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Submitted to P1062 - Defining added sugars for claims
Submitted on 2023-10-08 17:14:55

Complete your submission

Your details

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Which one of the following groups do you most affiliate with?

Other (please specify)

If other, please specify:
Professional Association - NFP

What is the name of your organisation?

Please write N/A if this does not apply.:
Australian Institute of Food Science and Technology Limited

What is your position title?

Please write N/A if this does not apply.:
CEO

Are you the contact person for your organisation?

Yes

If you are not the contact person for your organisation, please provide an alternative contact and details. If not applicable, please leave blank.

Contact person's name:

Email address:

Telephone:

Position title:

Have you read the P1062 – Defining added sugars for claims call for submission paper?

Yes

Confidential information

All submissions will be published, including redacted versions of confidential submissions. We will not publish material that we accept as confidential. Does your submission contain confidential information?

No. My submission does not contain confidential information.

Proposed changes to 'no added sugar(s)' claim conditions

1 FSANZ proposes to continue to set 'no added sugar(s)' claim conditions based on the addition of ingredients to foods (see section 5.2 of the Call for submissions document).

Do you have any comments on this approach?:

The AIFST supports the approach proposed by FSANZ in permitting nutrient content claims in relation to 'no added sugar' and 'unsweetened' to be made on food and beverage products based on the addition of ingredients.

The AIFST specifically requests that for 'no added sugar' and 'unsweetened' claims, the definition of added sugar pertains only to claims, and not be automatically adopted for Proposal P1058 without further consultation with stakeholders.

The AIFST notes that the claim conditions proposed by FSANZ are not solely based on the addition of ingredients to foods. FSANZ is proposing that hydrolysis - a food process - is also included and claims are not permitted when the concentration of sugars in the food is increased from the hydrolysis of carbohydrates with the exception of cereal-based plant milks. The introduction of variations and exemptions should be considered to ensure future complications and complexity are not introduced.

2 FSANZ proposes a food displaying a 'no added sugar(s)' claim must not contain an 'added sugars' as an added ingredient including an ingredient of a compound ingredient. FSANZ proposes defining 'added sugars' for this claim condition (see section 5.2.1.4 of the Call for submissions document).

Do you have any comments on this approach or the defined added sugars (see below)?:

The AIFST suggests the following amendment to the proposed wording:

(c) For the purposes of conditions (a) and (e), added sugars means any of the following derived from any source:

- (i) hexose monosaccharides and disaccharides;
 - (ii) starch hydrolysate;
 - (iii) glucose syrup, maltodextrin and similar products;
 - (iv) a product derived at a sugar refinery (including brown sugar, molasses, raw sugar, golden syrup, treacle);
 - (v) icing sugar;
 - (vi) invert sugar;
 - (vii) sugar and sugar syrup derived from plants
- and the following ingredients derived from any source:
- (i) malt;
 - (ii) malt extracts;
 - (iii) concentrated fruit juice, unless the food for sale is fruit juice;
 - (iv) deionised fruit juice
 - (viii) honey;

This suggested wording clearly separates sugars which are sugars from ingredients that contain sugar which may assist with reducing confusion and preventing interpretation issues.

In relation to maltodextrin and malt or malt extracts, only the the proportion of mono- and disaccharides (contributed by these ingredients) should be included in any 'added sugars' calculation.

Polysaccharides of three or more monosaccharide molecules should be exempt based on the Food Standards Code stating that sugar in the Nutrition Information Panel (NIP) is only mono- and disaccharides (Standard 1.2.8—4).

The AIFST notes and supports the variation that excludes naturally occurring lactose in dairy ingredients such as milk powders, whey protein concentrate, etc. The AIFST seeks confirmation from FSANZ in the approval report that naturally occurring sugars within dairy ingredients are not considered 'added sugars' for a 'no added sugar' claim.

3 FSANZ proposes 'no added sugar(s)' and 'unsweetened' claims are not permitted on foods containing the hexose monosaccharide D-tagatose, as an ingredient, consistent with existing claim conditions in the Code. As D-tagatose is a hexose monosaccharide, it is captured in the definition of 'added sugars' (see section 5.2.2 of the Call for submissions document).

