>	<p>Manufacturers have the option 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>The RACCs are used to derive serving sizes in accordance with requirements in the regulations.</p> <p>The voluntary listing of nutrition information per 100 g or per 100 mL is permitted.</p>	<p>There are three cases where portions and/or consumption units may be used:</p> <ul style="list-style-type: none"> <li>• in addition to the mandatory expression per 100 g/100 mL for all nutrients</li> <li>• in addition to the mandatory expression per 100 g/100 mL and % nutrient reference values per 100 g/100 mL for vitamins and minerals</li> <li>• in addition to or instead of the voluntary expression of % GDA reference intakes per 100 g/100 mL.</li> </ul>	<p>Information on protein may also be expressed as percentages of the nutrient 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>

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

<sup>3</sup> The Canadian *Food and Drug Regulations* are at [http://laws-lois.justice.gc.ca/eng/regulations/C.R.C.%2C\\_c\\_870/](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>.

<sup>4</sup> 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](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>.

<sup>5</sup> 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>.

<sup>6</sup> A guidance document on labelling requirements in the UK is available at <https://www.gov.uk/government/publications/technical-guidance-on-nutrition-labelling>. 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](http://www.fooddrinkeurope.eu/uploads/press-releases_documents/FDE_Guidance_WEB1.pdf).

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

## Attachment C – 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 Canada<sup>15</sup> 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 guidelines<sup>16</sup> are as follows:

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<sup>15</sup> 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>

<sup>16</sup> 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 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 serving<sup>17</sup> 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 considering stakeholder comments in response to these proposed changes.

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<sup>17</sup> Further information about the proposed changes to serving sizes is at <http://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/LabelingNutrition/ucm385663.htm>

## **Attachment D – Previous FSANZ consideration of per serving information in the NIP**

### **Proposal P167 – Nutrition Labelling**

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 Dietitians 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 commissioned research (summary of findings relevant to Labelling Review Recommendation 17)**

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). 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 (50% participants) than the per 100 g/100 mL information (39% participants) (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).

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).

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.

## References

NFO Donovan Research (2001) Food Labelling Issues - Consumer Qualitative Research. Canberra <http://www.foodstandards.gov.au/publications/pages/evaluationreportseries/foodlabellingissuesconsumer/Default.aspx>. Accessed 11 November 2014

NFO Donovan Research (2002) Food Labelling Issues – Stakeholder Qualitative Research. Canberra <http://www.foodstandards.gov.au/publications/pages/evaluationreportseries/foodlabellingissuesquantitative/foodlabellingissues1583.aspx> Accessed 11 November 2014

NFO Donovan Research (2003) Food Labelling Issues : Quantitative Research with Consumers. Evaluation Report Series No. 4, Canberra <http://www.foodstandards.gov.au/publications/pages/evaluationreportseries/foodlabellingissuesquantitative/Default.aspx> Accessed 11 November 2014

Scott V, Allen J, Cumming F (1999) Consumer Reactions to Three Different Nutrition Information Panel Formats. Canberra

TNS Social Research (2008) Consumer Attitudes Survey 2007. Canberra <http://www.foodstandards.gov.au/publications/pages/consumerattitudes/Default.aspx>. Accessed 11 November 2014