

8 October 2023

Goodman Fielder Submission:

Public Consultation:

Proposal P1062: Defining added sugars for claims

ABOUT GOODMAN FIELDER

Goodman Fielder (GF) is one of Australasia's largest food manufacturing businesses. Goodman Fielder owns many well-known brands in New Zealand and Australia, primarily comprising bread and bread-related products, edible & cooking oils, margarines, milk, cheese, yoghurts, desserts, cake mixes, cooking ingredients, salad dressings & mayonnaise, vinegar, frozen pastry and desserts.

GF has contributed to, and broadly supports, submissions made by the New Zealand Food and Grocery Council (NZFGC) and Australian Food and Grocery Council (AFGC) on defining added sugars for claims.

We welcome the opportunity to provide the following information to inform the *Call for submissions: Proposal P1062 – Defining added sugars for claims*.

INTRODUCTION TO CONSULTATION:

Food Standards Australia New Zealand (FSANZ) is seeking submissions on a proposal to clarify the Australia New Zealand Food Standards Code (the Food Standards Code) requirements for making voluntary nutrition content claims about added sugars in food. New Zealand and Australian dietary guidelines recommend consumers limit their intake of food and drinks containing added sugar. Consumers need to be able to make informed choices about sugar in their diet in line with these guidelines and this proposal is aimed at delivering consumers the information they need for this purpose.

FSANZ makes several proposals that are reflected in the questions it has asked for comment on. These are discussed in the following questions and include our responses to them.

CONSULTATION QUESTIONS:

Q1. 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?

GF supports a detailed and clear definition of added sugars for the purposes of making nutrition content claims about added sugars. We support the submissions of the New Zealand Food and Grocery Council (NZFGC) and Australian Food and Grocery Council (AFGC). We agree with NZFGC

and AFGC that there are issues with some of the proposed additions to the proposed added sugars definition. These issues are discussed further in this submission and those of the NZFGC and AFGC.

In particular, we do not support removing the prospect of making a 'no added sugars' claim when a product uses fruit to replace sugar. For example, dried fruit is used for more purposes than to replace sugar, for example it is often used to give colour, taste, texture and to make claims on fruit content. The Health Star Rating system also included fruit content as a positive component in its algorithm, thereby encouraging industry to create products with higher fruit (including dried fruit).

The current proposal recognises that consumption of dried fruit is included in dietary guidelines giving consumers advice on how to consume (30g serve, occasionally). Dried fruit contributes additional fibre and micronutrients. Under the proposal a "no added sugar" claim would be permitted on dried fruit sold as an individual ingredient in whole or chopped form, but not permitted if added to a product with one or more ingredients. This would limit the ability for companies to differentiate their 'no added sugar' fruit products from other products that add only sugar as an ingredient. This would not be an accurate reflection of the fact that sugar is not being added.

Q2. 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)?

FSANZ proposes to define 'added sugars' for the purpose of 'no added sugar(s)' claim conditions to mean the following derived from any source:

- hexose monosaccharides and disaccharides;
- starch hydrolysate;
- glucose syrups, maltodextrin and similar products;
- products derived at a sugar refinery, including brown sugar, molasses, raw sugar, golden syrup, treacle;
- icing sugar;
- invert sugar;
- sugar and sugar syrups derived from plants;
- honey;
- malt;
- malt extracts;
- concentrated fruit juice, unless the food for sale is fruit juice; and
- deionised fruit juice.

In line with the NZFGC and AFGC, we do not agree with a blanket inclusion of malt and malt extracts and recommend further consideration be given where these extracts are added to products for the purposes of fermentation, as often there are no sugars remaining in the product as sold due to the fermentation process. We propose FSANZ give further consideration to how these are affected by fermentation, for example in the baking process.

Q3. 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?

GF supports the view expressed in the NZFGC and AFGC submissions that it would be useful for FSANZ to make a clear statement on the guardrails/criteria used to assess future non-traditional sugars.

Q4 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?

GF supports the view of the NZFGC and AFGC as included in their submissions.

Q5 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 (see below)?

- **dried fruit, other than whole, cut or chopped dried fruit;**
- **fruit juice (other than concentrated fruit juice),**

unless the food for sale is: canned fruit or frozen fruit; fruit juice powder or fruit powder; fruit pulp; fruit purée; fruit pulp; concentrated fruit purée.

Goodman Fielder supports the view of the NZFGC and AFGC in this matter and in line, does not agree with this approach. We note that if fruit juice is diluted with water, it is required under the Food Standards Code to be called a fruit drink, not a diluted fruit juice, and has compositional requirements in the Code to contain fruit juice at a diluted level between 5% and 96%. Under the proposal a fruit juice that is diluted but has no sugar added to it is treated the same as a sugar-sweetened fruit drink. For the consumer, that diluted, ‘no added sugar’ product is healthier than a sugar-sweetened drink and has a lower total sugar content than fruit juice. This should be taken into consideration in the proposal; we recommend these types of products be allowed to make a ‘no added sugar’ claim when comprising no other added sugars. We also recommend FSANZ consider the reconstitution of concentrated fruit products back to single strength in products, and how this might be treated to allow for a no added sugar claim where fruit juice/product is present at single strength in the final product. Please refer to our answer to Question 1 on comments regarding dried fruit.

Q6 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?

In line with the NZFGC and AFGC submissions we agree with the proposal that *fruit* does not include legumes, fungi, herbs, nuts, spices or seeds for the purpose of the claim conditions.

Contrary to the FSANZ proposal, our position is that products that contain a blend or combination of fruit juice and puree (at single strength) should be able to make a 'no added sugar' claim; this is because fruit puree is likely to be single strength and not concentrated, and therefore is as representative of fruit content as fruit juice (with additional fibre). For example, products that contain a blend of single strength fruit juice and single strength puree, without other non-fruit "added sugars", should be allowed to make a 'no added sugar' claim. Please refer to our previous comments in this submission on fruit content encouraged in products, for example as part of the HSR system, and the positive contribution of these products to the diet.

Any fruit juice or fruit drink which meets the compositional requirements of Food Standards Code Standard 2.6.2 should be able to have any product added to it (eg water or fruit puree) without sacrificing the 'no added sugars' claim, and this should be considered and allowances made for this in the definition.

Q7 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?

No further comment to provide.

Q8 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?

We support the view of the NZFGC and AFGC and note that the following part of the added sugars definition remain unchanged:

'[The food contains] ... no added concentrated fruit juice or deionised fruit juice, unless the food is any of the following: a brewed soft drink, an electrolyte drink, juice blend, a formulated beverage, a fruit juice, a fruit drink, a vegetable juice a mineral/spring water or a non-alcoholic beverage.'

Q9 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?

We support the view of the NZFGC and AFGC.

Q10 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?

Labelling changes (as required by changes in law or regulations) have been extensive over the past few years (for example, Plain English Allergen updates; Country of Origin Labelling (Australia)), generally affecting an entire portfolio of products. Consideration should be given to the extensive impact of these proposals across many categories in the food supply and that stock in trade could perform an important buffer. We support the NZFGC recommendation of a three-year transition plus one year for stock in trade for any changes, and reiterate our views above that oppose some of the proposed changes to the added sugars definition.

Q11 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 further data to provide.

Q12 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)?

We do not have further data to provide but would refer to the overarching policy intent that food labels provide adequate information to enable consumers to make informed food choices to support healthy dietary patterns. Parts of the proposed amendments, as noted in response to preceding questions and in the submissions from NZFGC and AFGC, are unlikely to enable consumers to make more informed food choices particularly between full strength and diluted fruit juice.

Q13 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 further data to provide.