

## Supporting document 1

# Potential implications of Labelling Review Recommendation 12 for the *Australia New Zealand Food Standards Code*

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## Executive summary

Recommendation 12 of the Labelling Logic report states *that where sugars, fats or vegetable oils are added as separate ingredients in a food, the terms ‘added sugars’ and ‘added fats’ and/or ‘added vegetable oils’ be used in the ingredient list as the generic term, followed by a bracketed list (e.g., added sugars (fructose, glucose syrup, honey), added fats (palm oil, milk fat) or added vegetable oils (sunflower oil, palm oil)).*

If this Recommendation was to be implemented, the existing labelling requirements in the *Australia New Zealand Food Standards Code* (the Code) would need to be considered and/or amended. FSANZ has identified a number of potential implications and issues associated with Recommendation 12 and the existing labelling requirements in the Code. Some of the issues identified are complex and would likely make the recommendation difficult to implement. A full assessment of these issues would be required should a regulatory change to implement Recommendation 12 be considered. This assessment would need to include consideration of the impacts on consumers, the food industry and enforcement authorities.

The main implications and issues identified are:

- The Code currently requires ingredients to be listed in descending order of ingoing weight. A determination on how to order the groups of added sugars, fats or vegetable oils within the statement of ingredients, as well as how to order the individual added ingredients within those groups, would need to be made. This could result in changes to the existing order of the statement of ingredients for a food. The potential for this to result in misleading or confusing information for consumers would need to be assessed.
- The Code currently provides two options for listing compound ingredients (an ingredient which is itself made from two or more ingredients): by the compound ingredient name (followed by a bracketed list of its ingredients); or by listing each ingredient of the compound ingredient individually as ingredients of the food for sale. Consideration would need to be given as to whether the added sugars, fat or vegetable oil ingredients in a compound ingredient could continue to be declared using either of these two options. Associated impacts would need to be assessed if changes were to be made to these existing requirements. For example, if such ingredients of compound ingredients were required to be listed individually as ingredients of the food (i.e. the option of listing next to the compound ingredient name was not permitted), the ingoing weight of each individual ingredient of a compound ingredient in the context of the food for sale would need to be determined by the food manufacturer at all times.

- A definition for 'added sugars' would be required to ensure consistent application of the ingredient labelling requirements. The definition could be influenced by or impact on the existing definitions relating to 'sugars' in the Code and the existing conditions for nutrition content claims about sugar(s). For example, if a food label included a 'no added sugar' claim but also provided a list of 'added sugars' in the statement of ingredients, this could lead to consumer confusion. The various definitions used internationally for 'added sugars' would also need to be taken into account. Definitions for 'added fats' and/or 'added vegetable oils' would also be required.
- The implications of the 'added sugars' listed in the statement of ingredients in conjunction with the amount of total sugars declared in the nutrition information panel (which captures both naturally occurring and added sugars) would require further consideration. Similarly, consideration would be necessary in relation to 'added fats' listed in the statement of ingredients and the declaration of total fat in the nutrition information panel, which captures both naturally occurring and added fats.
- The Code currently provides permission to use certain generic names, including the generic name 'vegetable oil'; however Recommendation 12 indicates that the specific source of added vegetable oils (e.g. sunflower oil) should be declared instead and grouped together in a bracketed list. In the case where differing ratios of vegetable oils are used in different batches of the same food product (i.e. due to variances in supply and availability of vegetable oils), the ordering of the individual vegetable oils in the 'added' bracketed list may change. This may trigger the need for different labels for different variations of what is essentially the same food. Also, it is not known how consumers might perceive the grouping of individual fats/oils with different fatty acid profiles (e.g. saturated and polyunsaturated fatty acids) as 'added fats/vegetable oils'. Alternative ingredients could also be listed in the 'added' bracketed lists, e.g. 'added vegetable oils (sunflower oil or canola oil)' however the implications of this approach, such as the potential to increase the length of the statement of ingredients would need to be investigated. There may be similar implications for the use of other generic names that are currently permitted, such as 'sugar' and 'milk solids' (which can include milk fat).

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# 1 Purpose

The purpose of this report is to consider the potential impacts on existing labelling requirements in the *Australia New Zealand Food Standards Code* (the Code) should Recommendation 12 of *Labelling Logic: Review of Food Labelling Law and Policy (2011)* (Labelling Logic) be implemented. In addition, the potential influence of existing Code requirements on the implementation of the recommendation has been considered.

