

# FSANZ A1104 – Voluntary Addition of Vitamins & Minerals to Nut- and Seed-based Beverages

## Submission from Food and Controlled Drugs Branch, SA Health 16 October 2015

SA Health welcomes the opportunity to comment on the application from Sanitarium Health and Wellbeing Australia to permit the voluntary addition of vitamins and minerals to nut- and seed-based beverages at levels equivalent to those permitted for cereal and legume-based beverages that are dairy analogues.

SA Health supports this application in principle but asks FSANZ to note and consider the following issues. SA Health appreciates that issues 1b) and 2) below are outside of the scope of this application and would need to be addressed separately.

### 1) Comparative claims

SA Health is concerned the suggested variation in the food group definition (and indeed the existing definition which includes dairy analogues derived from legumes and cereals) allows inappropriate comparisons between milk and milk substitutes, such as comparing coconut milk or almond milk with cow's milk. For example, two Sanitarium products currently make the following statements on the front-of- pack labels of:

- *So Good Almond and Coconut milk* – “60% less calories than lite dairy milk”;
- *So Good Almond milk* – “1/3 less calories than lite dairy milk”.

Given the significant difference in nutrient profile\* of milk substitutes derived from nuts, seeds and cereals compared with cow's milk (particularly for protein), these comparisons (whilst currently allowable according to the Standard 1.2.7 definition of a reference food<sup>1</sup> and 1.1.2 – 2 (3) current definition of ‘food group’<sup>2</sup>) are not appropriate from a nutrition perspective given their dissimilar nutrient profile.

SA Health recommends that

- a) Relevant to this application's suggested variations, ‘analogues derived from nuts and seeds or a combination of these ingredients’ be listed separately to the existing food group list of dairy foods and dairy analogues in 1.1.2-2(3) (c).
- b) In line with a) it would also be appropriate to separate out analogues derived from cereals from the existing food group list of dairy foods and dairy analogues in 1.1.2-2(3) (c), so that it is clear that comparisons between dairy foods and analogues derived from cereals, nuts and seeds are not made due to the significant difference in protein content.

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<sup>1</sup> **reference food** means a food that is –

- (a) of the same type as the food for which a claim is made and that has not been further processed, formulated, reformulated or modified to increase or decrease the energy value or the amount of the nutrient for which the claim is made; or
- (b) a dietary substitute for the food in the same food group as the food for which a claim is made.

<sup>2</sup> 1.1.2—2(3) defines **food group** in reference to dairy foods and dairy analogues as follows:

(c) *milk, skim milk, cream, fermented milk, yoghurt, cheese, processed cheese, butter, ice cream, condensed milk, dried milk, evaporated milk, and dairy analogues derived from legumes and cereals listed in section S17—4.*

\*A broader issue is the lack of definition of nutritional equivalence in the Food Standards Code or the *Policy Guideline for Fortification of foods with Vitamins and Minerals*. Whilst the *Call for submissions- Application A1104* paper refers to the Codex definition of nutritional equivalence, this definition does not provide a definitive acceptable range of nutrient profile for the substitute food in reference to its counterpart. Whilst analogues derived from cereals were accepted in the Food Standards Code as a 'nutritionally equivalent' dairy alternative, a more definitive definition of nutritional equivalence in terms of an acceptable range of nutrient profile between a substitute food and its counterpart may not have reached the same conclusion.

## **2) Use of the term milk on milk substitutes derived from nuts, seeds, cereals and legumes**

SA Health believes manufacturer use of milk on milk substitutes is inconsistent with the definition of milk as per Standard 1.1.2 (i.e. the mammary secretion of milking animals....) and therefore potentially misleading for consumers. More preferable terminology would be to label substitutes derived from nuts, seeds, cereals and legumes as "beverages" or "drinks".

## **3) Draft variation to Schedule 9**

Suggest that 3 (c) be edited to specify 'legumes' rather than 'soy' to be consistent with the food category terminology used in Standard 1.3.2 i.e. "Analogues derived from *legumes*":

3 (c) Milk or an analogue beverage made from ~~soy~~ legumes, that contain no more than 2.5% m/m fat.