



Heart Foundation Submission:

FSANZ Consultation – Labelling Review Recommendation 17: ‘per serving’ declarations in the nutrition information panel.

February 2015

The Heart Foundation welcomes the opportunity to provide feedback on the Consultation Paper – *Labelling Review Recommendations 17: per serving declarations in the nutrition information panel*.

For more than fifty years, the National Heart Foundation of Australia (Heart Foundation) has been leading the way to improve heart health and prevent premature death from cardiovascular disease for all Australians. The Heart Foundation is a non-profit, non-government health organisation which undertakes activities including health promotion and educational activities, support of research and the Tick Program. The Heart Foundation has made previous multiple submissions to Food Standards Australia and New Zealand (FSANZ) relating to the Review of Food Labelling Law and Policy - Initial Consultation in November 2009, the Review of Food Labelling Law and Policy in May 2010, and the Final Report of the Review of Food Labelling Law and Policy report in September 2011.

The Heart Foundation supports regulatory provisions that help the food industry produce and market products that assist people to achieve healthier eating patterns, and is pleased to have the opportunity to provide feedback on this Consultation Paper.

Heart Foundation assessment of the Consultation Paper

The Heart Foundation understands the Australia and New Zealand Ministerial Forum on Food Regulation has asked FSANZ to prepare a proposal to provide advice on the proposed change outlined in *Labelling Logic*:

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

The Heart Foundation understands this Consultation Paper represents the first round of consultation to gather information and stakeholder views in progressing work on Recommendation 17.

The Heart Foundation did not support Recommendation 17 during the development of *Labelling Logic*, and does not support Recommendation 17 now. The Heart Foundation does not see sufficient evidence to change existing arrangements on the Nutrition Information Panel (NIP).

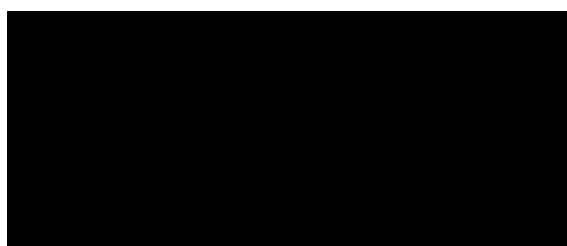
In the absence of information or evidence to suggest that current regulatory arrangements are detrimental to population health, **the Heart Foundation strongly believes the ‘per serving’ declaration of the amount of nutrients on the nutrient information panel should remain a mandatory declaration.**

The Heart Foundation believes that both the ‘per 100 gm / mL’ and ‘per serve’ declaration are critical information on the nutrition information panel. The ‘100 gm / mL’ provides the opportunity for comparison of products using a common denominator (i.e. 100g or 100 mL). The ‘per serve’ information assists with interpreting what the individual is likely to consume. Portion size, or the amount an individual consumes during an eating occasion, is a key driver in the quality (and quantity) of the Australian diet. Given that diet-related disease is the leading risk factor for disease burden¹ and almost two thirds of Australians are overweight or obese², understanding (and improving) portion size is critical and the ‘per serve’ declaration is a key opportunity to do so. While the absence of standard serve sizes, for example outlined in the Food Standards Code as opposed to nominated by manufacturers, is not ideal; the ‘per serve’ information provides not only the opportunity to engage with the individual to raise awareness and understanding of serve size, but the opportunity to work with the food industry to produce and market products that assist people to achieve healthier eating patterns.

As such, the following recommendations are made to FSANZ on this initial round of consultation. Response to the specific questions outlined in the consultation paper can be found on pages 3-7 of this submission.

Heart Foundation recommendations to FSANZ

1. Maintain current mandatory declaration for ‘per serving’ nutrition information.
2. The absence of contemporary research in the Australian context represents a significant research gap that needs to be met. Specifically, FSANZ should commission research on consumer behaviour in relation to ‘per serving’ information in the Australian setting to inform future consultations and before changes to current regulation are considered.