## 2 Potential implications of Recommendation 12 for the Code

Recommendation 12 of the Labelling Logic report states *that where sugars, fats or vegetable oils are added as separate ingredients in a food, the terms 'added sugars' and 'added fats' and/or 'added vegetable oils' be used in the ingredient list as the generic term, followed by a bracketed list (e.g., added sugars (fructose, glucose syrup, honey), added fats (palm oil, milk fat) or added vegetable oils (sunflower oil, palm oil)).*

FSANZ assumes that the recommendation is intended to apply to all packaged foods that currently have a statement of ingredients. The existing requirements for a statement of ingredients are provided in Standard 1.2.4 (Information requirements – statement of ingredients) and Schedule 10 (Generic names of ingredients and conditions for their use) of the Code. Any changes to the requirements in these standards would impact both general foods and special purpose foods (e.g. infant formula) unless specific exemptions were provided.

Various other provisions in the Code could also be affected by, or could influence, changes to the statement of ingredients requirements should Recommendation 12 be implemented. These include the two definitions for 'sugars' (in Standard 1.1.2) and the conditions for making a 'no added sugar(s)' nutrition content claim (in Schedule 4).

The relevant standards in the Code and the potential implications of Recommendation 12 are described in Table 1 (section 2.6) below. Some particular implications are also discussed in the following sections. FSANZ notes that some of the issues identified in this report have also been raised by industry in targeted consultation as detailed in Supporting Document 3.

Some of the issues identified in this report are complex and could impact on various stakeholders. The inclusion of 'added sugars', 'added fats' and/or 'added vegetable oils' followed by bracketed lists in the statement of ingredients would therefore likely be difficult to implement. Should a regulatory change be considered to implement Recommendation 12, a full assessment of the potential implications and issues identified in this report would be required. This would need to include an assessment of the impacts on consumers, the food industry and enforcement authorities. During such an assessment it is also possible that implications and issues further to those discussed in this report could be identified.

## 2.1 Order of ingredients

The Code currently requires ingredients to be listed in descending order of ingoing weight (as detailed in Table 1). Recommendation 12 does not specify how the groups of added sugars, added fats or added vegetable oils would be ordered in the statement of ingredients, or how the ingredients specified within the bracketed lists would be ordered. Should Recommendation 12 be implemented, a determination on how to order the added ingredients would need to be made. FSANZ has identified some potential issues relevant to the ordering of ingredients, as follows:

- The added sugars, added fats and added vegetable oils groups could be ordered according to the combined ingoing weight of all of the ingredients captured in the bracketed lists (e.g. for added sugars, based on the combined ingoing weight of all added sugars grouped in the bracketed list). This approach could change the existing order of individual ingredients in the statement of ingredients. Whether this could lead to misleading or confusing information for consumers would need to be assessed. For example, in the case where a specific added sugar ingredient only contributes a small amount to the food (based on its ingoing weight), this would currently be listed individually near the end of the statement of ingredients under existing requirements. However, under this alternative approach, it could be grouped in brackets with a number of other added sugars which, based on the combined ingoing weight of all the other added sugars in the bracketed list, could be listed at the start of the statement of ingredients. This could mean that the specific added sugar ingredient appears to contribute a greater amount to the food than it does on an individual basis. In addition, this approach could also mean that the individual ingredient that does contribute the most to the food is no longer clear to consumers.
- The specific ingredients in the bracketed lists (e.g. sunflower oil, palm oil) could be listed in descending order of ingoing weight within the bracketed list. This approach could have impacts on industry, for example, in the case where differing ratios of vegetable oils are used between batches of a food product (i.e. due to variances in supply and availability of vegetable oils as discussed in Supporting Document 3). In this case, the ingoing weight of the specific vegetable oils could vary and require different labels for each different variation of what is essentially the same food product.

## 2.2 Compound ingredients

A compound ingredient is an ingredient which is itself made from two or more ingredients. As detailed in Table 1, the Code currently provides two options for listing compound ingredients:

- by the compound ingredient name, or
- by listing each ingredient of the compound ingredient individually as an ingredient of the food for sale.

If listed by the compound ingredient name, that name must be followed by a bracketed list of its ingredients (if the compound ingredient makes up more than 5% of the final food).

