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Submitted to P1062 - Defining added sugars for claims
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National Public Health Service, Te Whatu Ora

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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?:

We do not support FSANZ's proposed approach to limiting the scope of the definition of added sugars for the purpose of making 'no added sugar(s)' and 'unsweetened' nutrition content claims.

National Public Health Service (NPHS), Te Whatu Ora recommends broader consideration be given to the utility of the proposed definition of 'added sugars' given the interrelated proposal P1058 to quantify added sugars in the nutrition information panel (NIP). Our preference is for there to be a single, comprehensive definition of 'added sugars' in the Code that is used consistently for all aspects of 'added sugars' labelling. This would simplify implementation and support consumer understanding of added sugars.

To align with New Zealand's dietary guidelines (Eating and Activity Guidelines for New Zealand Adults), the definition of 'added sugars' in the Code must capture what constitutes added sugars in the diet. This includes sugars that are naturally occurring in processed fruit products, eg, fruit juice, when added to foods and when they are the food for sale.

Non-alcoholic beverages, including fruit juice and fruit drinks are major contributors of added sugars in New Zealanders' diets. In 2008/09, they accounted for 17% of total sugars intake and intakes were highest for those aged 15-30 years.

The intake of sugary drinks and subsequent health impacts are inequitable across the population. The 2012 Health and Lifestyle Survey found Māori and Pacific children are more likely to have consumption rates of three or more days a week (25.0% and 27.9%, respectively) compared with European/Other children (13.8%).

Although the Eating and Activity Guidelines do not explicitly identify processed fruit products as sources of 'added sugars', the NPHS supports their inclusion in the definition of 'added sugars' in the Code for the following reasons:

- The fruit in these products have undergone processing to increase the concentration of naturally occurring sugars.
- Processed fruit products contribute sugar and energy to the diet, and these products are used as a substitute for sugar by food and beverage manufacturers.
- FSANZ's consumer evidence summary shows consumers generally had more positive attitudes towards sugars perceived as 'natural' and may not view these as added sugar.
- Non-alcoholic beverages, including fruit juice and fruit drinks are major contributors of added sugars in New Zealanders' diets. In 2008/09, they accounted for 17% of total sugars intake and intakes were highest for those aged 15-30 years. A focus on Nutrition: Key findings from the 2008/09 New Zealand Adult Nutrition Survey

We do not support having a separate claim condition for fruit products and recommend incorporating the processed fruit products listed in Schedule 4 [1] (a)(ii)-(ix) of the draft variation into the definition of 'added sugars' (Schedule 4 [1] (c) of the draft variation).

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)?:

We recommend expanding the proposed definition of 'added sugars' to align with the dietary guidelines.

The Eating and Activity Guidelines for New Zealand Adults

(<https://www.health.govt.nz/publication/focus-nutrition-key-findings-2008-09-nz-adult-nutrition-survey>) recommends that people follow an eating pattern based mostly on whole or less processed foods, and to choose and/or prepare foods and drinks with little or no added sugar.

The recommendation to choose and/or prepare foods and drinks with little or no added sugar is based on the World Health Organization's Guidelines: sugars intake for adults and children (<https://www.who.int/publications/i/item/9789241549028>), which recommends a reduced intake of free sugars throughout the life course because consuming free sugars is linked with excess body weight and tooth decay.

Free sugars are defined by the World Health Organization as monosaccharides and disaccharides added to foods and beverages by the manufacturer, cook or consumer, and sugars naturally present in honey, syrups, fruit juices and fruit juice concentrates.

The recommendation to choose and/or prepare foods and drinks that are mostly 'whole' and less processed is relevant to fruit products. The Eating and Activity Guidelines recommend eating fresh, frozen or canned fruit rather than drinking fruit juice and recommends limiting the amount of dried fruit in the diet. Fruit juice is a high-sugar drink and dried fruit has had its sugar concentrated as most of the water has been removed.

The NPHS considers that FSANZ's proposed definition of 'added sugars' is inconsistent with New Zealand's dietary guidelines and recommends the following sources of 'added sugars' from fruit products are included in the definition:

All sugars listed in Schedule 4 [1] (a)(ii)-(ix) of the draft variation to the Food Standards (Attachment A of the Call for submissions – Proposal P1062)

- dried fruit, other than whole, cut or chopped dried fruit
- fruit juice
- fruit juice powder
- fruit powder
- fruit pulp
- fruit purée
- concentrated fruit purée

The NPHS also considers that low energy sugars (monosaccharides and disaccharides) such as D-tagatose should be included in the 'added sugar' definition.

For clarity, we request FSANZ clarify what products would be considered 'similar' to maltodextrin.

We consider that any food product containing an 'added sugar' ingredient or that is the food for sale (single ingredient foods), should not be able to make a "no added sugar" claim. Please see our response to question 5 for more detail.

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?:

We support this approach as these substances are caloric sweeteners.