CEO – National
Heart Foundation

¹ Source: Institute of Health Metrics & Evaluation, 2014, Global Burden of Disease Profile: Australia, 2010,. http://www.healthdata.org/sites/default/files/files/country_profiles/GBD/ihme_gbd_country_report_australia.pdf Accessed 30 January, 2015

² Source: Australian Bureau of Statistics, 2014, Australian Bureau of Statistics, <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/33C64022ABB5ECD5CA257B8200179437?opendocument> Accessed 30 January, 2015

Heart Foundation response to FSANZ Questions for Submitters

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

The Heart Foundation uses 'per serving' information in community and health professional advice/resources to:

- Help guide consumers to assess what a serving size is for packaged food products, and determine whether this is realistic and/or consistent with their requirements as recommended in the Australian Dietary Guidelines.

The Heart Foundation uses 'per serving' information in the Tick Program and other food supply projects to:

- Source easily available information for assessment of products against Heart Foundation Tick criteria.
- Source information needed for checking compliance of product packaging with the Food Standards Code and other applicable legislation and codes of industry practice.
- To set Tick criteria through collection of information on products' serving sizes and nutrients per serving for dietary modelling which inform criteria development.
- To minimise food industry manipulating serving sizes to meet Tick criteria. For some Tick categories, the Tick criteria includes 'nutrients per serving'. Requiring food industry to display realistic 'per serving' information on pack ensures they keep the serving size realistic. This helps avoid scenarios where a food manufacturer could reduce a product's serving size to meet criteria, but would result in an unrealistic serving size to the reasonable consumer.

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

The Heart Foundation identifies 'per serving' information as particularly useful for the following types of food categories:

- **All packaged food products except plain fruit and vegetables.**
 - Serving size information can help to raise awareness in consumers on appropriate portion size considering product presentation e.g. pack size, health claims, front of pack labelling, and images. Thus, assisting to meet their recommended daily nutrient intake consistent with the Australian Dietary Guidelines, and avoid unintentional overconsumption.
 - Consumers have the information to determine how many servings are in pack, which can help with meal planning but also in identify how much a product is reasonable to use. For example in products where the serving size is significantly

smaller than 100g or 100ml, e.g. sauces and condiments where serving size might be 5-10g. In such a scenario, consumers may think per 100g or 100ml nutrient information is indicative of what they would be eating and hence, avoid.

- **Single serving packages.** Assists comparison of nutrient content with other similar foods that have different serving sizes. There are currently no mandatory serving sizes for products in Australia.
- **Occasional food products** e.g. chips, biscuits. May assist recognition that the entire amount of a particular product is not an appropriate portion size, which could assist in preventing over consumption of the product.

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

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

The Heart Foundation does not support Recommendation 17. ‘Per serving’ information should be mandatory irrespective of the presence or absence of claims on pack.

In a scenario where ‘per serving’ information was voluntary, the Heart Foundation would support a provision to make it mandatory for food industry to declare ‘per serving’ information in the nutrition information panel if a daily intake claim is made. This would assist consumers to recognise the quantity of the product they need to consume to obtain the nutrients declared in the claim on pack.

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

The Heart Foundation does not support Recommendation 17. ‘Per serving’ information should be mandatory irrespective of the presence or absence of claims on pack.

In a scenario where ‘per serving’ information was voluntary, the Heart Foundation would perceive a problem for variability in the format of NIPs. Greater consistency coupled with better education for consumers on how to read and interpret the NIP would aid them in interpreting it. Consumers would likely not be aware of legislation governing why NIPs differ on different food products. Variability in presentation of NIPs would also make it harder for them to compare similar products’ nutrient content.

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

The Heart Foundation does not support Recommendation 17. 'Per serving' information should be mandatory irrespective of the presence or absence of claims on pack.

For a scenario where 'per serving' information was voluntary, the Heart Foundation would support mandatory inclusion when nutrient content claims are made. In this scenario, 'per serving' information may help consumers know how much of the product they need to consume to obtain the benefits declared in the claim.

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

The Heart Foundation does not support Recommendation 17. 'Per serving' information should be mandatory irrespective of the presence or absence of claims on pack.

For a scenario where 'per serving' information was voluntary, the Heart Foundation has not specifically investigated additional situations where provision should be made for mandatory declaration. However, potential situations could relate to making allowances or provisions under the new Health Star Rating System (HSR) and in relation to legislation designed to protect consumers from harmful goods (such as ACCC). For example, whether the absence of 'per serving' information would be withholding information or guidance on what macro- or micro-nutrients are in a serving of the product. Such a scenario could increase the risk of irresponsible (either over- or under-) consumption with subsequent implications for people's health.