Recommendation 12 does not indicate how added sugars, fat or vegetable oil ingredients that make up a compound ingredient should be labelled. A determination on this matter would need to be made should the recommendation be implemented. FSANZ has identified some potential approaches and implications in relation to this matter as follows:

- The existing option of listing a compound ingredient by name followed by a bracketed list of its ingredients may not be appropriate. Under this option, where a compound ingredient contains added sugars, fats or vegetable oil ingredients, these ingredients must currently be listed in brackets next to the compound ingredient name. It could be misleading to consumers if these ingredients were also listed in the relevant 'added sugars/fats/vegetable oils' bracketed lists as this would result in duplication of the ingredients in the statement of ingredients. However, if they were only listed next to the compound ingredient name, the 'added' bracketed lists would not capture all of the added sugars, fats or vegetable oil ingredients which make up the whole food.
- Alternatively, for a compound ingredient which contains added sugars, fat or vegetable oil ingredients, it could be required to list each ingredient individually as an ingredient of the food (i.e. the option of listing ingredients next to the name of the compound ingredient would not be permitted), with the relevant ingredients listed in the 'added' bracketed lists. However, this would mean that the ingoing weight of each individual ingredient of a compound ingredient in the context of the whole food would need to be determined by the food manufacturer at all times. This could have impacts on manufacturers and ingredient suppliers which would need to be assessed.

## **2.3 Added sugars definition**

Currently there is no definition for 'added sugars' in the Code and no consistent definition for 'added sugars' used internationally. Should Recommendation 12 be implemented, FSANZ anticipates that a definition for 'added sugars' would need to be developed in the Code for ingredient labelling purposes. This would clarify which ingredients would be required to be listed in brackets following the 'added sugars' term and ensure consistent application of the labelling requirements across food products with respect to 'added sugars' ingredients.

### **2.3.1 Existing Code provisions relating to sugars**

In determining an 'added sugars' definition, the existing provisions in the Code relating to sugars would need to be considered. This includes the two definitions for 'sugars' which serve different regulatory purposes (Standard 1.1.2) and the conditions for making a 'no added sugar(s)' nutrition content claim (Schedule 4).

As detailed in Table 1, 'sugars' is firstly defined in Standard 1.1.2 as 'monosaccharides and disaccharides', for the purpose of nutrition information labelling and generally for nutrition and health claims. A second broader definition of 'sugars' (i.e. it includes further products such as starch hydrolysate and maltodextrin) applies otherwise across the Code and specifically as part of the conditions for a 'no added sugar(s)' nutrition content claim in Schedule 4. The 'no added sugar(s)' claim conditions requires that a food contains no added 'sugars' (being the broader 'sugars' definition in Standard 1.1.2) and additionally, no honey, malt or malt extracts, and no added concentrated fruit juice or deionised fruit juice (with exceptions for certain beverages).

It would be important to consider the implications of providing added sugars information in the statement of ingredients and the interaction with existing labelling information. For example, if a food label provided a bracketed list of 'added sugars' in the statement of ingredients (subject to the definition determined) and also included a 'no added sugar' claim, this could potentially result in some consumer confusion. This suggests that the definition of 'added sugars' for ingredient labelling purposes and the existing conditions for a 'no added sugar(s)' claim would need to be consistent, or the claim conditions amended. The implications of changes to the 'no added sugar(s)' claim conditions, if any, would need to be considered. Similarly, consideration of any potential conflict or impacts on the 'unsweetened' and 'low' sugar claim conditions in Schedule 4 (identified in Table 1) would likely also be required.

The implications of the 'added sugars' that would be listed in the statement of ingredients and the amount of 'sugars' (in grams) declared in the NIP would also need to be considered. The amount of sugars declared in the NIP is based on the total amount of monosaccharides and disaccharides both naturally occurring and added to the food (i.e. first definition of 'sugars' in Standard 1.1.2). It is not currently known if consumers would understand the difference between 'added sugars' in the statement of ingredients and 'sugars' in the NIP.

Subject to the 'added sugars' definition determined for ingredient labelling, the bracketed list of added sugars in the statement of ingredients could include ingredients (e.g. maltodextrin) that are not captured in the total amount of sugars declared in the NIP. It would be important to consider any potential implications of this, such as, whether the bracketed list of added sugars could appear to be disproportionate to, or to misrepresent, the total amount of sugars declared in the NIP (e.g. whether the statement of ingredients could provide a long bracketed list of added sugars ingredients compared to a relatively small amount of total sugars declared in the NIP).

### **2.3.2 International definitions**

In developing an 'added sugars' definition, any relevant international definitions and regulations would also need to be considered in regards to promoting consistency between domestic and international food standards.

FSANZ is aware that the World Health Organization (WHO) has defined ‘free sugars’<sup>1</sup> for the purpose of its guideline on sugar intakes for adults and children (WHO 2015). Also, in the United States (US), the Food and Drug Administration (FDA) has defined ‘added sugars’<sup>2</sup> for its new rule requiring added sugars to be declared in the Nutrition Facts Label (FDA 2016). Health Canada has proposed a definition for ‘sugars-based ingredients’<sup>3</sup> as part of its proposed rule to group all sugars-based ingredients in brackets in the ingredient list after the common name ‘sugars’ (Health Canada 2015) (see Supporting Document 2 for further detail on the US FDA’s new rule and Health Canada’s proposed rule).