Do you have any comments on this approach?:

The AIFST agrees that foods containing low-energy sugars (mono- and disaccharides) listed in subsection S11—2(3) of Schedule 11 not be permitted to display 'unsweetened' claims as these low-energy sweeteners are used primarily for the purpose of providing sweetness.

The AIFST notes that FSANZ will need to provided clarity as to how other non-traditional sugars will be evaluated and what criteria will be used to assess their impact on "no added sugar" claims.

The AIFST is aware that FSANZ is assessing Application A1247 – D-allulose as a novel food and if permitted, D-allulose will be added to foods as a low-energy substitute for sugar. Thus, it would be useful for FSANZ to make a clear statement on the guardrails/criteria used to assess future non-traditional sugars.

4 FSANZ proposes foods containing low energy sugars (mono- and disaccharides), as ingredients, listed in subsection S11—2(3) of Schedule 11 not be permitted to display 'unsweetened' claims (see section 5.2.2 of the Call for submissions document).

Do you have any comments on this approach?:

The AIFST supports the FSANZ approach that foods containing very low-energy sugars are not permitted to display "unsweetened" claims but are permitted to make a "no added sugar" claim as low-energy sweeteners are used for the purpose of providing sweetness.

5 FSANZ proposes a food displaying a 'no added sugar(s)' claim must not contain the fruit products listed below as an added ingredient (including as an ingredient of a compound ingredient). FSANZ proposes to exempt fruit products which are lemon or lime fruit (see section 5.3 of the Call for submissions document).

Do you have any comments on this approach or the fruit products listed?:

The AIFST does not support the FSANZ proposed approach that a food displaying a 'no added sugar(s)' claim must not contain the fruit products listed as an added ingredient (including as an ingredient of a compound ingredient) apart from lemon and lime juices.

The AIFST requests that FSANZ re-consider the proposed claim conditions of "added sugar" and not include sugars that are inherent or naturally occurring in the fruit or fruit product.

6 FSANZ proposes a fruit product which is the food for sale (e.g. fruit juice) be permitted to make a 'no added sugar(s)' claim. This includes when the food is sold as a singular fruit (e.g. apple juice) or a blend of different fruits (e.g. blend of fruit juices), providing the food contains no 'added sugars' or other products identified in claim conditions, as added ingredients. A blend or combination of different fruit products (e.g. fruit juice and fruit purée) will not be permitted to make the claim. FSANZ also proposes to clarify that fruit does not include legumes, fungi, herbs, nuts and spices for the purpose of the claim conditions (see section 5.3 of the Call for submissions document).

Do you have any comments on this approach?:

The AIFST supports the position that a fruit product that is the food for sale (e.g. fruit juice) be permitted to make a 'no added sugar(s)' claim.

The AIFST also supports the conditions when the food is sold as a singular fruit (e.g. apple juice) or a blend of different fruits (e.g. blend of fruit juices).

The AIFST, however, does not support the approach that a blend or combination of different fruit products (e.g. fruit juice and fruit purée, fruit pieces and fruit juice) will not be permitted to make the claim.

The AIFST supports the FSANZ's proposed approach that fruit does not include legumes, fungi, herbs, nuts, spices or seeds for the claim conditions.

7 FSANZ proposes 'no added sugar(s)' claims are not permitted when the concentration of sugars in the food is increased from the hydrolysis of carbohydrates during food manufacture, except when the sugars concentration in cereal-based plant milks made using hydrolysis is $\leq 1.5\%$ (and the product otherwise meets claim conditions) (see section 5.3.2 of the Calls for submissions document).

Do you have any comments on this approach?:

The AIFST notes that the claim conditions proposed by FSANZ are not solely based on the addition of ingredients to foods. FSANZ is proposing that hydrolysis - a food process - is also included and claims are not permitted when the concentration of sugars in the food is increased from the hydrolysis of carbohydrates with the exception of cereal-based plant milks.

The introduction of variations and exemptions should be considered to ensure future complications and complexity are not introduced.

The AIFST requests that FSANZ develop guidelines or criteria setting out how this will be addressed in the future.

