



Food Standards Australia New Zealand
Boeing House
55 Blackall Street
BARTON ACT 2600

24 December 2014

Attention: Standards Management Officer

RE: Submission – Proposal P1035, 12 November 2014 [24-14]

The Australian Food and Grocery Council (AFGC) appreciate the opportunity to comment on *Proposal P1035, Gluten Claims about Foods containing Alcohol [24-14]*. The AFGC is the leading national organisation representing Australia's food, drink and grocery manufacturing industry. The membership of AFGC comprises more than 178 companies, subsidiaries and associates which constitutes in the order of 80 per cent of the gross dollar value of the processed food, beverage and grocery products sectors.

Overall Position

1 The AFGC **supports** the proposal to amend Standard 1.2.7 so that nutrition content claims about gluten content in relation to food containing more than 1.15% alcohol by volume (ABV) continue to be permitted after January 2016. Under this Proposal, the conditions for gluten content claims, previously in Standard 1.2.8 – Nutrition Information Requirements and now in Standard 1.2.7, will be unchanged and will continue to apply.

2 The AFGC **requests** that FSANZ consider an **additional amendment** to paragraph 3(b) of Standard 1.2.7 so that nutrition content claims about salt or sodium can also continue to be made in relation to food containing more than 1.15% ABV

Nutrition content claims – Salt or sodium

FSANZ may be unaware that some non-beverage foods contain more than 1.15% ABV, and the prohibition in clause 3 of Standard 1.2.7 refers to all foods containing more than 1.15% ABV, not just alcoholic beverages. In particular naturally brewed or fermented soy sauce may contain more than 1.15% ABV, and there are 'reduced salt' versions of such products currently available on the market. These products would no longer be permitted to make such claims after January 2016 unless the Standard is amended. You should note that soy



sauce products which are produced by hydrolysis do not typically contain alcohol and are not affected by Standard 1.2.7 creating a potential inequity in the marketplace.

The AFGC accordingly requests that FSANZ consider a further amendment to Standard 1.2.7 as part of P1035 to permit nutrition content claims about salt or sodium in food containing more than 1.15% ABV. Alternatively, clause 3 could be amended to clarify that it only applies to alcoholic **beverages** containing more than 1.15% ABV.

This amendment is required to allow nutrition content claims about salt or sodium in soy sauce to continue after January 2016 and will enable consumers seeking reduced salt alternatives to continue to make suitable choices.

Costs and Benefits

The AFGC consider that the direct and indirect benefits that would arise from the proposed amendment are likely to outweigh the costs to the community, Government or industry that would arise from the proposed amendment.

Affected Parties

Consumers: The draft variation will allow for consumers to continue making suitable choices within the range of alcoholic beverages and other food containing alcohol. The AFGC has not identified any costs to consumers as a result of continuing with permissions in place before Standard 1.2.7 was gazetted.

Industry: The draft variation will benefit manufacturers of food containing more than 1.15% ABV as they will continue to be permitted to produce and label *low and reduced salt* alternatives. There are not expected to be any additional costs resulting from this request to manufacturers, as the conditions previously in Standard 1.2.8 applying to these voluntary claims will remain the same in Standard 1.2.7. This includes the requirement to provide a nutrition information panel if a nutrition content claim is made.

A nutrition information panel would be required to be provided for food making nutrition content claims about salt or sodium, including alcohol beverages, in accordance with existing requirements in Standard 1.2.8. This requirement also applied before Standard 1.2.7 was gazetted.



If the proposed amendment is not progressed, manufacturers of reduced salt/sodium soy sauce products manufactured by natural fermentation processes will incur costs to change labels and potentially face removing these products from the market as they will no longer be permitted to inform consumers of their sodium/salt status. They will also be unable to compete with reduced salt/sodium soy sauce products which are not manufactured by natural fermentation and which do not contain more than 1.15% ABV as these products will continue to be permitted to make a claim after January 2016.

Consumers may also be confused as there will potentially be soy sauce products that will be permitted to continue to make a claim as they do not contain more than 1.15% ABV on the market.

Government: There are no additional costs to government as the proposed amendment maintains the position before the gazettal of Standard 1.2.7. The permission for low/reduced salt claims will apply to all food containing alcohol and the associated conditions will be consistent with those in Standard 1.2.7, providing for ease of enforcement.

Other measures

The AFGC consider that this amendment should **not** require a further application to FSANZ or for FSANZ to raise another proposal related to nutrition content claims about food containing alcohol.

FSANZ Objectives

The proposed amendment supports the FSANZ objective of:

"The provision of adequate information relating to food to enable consumers to make informed choices"

If permission for low/reduced salt/sodium claims continues as proposed, consumers will continue to have access to information about salt/sodium (e.g. reduced sodium) in alcoholic beverages and other food containing alcohol, where manufacturers voluntarily make these claims.



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Conclusion and Recommendation

The current proposal to continue the permission for nutrition content claims about gluten content in relation to food containing more than 1.15% ABV is **supported**.

The AFGC requests that FSANZ **further amend** paragraph 3(b) of Standard 1.2.7 to permit nutrition content claims about salt or sodium in food containing more than 1.15% ABV. Failure to do so will unnecessarily impact both consumers and manufacturers, removing a claim that is currently permitted and providing information to enable consumers to make informed choices. Further, it is likely that soy sauce products manufactured by natural fermentation processes will be disadvantaged against soy sauce products manufactured by alternative processes which do not result in an ABV content above 1.15%.

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Sincerely

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Director, Legal and Regulatory

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