Whilst there are some similarities between these definitions, there are differences that would need to be considered further. For instance, the US FDA’s definition refers to fruit juice concentrates but not fruit juice as included in the WHO definition. Health Canada does not specifically refer to fruit juice or fruit juice concentrates and refers to sweetening agents and functional substitutes for sweetening agents. These definitions also serve different purposes, i.e. for nutrient guidelines versus mandatory nutrition information labelling and mandatory ingredient labelling.

## 2.4 Added fats and/or added vegetable oils

Recommendation 12 refers to ‘added fats *and/or* added vegetable oils’ (added emphasis) and lists ‘palm oil’ as an example for both of these categories. A determination on whether bracketed lists of both ‘added fats’ and ‘added vegetable oils’ or just one list using one of these terms would need to be made should a regulatory change to implement Recommendation 12 be considered. Subject to this determination, definitions would likely be required for the terms ‘added fats’ and/or ‘added vegetable oils’ to clarify which ingredients are to be captured under these terms to ensure consistent application of the ingredient labelling requirements across food products.

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<sup>1</sup> ‘free sugars’ means *monosaccharides and disaccharides added to foods and beverages by the manufacturer, cook or consumer, and sugars naturally present in honey, syrups, fruit juices and fruit juice concentrates.*

<sup>2</sup> ‘added sugars’ are *either added during the processing of foods, or are packaged as such, and include sugars (free, mono- and di-saccharides), sugars from syrups and honey, and sugars from concentrated fruit or vegetable juices that are in excess of what would be expected from the same volume of 100 percent fruit or vegetable juice of the same type, except that fruit or vegetable juice concentrated from 100 percent juices sold to consumers, fruit or vegetable juice concentrates used towards the total juice percentage label declaration under § 101.30 or for Brix standardization under § 102.33(g)(2) of this chapter, fruit juice concentrates which are used to formulate the fruit component of jellies, jams, or preserves in accordance with the standard of identities set forth in §§ 150.140 and 150.160 of this chapter, or the fruit component of fruit spreads shall not be labeled as added sugars.* (Note: references to other sections of the chapter are contained in the Code of Federal Regulations (CFR), Title 21 – Food and Drugs, Chapter I)

<sup>3</sup> ‘sugars-based ingredients’ means:

- (a) *an ingredient that is a monosaccharide or disaccharide or a combination of these;*
- (b) *an ingredient that is a sweetening agent other than one referred to in paragraph (a); and*
- (c) *any other ingredient that contains one or more sugars and that is added to the product as a functional substitute for a sweetening agent;*

*“functional substitute for a sweetening agent” means, in respect of a prepackaged product, a food — other than any sweetener or sweetening agent, including any sugars — that replaces a sweetening agent and that has one or more of the functions of the sweetening agent including, sweetening, thickening, texturing or browning.*

FSANZ also notes that the recommendation specifically refers to 'vegetable oils' but does not refer to 'animal oils' (e.g. fish oil). The generic name 'animal oils' is currently permitted to be used in the statement of ingredients (see Table 1). Noting that any animal oil ingredients present in a food would contribute to the total amount of fat, consideration of animal oils and use of the generic name may also be required.

## **2.5 Separate ingredients versus components of an ingredient**

Recommendation 12 refers to sugars, fats and/or vegetable oils *added as separate ingredients in a food* (added emphasis). FSANZ therefore assumes that the labelling review panel did not intend to capture sugars, fats or oils that are naturally present as a component of an ingredient (e.g. sugars and fats naturally present in milk or cheese), as they are not added as separate ingredients to the food. Further, FSANZ is of the view that the ingredient itself (e.g. 'milk') would not be listed as an added sugars, fat or vegetable oil and would be listed individually in the statement of ingredients in accordance with existing requirements.

In the case where an individual component (e.g. milk fat) is added as a separate ingredient to a food, this could be listed within the relevant added sugars, fats or vegetable oils group, depending on the definitions developed in the Code for these terms (as discussed above).

## 2.6 Relevant standards and schedules in the Code and potential implications

Table 1 provides a summary of the existing requirements in the Code relevant to Recommendation 12, as well as a summary of the potential implications should a regulatory change to implement this recommendation be considered. This includes the potential impacts on existing Code requirements as well as implications of the Code on the implementation of Recommendation 12.

