

6 July 2015

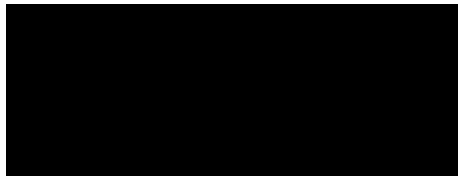
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Dear Sir/Madam

Attached are the comments that the New Zealand Food & Grocery Council wishes to present on the ***Call for submissions – Proposal P1037: Amendments associated with Nutrition Content & Health Claims.***

Yours sincerely



Katherine Rich  
**Chief Executive**

**Food Standards Australia New Zealand**

**CALL FOR SUBMISSIONS – PROPOSAL P1037: AMENDMENTS  
ASSOCIATED WITH NUTRITION CONTENT & HEALTH CLAIMS**

**2 March 2015 (extended from 27 February 2015)**

The New Zealand Food & Grocery Council (the “NZFGC”) welcomes the opportunity to comment on the ***Call for submissions – Proposal P1037: Amendments associated with Nutrition Content & Health Claims.***

### **New Zealand Food & Grocery Council**

NZFGC represents the major manufacturers and suppliers of food, beverage and grocery products in New Zealand. This sector generates over \$34 billion in the New Zealand domestic retail food, beverage and grocery products market, and over \$28 billion in export revenue from exports to 185 countries – some 61% of total merchandise exports. Food and beverage manufacturing is the largest manufacturing sector in New Zealand, representing 46% of total manufacturing income and 34% of all manufacturing salaries and wages. Our members directly or indirectly employ 370,000 people – one in five of the workforce.

### **The Proposal**

The Proposal seeks to amend Standard 1.2.7 – Nutrition, Health and Related Claims in the Australia New Zealand Food Standards Code (the Food Standards Code) to address inconsistencies and some lack of clarity including an exemption for the Health Star Rating label elements and claim requirements.

Other issues include the format of the declaration of nutrients associated with claims for lactose, salt or sodium and omega-3 fatty acid claim conditions, method for determining the NPS, percentage daily intake, and conditions for small packages and exclusion of these provisions for foods for infants.

### **Comments**

#### ***Health Star Rating System (HSR) exemption (Standard 1.2.7)***

NZFGC supports the exemption of HSR from the provisions of both Standards 1.2.7 and 1.2.8 together with the associated amendments to give effect to this exemption. We note that the definition refers only to trademarks registered in Australia. We understand the HSR symbols have been trademarked in New Zealand and the relevant New Zealand Trademark numbers will need to be included in clause 2A.

#### ***Lactose claims, salt or sodium claims and omega-3 fatty acids claims (Standard 1.2.7)***

NZFGC supports the clarification around the presentation of information for claims concerning lactose, salt or sodium and omega-3 fatty acids. However in amending paragraph 5(1)(e) of Standard 1.2.7 and replacing ‘saturated fat’ with ‘saturated fatty acids’, an inconsistency has been created between the requirement and the NIP format that immediately follows. The NIP format uses the term ‘saturated’ under the heading ‘Fat, total’ and there is no matching requirement for ‘saturated’ as can be seen on the NIP used in the Standard:

NUTRITION INFORMATION		
Servings per package: (insert number of servings)		
Serving size: g (or mL or other units as appropriate)		
	Quantity per Serving	Quantity per 100 g (or 100 mL)
Energy	kJ (Cal)	kJ (Cal)
Protein	g	g
Fat, total	g	g
-saturated	g	g
Carbohydrate	g	g
sugars	g	g
Sodium	mg (mmol)	mg (mmol)
(insert any other nutrient or biologically active substance to be declared)	g, mg, µg (or other units as appropriate)	g, mg, µg (or other units as appropriate)

This inconsistency creates a lack of clarity and confusion. NZFGC suggests the amendment might refer to saturated fatty acids being saturated fats for the purposes of inclusion in the NIP under 'saturated' and the heading 'Fats, total'. This would avoid confusion.

In relation to the NIP information concerning omega-3 fatty acids, (alpha-linolenic acid, docosahexaenoic acid and eicosapentaenoic acid), these fatty acids are terms that are more well known by both technical experts and consumers by their shortened versions: α-linolenic acid, DHA and EPA. It is not clear that these shortened names are permitted on the NIP.

#### ***Method for determining the NPS (Standard 1.2.7)***

NZFGC agrees with the proposed amendments to Schedule 5 of Standard 1.2.7. Greater consistency in the terminology used improves the usability of, and compliance with, the Standard.

#### ***Percentage Daily Intake (%DI) and Recommended Daily Intake (RDI) (Standard 1.2.8)***

NZFGC agrees with the proposed clarifications around %DI and RDI. Improved clarity enhances the usability of, and compliance with, the Standard. In relation to the Table to subclause 8(3) in Standard 1.2.8, the comments made above in relation to the more well known terms of α-linolenic acid, DHA and EPA should be able to be used.

#### ***Conditions for small packages (Standard 1.2.8)***

NZFGC agrees with the proposed amendments concerning small packages. NZFGC also agrees with the exemptions from provisions for foods covered by Standard 2.9.2.