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

The Heart Foundation does not have additional studies to provide beyond what FSANZ has outlined in the Consultation Paper. The Heart Foundation recommends the absence of contemporary research in the Australian context represents a significant research gap that needs to be met to inform current and future public consultations on this issue.

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

Advantages – for food industry

- Greater flexibility for food industry to choose what information to put on their products based on the space available. For example, they can use the additional space otherwise used for 'per serving' information on the labels to market other products and services.

Advantages – for consumers / public

- Nil identified.

Disadvantages – for food industry

- The 1997 Consultation Paper P167 found the majority of stakeholders, including industry, supported having serving size on pack. The main reasons for this were consumer familiarity and consistency with Codex. This may constitute a perceived disadvantage to food industry.
- Does not lead to a level playing field for food industry. In the absence of mandatory declaration of 'per serving' information, some food manufacturers may gain competitive advantage in scenarios where larger companies with more resources (i.e. legal, risk and/or compliance) can better assess risk in marketing claims or compliance with new regulation.

Disadvantages – for consumers / public

- Introduces variability into a currently standardised system. Research by global market research organisation Innova, found the desire for clean and clear food labels was in the Top Ten Trends for 2015³
- May limit consumers' capacity to compare similar products and identify best choice for them.
- Assumes numeracy and literacy capacity of consumers to interpret incomplete information. This may compromise their ability to make an informed decision about which product to buy.
- May limit the ability of consumers to more easily place nutrient content in the context of the whole diet. For example, understanding the dietary implications of foods usually consumed in significantly smaller amounts than 100g or 100ml e.g. salty sauces or honey, will only contribute small quantities of the unhealthy nutrients e.g. sodium and sugars, to their daily intake.

³ http://ausfoodnews.com.au/2014/12/23/top-10-food-and-beverage-trends-for-2015-innova-market-insights-with-other-comments-2.html?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+AustralianFoodNews+%28Australian+Food+News%29 Accessed 30 January, 2015.

- Images on pack of oversized portions may encourage overconsumption of products if 'per serving' information is absent. Also, where a product contains individual servings e.g. slices of bread where sizes of the slices can differ by 50%, then 'per serving' information provides an opportunity to identify what is a serving.
- 'Per serving' information may encourage portion control among consumers and provides the opportunity for health organisations and health professionals to educate about realistic healthy serving sizes. Removing this information removes the opportunity to educate consumers about realistic serving size.
- As outlined in the consultation paper (p.17), the Food and Health Dialogue may consider portion size in the future by including activities related to serving size. Changes to the regulation around 'per serving' information may limit the opportunity to positively influence the food supply through such future activities.
- The HSR System alone will not help people eat healthily. It needs to be supported by strategies such as regulation (i.e. the Food Standards Code), consumer education and monitoring and evaluation. The interpretive element of the HSR will help people identify healthier products based on per 100g / 100ml nutrients, but this may not be the amount they actually consume. As a voluntary system, the companies may opt not to provide the informative elements of the system (nutrient information tabs which are calculated 'per serving'). Guidance on what is a healthier portion of the product is important information that can easily be (and is currently) available on the product with the 'per serving' information in the NIP.
- May limit capacity to encourage food industry to align with serving sizes stated in the Australian Dietary Guidelines. Hence, not requiring food industry to display realistic and healthier serving sizes on pack requires greater resources, including funding, by government to communicate this.

Q9. Do you think the declaration of the amount of energy and nutrients 'per serving' in the NIP should be voluntary? YES/NO/UNCERTAIN Please give reasons and evidence to support your view.

NO

The 'per serving' information should remain mandatory irrespective of the presence or absence of claims on pack. Consistency in presentation of the NIP is important to aid consumer understanding and hence, enabling them to make more informed decisions about which product to choose. This information provides the opportunity to raise awareness of serving sizes and in some instances compare products' nutrient content.

There is insufficient evidence in the Australian context to suggest 'per serving' information should be made voluntary. Making legislative changes without sufficient evidence to support the change could do more harm than good and be costly to both government and food industry.