**Table 1: Food standards relevant to Recommendation 12 and potential implications**

Standard or Schedule	Relevant existing requirements	Potential implications of Recommendation 12
Standard 1.2.4 – Information requirements – statement of ingredients	<p><b>Ingredients to be listed by common, descriptive or generic name</b> (section 1.2.4—4)</p> <p>A statement of ingredients must identify each ingredient using any of:</p> <ul style="list-style-type: none"> <li>(i) a name by which the ingredient is commonly known; or</li> <li>(ii) a name that describes the true nature of the ingredient; or</li> <li>(iii) a generic name for the ingredient that is specified in Schedule 10, in accordance with any conditions specific in that Schedule.</li> </ul> <p>(See relevant provisions in Schedule 10 further below)</p>	<p>These requirements may need amending to require the generic terms ‘added sugars’, ‘added fats’ and/or ‘added vegetable oils’ followed by a bracketed list of the specific ingredients.</p> <p>FSANZ notes that Recommendation 12 refers to ingredients (plural) in the ‘added’ bracketed lists. It is not clear what was intended if only one ‘added’ ingredient was present in the food (e.g. one added sugar ingredient). Whether the generic ‘added’ term would be required followed in brackets by the one ingredient would need to be determined. The implications of changing labels in respect of one added ingredient would need to be assessed.</p>
	<p><b>Ingredients to be listed in descending order of ingoing weight</b> (section 1.2.4—5)</p> <p>(1) A statement of ingredients must list each ingredient in descending order of ingoing weight.</p>	<p>A determination would need to be made about how to order the groups of added sugars, added fats and/or added vegetable oils in the statement of ingredients, and how to order the specific ingredients within the bracketed lists of these groups. Further discussion on this issue is provided in section 2.1 above.</p>
	<p><b>Listing of compound ingredients</b> (subsections 1.2.4—5(5) and (6))</p> <p>(5) A *compound ingredient must be listed in a statement of ingredients by listing:</p>	<p>Recommendation 12 does not indicate how added sugars, fat or vegetable oil ingredients that make up a compound ingredient would be labelled. A determination on how to apply the recommendation to compound ingredients would be required as discussed in section 2.2 above.</p>

Standard or Schedule	Relevant existing requirements	Potential implications of Recommendation 12
Standard 1.2.4 – Information requirements – statement of ingredients (continued)	<p>(a) the compound ingredient by name as an ingredient of the food for sale in accordance with subsection (6) (below); or</p> <p>(b) each ingredient of the compound ingredient individually as an ingredient of the food for sale.</p> <p>(6) If a compound ingredient is listed in accordance with paragraph (5)(a) (above), it must be followed by a list, in brackets, of:</p> <p>(a) if the compound ingredient comprises 5% or more of the food for sale – all ingredients that make up the compound ingredient; or</p> <p>(b) if the compound ingredient comprises less than 5% of the food for sale – the following ingredients:</p> <p>(i) any ingredient of the compound ingredient that is required to be listed in accordance with section 1.2.3—4 (i.e. food allergens); and</p> <p>(ii) any substance used as a food additive in the compound ingredient that performs a technological purpose in the food for sale.</p> <p><b>*compound ingredient</b> means an ingredient of a food which is itself made from two or more ingredients (subsection 1.1.2—2(3) of Standard 1.1.2).</p>	
	<p><b>Declaration of alternative ingredients</b> (section 1.2.4—6)</p> <p>If the composition of a food for sale is subject to minor variations by the substitution of an ingredient which performs a similar function, the statement of ingredients may list both ingredients in a way which makes it clear that alternative or substitute ingredients are being declared.</p>	<p>The listing of alternative ingredients is not currently necessary for animal fats or vegetable oils due to the existing permission to use the generic names ('animal fats' and 'vegetable oils'), e.g. alternative vegetable oils used would not need to be specified as they can be generically named as 'vegetable oil'. However, Recommendation 12 indicates that the specific source of added fats (e.g. milk fat) and added vegetable oils (e.g. sunflower oil) would be required to be declared instead of using the existing generic names. In this case, the alternative ingredients provision could be applied to allow flexibility for manufacturers in relation to minor variations. This would mean that alternative ingredients could be listed in the 'added' bracketed lists, e.g. 'added vegetable oils (sunflower oil or</p>

