

# W1109 Consultation about beta-glucan and blood cholesterol health claims

Submission by the Department of Health and Human Services Tasmania

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Thank you for the opportunity to comment on W1109 Consultation about beta-glucan and blood cholesterol health claims

Our interest in the regulation of health claims underpinned by a commitment to protecting public health and safety through using regulation that is proportionate to the risk posed.

Tasmania maintains the view that introducing health claims was not our initial preferred policy approach. Given that health claims are now in place we support the need to work to maintain the responsible use and integrity of the health claims standard in order to prioritise the public health aims of the food regulatory system. This means making sure the standard in place is credible and holds consumer trust and confidence while also being able to be clearly and consistently interpreted in order to implement and enforce. We support measures such as the nutrient profiling scoring criteria and dietary context statement that help to ensure that health claims are not used irresponsibly to promote undesirable food consumption patterns.

## **1. What do you consider to be the best approach for managing this food-health relationship in the Code, given the outcomes of the systematic review for the food-health relationship for a HLHC about beta-glucan? (see Section 7.1) Please give reasons for your response.**

Given the outcomes of the systematic review, Tasmania considers the best approach to managing this food and health relationship for the high level health claim is to make the following amendments:

- Regarding the property of the food remove *beta-glucan* and only include *oats and oat bran*. The reason for this is that systematic review only substantiated the relationship with a high certainty when testing oats.
- Regarding the conditions for the claim remove *wholegrain barley* and include only *oat bran* or *wholegrain oats*. The reason for this is the same as above.
- The health effect to be changed to *reduces total and LDL blood cholesterol concentrations*. The reason for this is the systematic review showed with a high degree of certainty that the effect from oats was a reduction in both total and LDL cholesterol.
- Given the review was only able to give a high degree of certainty for the relationship between oats and blood cholesterol, it also seems appropriate to remove reference to the amount of beta-glucan from the context claim statement (diet containing 3g of beta-glucan per day) and the conditions (at least 1g per serving of beta-glucan from the foods listed). A potential approach to addressing this could be to replace it with a statement about the equivalent amount of soluble fibre from oats. This approach is used in the American and Canadian health claims about fibre which do not mention beta-glucan, instead mentioning *soluble fibre from oatmeal*. This approach would be more in line with the updated evidence

from the systematic review and also use language consumers are likely to find easier to understand.

The approaches recommended above are in line with the Policy Guideline on Nutrition, Health and Related Claims, in particular policy principles 2 and 6 regarding responsible use of scientifically valid claims and a substantiation process which aligns to the level of scientific evidence.

## **2. What do you consider to be the impacts of amending the Code for consumer understanding about beta-glucan, oats and barley and blood cholesterol?**

Without a detailed understanding of how frequently this HLHC is being used on a range of barley products and how the introduction of claims has affected consumption it is difficult to know with certainty what the impacts on consumers would be if the code was amended. Tasmania considers the following impacts are possible:

It is possible that amending the code and no longer allowing the claim on barley products could result in reduced consumer confidence and understanding about health claims because of the change in labelling. There is some evidence that health and nutrition content claims are not being used compliantly on ultra-processed packaged foods<sup>i</sup> and fast food websites<sup>ii</sup> which contribute to undermining consumer confidence in the scheme and reinforce the importance of monitoring their use and compliance with the standard.

Alternatively, for highly motivated consumers that understand the health claims process and the reason for the change in labelling, the result may be increased consumer confidence that the claims do reflect the latest and total body of evidence and are being applied in a responsive and responsible manner. It is likely this is a very small percentage of consumers.

One potential beneficial consequence of having the health claim amended to the plain language of oat fibre (rather than beta-glucan) is that people could more easily identify with a known whole food (oats) rather than a bioactive component (beta-glucan). This may have the additional consequence of consumers making the assumption that wholegrain oats without a health claim on the packaging (such as generic brands) also convey the same health benefits.

## **3. Do you consider that such amendments to the Code would be consistent with dietary guidelines and other relevant public health messages? Why/why not?**

Amending the code to reference oats and oat bran rather than beta-glucan would be consistent with the dietary guidelines and other public health messages. Wholegrain cereals are encouraged in the Australian Guide to Healthy Eating and the Dietary Guidelines. This messaging to consume oats is consistent with promoting the consumption of recognisable 'everyday' core foods, (and whole foods) such as oats as opposed to encouraging the consumption of nutrients or food components (such as a specific vitamin or beta-glucan). This acknowledges that whole foods are comprised of a complex matrix of many active components that work synergistically and that isolating single components through processing and adding to processed foods may not provide the same physiological effects or benefits as the whole food.

Promoting oats (as opposed to beta-glucan) helps to promote a recognisable whole food and as mentioned above may also inadvertently promote generic brand oats that may not carry the health claim on the packaging. This has an important equity implication given that oats are a low cost staple cereal product. Compare for example supermarket home brand oats \$0.14 per 100g vs Freedom Foods BARLEYMax™ porridge at \$1.76/100g at 12 times the price.

This contrasts with an alternative situation of health claims predominantly promoting foods with high price margins to account for the research and development into functional foods and their

applications. An approach promoting wholegrain oats is in line with the policy principle 12 in the Policy Guideline on Nutrition, Health and Related Claims regarding responsible use of claims protecting consumers from misleading information that may result in distorted diets which can harm health and increase health inequalities.

This example of beta-glucan and oats reiterates the need for promoting diets based on whole core foods over ultra-processing with added functional ingredients.

#### **4. What do you consider to be the impacts on the food industry of such an amendment?**

Please provide documented evidence to support your views where possible.

It is possible that this case of the changing evidence base substantiating the beta-glucan health claim will affect industry certainty around the current allowable claims. With knowledge that FSANZ are in the process of reviewing the evidence behind all of the HLHC and that the outcome of this one may lead to a change in the Code, there may be a growing reluctance to use health claims given the cost to change claims/packaging/marketing materials and the investment that has been made in research, development and product innovation. It is likely there are negative impacts on those food and food technology companies that have made significant investment in barley products, such as the BARLEYMax™ line of products.

Tasmania looks forward to participating in the next steps of this process if a proposal to change the Code is to follow.

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<sup>i</sup> Pulker CE, Scott JA Pollard CM. *Ultra-processed family foods in Australia: nutrition claims, health claims and marketing techniques*. Public Health Nutrition. Published online 17 July 2017.

<sup>ii</sup> Wellard L, Koukoumas A, Watson W and Hughes C. *Health and nutrition content claims in Australian fast food websites*. Public Health Nutrition. 20(4) pp. 571-577.