8 FSANZ proposes to maintain the existing condition that a food displaying an 'unsweetened' claim must meet the conditions for a 'no added sugar(s)' claim, noting that the amended 'no added sugar(s)' claim conditions will apply (see section 5.4 of the Call for submissions document).

Do you have any comments on this approach?:

The AIFST supports the FSANZ approach that the existing condition be maintained for food bearing an "unsweetened" claim and that it also meets the conditions for a "no added sugar" claim.

9 FSANZ proposes to maintain the existing condition for intense sweeteners, sorbitol, mannitol, glycerol, xylitol, isomalt, maltitol syrup or lactitol. FSANZ proposes a food containing low energy sugars (mono- and disaccharides) listed in subsection S11—2(3) of schedule 11, as an ingredient (including an ingredient of a compound ingredient), not be permitted to display an 'unsweetened' claim (see section 5.4 of the Call for submissions document).

Do you have any comments on this approach?:

The AIFST proposes that products that contain low energy sugars and/or intense sweeteners such as sorbitol, mannitol, glycerol, xylitol, polydextrose, isomalt, maltitol, maltitol syrup or lactitol not be permitted to bear an "unsweetened" claim as their function is to add sweetness.

The AIFST supports foods containing these low-energy sugars and/or intense sweeteners to be permitted to make a "no added sugar" claim as they are

not considered added sugars.

10 FSANZ is proposing a two-year transition period to allow producers, manufacturers and importers time to make any required labelling changes for products carrying 'no added sugar(s)' or 'unsweetened' claims to comply with the new claim conditions (see section 7 of the Call for submissions document).

Do you have any comments on this approach?:

The AIFST does not agree with the two-year transition period and no stock in trade period.

The transition period and stock in trade need to take into consideration the following impacts to food manufacturers:

1. potential changes arising from P1058 which will also require packaging changes - to avoid multiple changes to artwork and complexities for management of existing label stocks, the timing of changes to meet these requirements need to be aligned. This may require a longer transition period.
2. long shelf life products may not be able to be changed within the proposed two-year timeframe.
3. reformulation of products in order to maintain current claims and comply with new conditions will take time including to conduct consumer acceptance and shelf life testing.

The AIFST request FSANZ to consider a longer transition period and a stock in trade provision.

Data and evidence

11 Do you have any data or are you aware of published data on the number of products with 'no added sugar(s)' or 'unsweetened' claims in Australia and/or New Zealand (see data used for this proposal at section 3.1 of the Call for submissions document)?

No

If yes, please upload your file here.:

No file uploaded

12 Do you have any evidence or are you aware of published literature on consumer understanding of and responses to 'no added sugar(s)' or 'unsweetened' claims on food products (see evidence used for this proposal at section 3.2 of the Call for submissions report and Supporting Document 1)?

No

If yes, please upload your file here.:

No file uploaded

13 Do you have any data or know of any published data on the costs of labelling changes per stock keeping unit or package type (see data used for this proposal at Attachment E to the Call for submissions document)?

No

If yes, please upload your file here:

No file uploaded

Additional comments

Comments and other input

Additional comments and input:

Education

AIFST is not aware of evidence of published literature on consumer understanding of and responses to 'no added sugar(s)' or 'unsweetened' claims on food products, however there will be many differing views depending on the formal or informal education of the consumer and the influence of the social media.

The AIFST is supportive and strongly encourages a communication strategy to consumers, industry and other stakeholders, in addition to the development of education resources.

The government needs to consider the part they will play in this education and allow for adequate budgeting of these resources.

Consultation period

The AIFST acknowledges the recently granted extension of the consultation period to 8 October.

However, the AIFST reiterates concern with the short consultation period for these proposed amendments to the Code. These matters are technically complex and far-reaching, and the four weeks do not provide adequate opportunity for peak bodies such as AIFST to fully consider, seek input and consult broadly with members.

Please upload additional files here.:

No file uploaded

Feedback

What is your level of satisfaction with using this platform to complete your submission?

Satisfied

Do you have any feedback you would like to provide to FSANZ regarding this new platform?

Yes

If yes, please provide details.:

For the final questions it would be useful if there was a comments field in addition to just Y/N response and attachment options.