Standard or Schedule	Relevant existing requirements	Potential implications of Recommendation 12
Standard 1.2.4 – Information requirements – statement of ingredients (continued)	<p><b>Declaration of substances used as food additives</b> (section 1.2.4—7)</p> <p>(1) A substance (including a vitamin or mineral) *used as a food additive must be listed in a statement of ingredients by specifying:</p> <p>(a) if the substance can be classified into a class of additives listed in Schedule 7 (whether prescribed or optional)—that class name, followed in brackets by the name or *code number of the substance as indicated in Schedule 8; or</p> <p>(b) otherwise—the name of the substance as indicated in Schedule 8.</p> <p>The terms *used as a food additive and *code number are defined in Standard 1.1.2 (Definitions used throughout the Code)</p>	<p>canola oil)’. The implications of this approach, such as the potential to further increase the length of the statement of ingredients, would need to be considered.</p> <p>Whether food additives derived from sugars, fats or oils that perform a technological purpose (e.g. emulsifiers derived from fat) would be required to be included in the bracketed lists of added sugars, fats or vegetable oils is not specified under Recommendation 12 and would need to be considered. If it was considered that these food additives should be declared in the bracketed lists, it would need to be determined how they should be declared (e.g. whether the food additive code number is appropriate). Consideration of whether there should be exemptions from declaring such ingredients as added sugars, fats or vegetable oils if they are present in the food below a certain proportion would also be required.</p>
Schedule 10 – Generic names of ingredients and conditions for their use	<p><b>Generic name: fats or oils</b> (S10—2)</p> <p>Conditions for use:</p> <p>(a) The statement of ingredients must declare:</p> <p>(i) whether the source is animal or vegetable; and</p> <p>(ii) if the source of oil is peanut, soy bean or sesame—the specific source name; and</p> <p>(iii) if the food is a dairy product, including ice cream—the specific source of animal fats or oils.</p> <p>(b) This generic name must not be used for diacylglycerol oil.</p>	<p>These requirements may need amending to require the generic terms ‘added fats’ and/or ‘added vegetable oils’ to be used, followed by a bracketed list of the specific ingredients. The potential impacts on industry would need to be considered (see potential impacts reported by industry representatives in targeted consultation in Supporting Document 3). Consideration of any potential impacts on consumer use and understanding would also be required. For instance, it is not known how consumers might perceive the grouping of individual fats/oils with different fatty acid profiles (e.g. saturated and polyunsaturated fatty acids) as ‘added fats/vegetable oils’.</p> <p>Further issues associated with added fats and vegetable oils are discussed in sections 2.1 and 2.4 above.</p>

Standard or Schedule	Relevant existing requirements	Potential implications of Recommendation 12
Schedule 10 – Generic names of ingredients and conditions for their use (continued)	<p><b>Generic name: sugar</b> (S10—2)</p> <p>Conditions for use:</p> <p>(a) The name ‘sugar’ may be used to describe:</p> <ul style="list-style-type: none"> <li>(i) white sugar; or</li> <li>(ii) white refined sugar; or</li> <li>(iii) caster sugar or castor sugar; or</li> <li>(iv) loaf sugar or cube sugar; or</li> <li>(v) icing sugar; or</li> <li>(vi) coffee sugar; or</li> <li>(vii) coffee crystals; or</li> <li>(viii) raw sugar.</li> </ul> <p>(b) The name ‘sugars’ must not be used in a statement of ingredients.</p>	<p>‘Sugar’: The types of sugar captured by this generic name would likely be required to be captured as ‘added sugars’ in the bracketed list. Whether the generic name ‘sugar’ would still be permitted to be used in the bracketed lists for these types of sugar (e.g. white sugar, castor sugar), or if the specific names would be required, would require consideration. If the specific names were required, the provisions for the listing of alternative ingredients may also need to be considered (section 1.2.4—6 of the Code as noted above). The potential implications for industry and consumers of any amendments to the existing generic name permission would need to be investigated.</p> <p>‘Sugars’: Recommendation 12 indicates that the specific sugars ingredients added to a food must be declared in the bracketed list of ‘added sugars’ (e.g. fructose, glucose syrups), rather than using a generic name. This approach would align with the existing requirement.</p>
	<p><b>Generic name: milk solids</b> (S10—2)</p> <p>Conditions for use:</p> <p>May be used to describe:</p> <p>(a) milk powder, skim milk powder or dried milk products; or</p> <p>(b) any 2 or more of the following ingredients:</p> <ul style="list-style-type: none"> <li>(i) whey;</li> <li>(ii) whey powder;</li> <li>(iii) whey proteins;</li> <li>(iv) lactose;</li> <li>(v) caseinates;</li> <li>(vi) milk proteins;</li> <li>(vii) milk fat.</li> </ul>	<p>As Recommendation 12 indicates that the specific source of added ingredients (e.g. ‘milk fat’) would need to be declared, the ingredients permitted to use the generic name ‘milk solids’ would require consideration and may need to be amended. If amendments were made, any potential implications for industry and consumers would need to be investigated.</p>

Standard or Schedule	Relevant existing requirements	Potential implications of Recommendation 12
Standard 1.1.2 – Definitions used throughout the Code	<p><b>Definitions for sugars</b> (section 1.1.2—2(3))</p> <p><b>sugars:</b></p> <p>(a) in Standard 1.2.7, Standard 1.2.8 and Schedule 4 (except where it appears with an asterisk as ‘sugars*’) – means monosaccharides and disaccharides</p> <p>(b) Otherwise – means any of the following products, derived from any source (including when appears with an asterisk as ‘sugars*’):</p> <ul style="list-style-type: none"> <li>(i) hexose monosaccharides and disaccharides, including dextrose, fructose, sucrose and lactose;</li> <li>(ii) starch hydrolysate;</li> <li>(iii) glucose syrups, maltodextrin and similar products;</li> <li>(iv) products derived at a sugar refinery, including brown sugar and molasses;</li> <li>(v) icing sugar;</li> <li>(vi) invert sugar;</li> <li>(g) fruit sugar syrup;</li> </ul> <p>but does not include:</p> <ul style="list-style-type: none"> <li>(i) malt or malt extracts;</li> <li>(ii) sorbitol, mannitol, glycerol, xylitol, polydextrose, isomalt, maltitol, maltitol syrup or lactitol.</li> </ul> <p>Note: ‘sugars*’ is relevant for claims about no added sugar (as indicated in the row below)</p>	The two definitions for ‘sugars’ would need to be taken into consideration should a regulatory change to implement Recommendation 12 be considered. Further discussion on these definitions in relation to the development of an ‘added sugars’ definition is discussed in section 2.3 above.
Schedule 4 – Nutrition, health and related claims	<p><b>Conditions for nutrition content claims about sugar or sugars</b> (S4—3)</p> <p><b>Conditions for a ‘no added sugar(s)’ claim</b></p> <p>(a) the food contains no added sugars* (sugars* as defined in Standard 1.1.2 as identified in the above row), honey, malt, or</p>	‘No added’ claim: As discussed in section 2.3.1, the conditions for a ‘no added sugar(s)’ nutrition content claim would need to be taken into consideration when determining an ‘added sugars’ definition for ingredient labelling purposes.

Standard or Schedule	Relevant existing requirements	Potential implications of Recommendation 12
Schedule 4 – Nutrition, health and related claims (continued)	<p>malt extracts; and</p> <p>(b) the food contains no added concentrated fruit juice or deionised fruit juice, unless the food is any of the following: a brewed soft drink, an electrolyte drink, an electrolyte drink base, juice blend, a formulated beverage, fruit juice, fruit drink, vegetable juice, mineral water or spring water, a non-alcoholic beverage.</p> <p><b>Conditions for a ‘unsweetened’ claim</b></p> <p>(a) the food meets the conditions for a nutrition content claim about no added sugar; and</p> <p>(b) the food contains no intense sweeteners, sorbitol, mannitol, glycerol, xylitol, isomalt, maltitol syrup or lactitol.</p> <p><b>Conditions for a ‘low’ claim</b></p> <p>The food contains no more sugars (for this claim ‘sugars’ means monosaccharides and disaccharides) than:</p> <p>(a) 2.5 g/100 ml for liquid food; or</p> <p>(b) 5 g/100 g for solid food.</p>	<p>‘Unsweetened’ claim: These claim conditions refer to the conditions for a ‘no added sugar(s)’ claim. As such, should the ‘no added’ claim conditions be impacted by Recommendation 12, any impacts on the ‘unsweetened’ claim conditions would also need to be considered. Similar to the discussion relating to the ‘no added sugar(s)’ claims in section 2.3.1, the possibility and implications of having both an ‘unsweetened’ claim on a label along with ‘added sugars’ listed in the statement of ingredients would need to be considered.</p> <p>‘Low’ claim: The conditions for this claim are based on ‘sugars’ being monosaccharides and disaccharides. Subject to the definition developed for ‘added sugars’ for ingredient labelling, it could be possible to have a number of ‘added sugars’ declared in the bracketed list in the statement of ingredients, along with a ‘low sugar’ claim on the food label. The possibility and implications of this occurring would need to be considered.</p>
Standard 1.2.8 – Nutrition information requirements	<p><b>What must be on nutrition information panel</b> (section 1.2.8—6)</p> <p>(1) A nutrition information panel must contain the following information:</p> <p>(d) for a serving of the food and a *unit quantity of the food (i.e. per 100 g or 100 ml):</p> <p>(i) the *average energy content expressed in kilojoules or both in kilojoules and in calories or kilocalories; and</p> <p>(ii) the *average quantity of</p> <p>(A) protein, carbohydrate, sugars, fat and,</p> <p>(B) subject to subsection (4) (i.e. relevant claims), saturated fatty acids, expressed in grams.</p>	<p>As discussed in section 2.3.1 above, the implications of the ‘added sugars’ grouped in the statement of ingredients in conjunction with the amount of total sugars declared in the NIP (which captures both naturally occurring and added sugars) would require consideration.</p> <p>Similar consideration would be necessary in relation to ‘added fats’ grouped in the statement of ingredients, and the declaration of total fat in the NIP, which captures both naturally occurring and added fats.</p>

Standard or Schedule	Relevant existing requirements	Potential implications of Recommendation 12																	
Standard 1.2.8 – Nutrition information requirements (continued)	<p>For this Standard (as defined in subsection 1.1.2—2(3)):</p> <p><b>fat</b> means total fat</p> <p><b>sugars</b> means monosaccharides and disaccharides</p> <p>The terms *unit quantity, *average energy content and *average quantity are defined in Standard 1.1.2.</p>																		
	<p><b>Percentage daily intake information</b> (section 1.2.8—8)</p> <p>(1) A nutrition information panel may include information relating to the percentage daily intake of nutrients set out in the panel.</p> <p>(2) If information relating to percentage daily intake is included, the panel may include the percentage daily intake of *dietary fibre (defined in section 1.1.2—2) per serving.</p> <p>(3) If information relating to percentage daily intake is included, the panel must include:</p> <p>(a) the percentage daily intake per serving, calculated using the associated reference value listed below, of the following items:</p> <p><b>Reference values for per cent daily intake information</b></p> <table border="1" data-bbox="510 997 1115 1390"> <thead> <tr> <th><i>Item</i></th> <th><i>Reference value</i></th> </tr> </thead> <tbody> <tr> <td>energy</td> <td>8 700 kJ</td> </tr> <tr> <td>protein</td> <td>50 g</td> </tr> <tr> <td>fat</td> <td>70 g</td> </tr> <tr> <td>saturated fatty acids</td> <td>24 g</td> </tr> <tr> <td>carbohydrate</td> <td>310 g</td> </tr> <tr> <td>sodium</td> <td>2 300 mg</td> </tr> <tr> <td>sugars</td> <td>90 g</td> </tr> <tr> <td>dietary fibre (if declared)</td> <td>30 g</td> </tr> </tbody> </table>	<i>Item</i>	<i>Reference value</i>	energy	8 700 kJ	protein	50 g	fat	70 g	saturated fatty acids	24 g	carbohydrate	310 g	sodium	2 300 mg	sugars	90 g	dietary fibre (if declared)	30 g
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Standard or Schedule	Relevant existing requirements	Potential implications of Recommendation 12
Standard 2.4.1 – Edible Oils	<p><b>Process declaration for edible oils</b> (section 2.4.1—4)</p> <p>For the labelling provisions, if:</p> <ul style="list-style-type: none"> <li>(a) If a food is, or has an ingredient, an edible oil; and</li> <li>(b) the label lists the specific source name of the oil; and</li> <li>(c) the oil has undergone a process that has altered its fatty acid composition,</li> </ul> <p style="padding-left: 40px;">the required process declaration is a statement that describes the nature of that process.</p> <p><b>Note 1</b> An example of a process that alters the fatty acid composition of fatty acids in edible oil is the process of hydrogenation.</p>	<p>This requirement would need to be considered as Recommendation 12 indicates that the specific source name of added vegetable oils would be required to be declared instead of the existing generic name. If the specified vegetable oil has also undergone a process that has altered its fatty acid composition (e.g. hydrogenation), then all three of the existing conditions (i.e. (a), (b) and (c)) would apply to the vegetable oil and an additional statement that describes the nature of the process would be required. As such, the existing declaration requirement could apply more broadly to food labels than is currently the case. The implications of this requirement, such as the potential to further increase the length of the statement of ingredients, would need to be considered.</p>

### 3 References

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WHO (2015) Guideline: Sugars intake for adults and children. Geneva: World Health Organization [http://www.who.int/nutrition/publications/guidelines/sugars\\_intake/en/](http://www.who.int/nutrition/publications/guidelines/sugars_intake/en/) Accessed 27 April 2016