It would be helpful to clarify that low energy sugars (monosaccharides and disaccharides) are included in the 'added sugar' definition.

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?:

Support this approach.

It would be helpful to clarify that low energy sugars (monosaccharides and disaccharides) are included in the 'added sugar' definition.

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?:

We agree that the fruit products listed are sources of 'added sugars' and foods containing these should not be permitted to carry 'no added sugar' claims. However, we do not agree with the claim condition for fruit products that is based on the addition of these ingredients to foods.

Instead, we recommend the fruit products listed in Schedule 4 [1] (a)(ii)-(ix) of the draft variation to the Food Standards are incorporated into the definition of 'added sugars' in [1] (c).

We do not support 'no added sugar(s)' claims being permitted on single ingredient foods, such as fruit juice, dried fruit, and honey. These foods are inherently high-sugar foods, and dietary guidelines recommend limiting these in the diet so this has the potential to mislead and confuse consumers.

Permitting single ingredient foods that are themselves considered an 'added sugar' when added to another product as an ingredient, is misleading for consumers and may promote consumption of high-sugar foods inconsistent with the dietary guidelines. This is supported by FSANZ consumer evidence summary that suggests 'no added sugar(s)' claims increase consumer perceptions about the healthiness of a food.

We do not agree that canned fruit in fruit juice or frozen fruit containing fruit juice be permitted to make a 'no added sugar' claim as we note that this juice is usually deionised fruit juice.

We support FSANZ proposal to exempt fruit products which are lemon or lime fruit, however, recommend broadening this to capture other fruits that could also be added without adding sweetness such as yuzu. We propose that any such fruit product cannot provide more than 1.5% sugars to the final food.

We support FSANZ pragmatic decision not to include processed vegetable products, such as vegetable juice, pulps or purées, in the definition of 'added sugars' as they are not discussed in the dietary guidelines as being of public health concern in relation to sugar and New Zealander's currently do not meet recommended vegetable intake.

In relation to the use of fruit purées, we note that infant foods (Standard 2.9.2 of the Code) marketed as 'first foods' and appropriate for babies around 6 months of age, are required to be in puréed form to meet the developmental stage of a 6-month-old infant. This is supported by Healthy Eating Guidelines for New Zealand Babies and Toddlers (0-2 years old). Therefore, these products, whether made with 100% puréed fruit or containing fruit purée as an ingredient, will be impacted by this proposal. We raise this as it is not mentioned in the Call for Submissions document.

We are not recommending that infant foods should be exempt from the 'no added sugar' claim conditions, but that more work is needed to understand the prevalence of 'no added sugar' claims on infant 'first foods' and the implications that this proposal will have on these products.

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?:

We do not support this approach.

We strongly disagree that a fruit product which is the food for sale (eg, fruit juice) should be able to make a 'no added sugar(s)' claim. This would undermine the messaging in the dietary guidelines in relation to reducing sugar intake, which are as follows:

- "The EAGs [Eating and Activity Guidelines] describe fruit juice as a high-sugar drink as it contains all the naturally occurring sugar found in the many pieces of fruit required to make one glass of juice. The Ministry of Health recommends eating fresh fruit and drinking plain water rather than drinking fruit juice. Fruit is more filling than juice and provides available vitamins, phytonutrients (beneficial chemicals), fibre and much less sugar than juice."
- "Dried fruit has had most of its water removed, but also concentrating all the sugar. Without the water, it can be easier to eat numerous pieces at one time so it becomes a very high-sugar snack, sticks more easily to teeth and increases the risk of cavities. We recommend limiting the amount of dried fruit included in the diet."

As previously raised, permitting single ingredient foods that are themselves considered an added sugar when added to another product as an ingredient is misleading for consumers and may promote consumption of high-sugar foods inconsistent with the dietary guidelines. The consumer evidence supports this as it suggests 'no added sugar(s)' claims increase consumer perceptions about the healthiness of a food.

Fruit juices and other fruit products have a range of other claims they can use such as "made with 100% fruit", "source of vitamin C". Reduced sugar fruit drinks, such as those that have been diluted 50:50 with water, can make claims such as "50% less sugar".

We agree to FSANZ clarifying that fruit does not include legumes, fungi, herbs, nuts and spices for the purpose of 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?:

Support this approach but recommend extending it to include sugars that arise from any processing technique that increases the concentration of sugars in the food.

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?:

Agree.

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?:

Support this approach that a product containing intense sweeteners or low energy sugars are not permitted to make an 'unsweetened' claim.

We note that the term 'intense sweeteners' is not defined in the Code and therefore may not capture all sweeteners used in the food supply.

We recommend instead using the terminology 'non-sugar sweetener' and adding a definition to the Code as per the World Health Organization definition of this term. This would ensure all low and non-calorie sweeteners are captured.

Use of non-sugar sweeteners: WHO guideline (<https://www.who.int/publications/i/item/9789240073616>)

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 NPHS suggests the transition period align with P1058 as these two proposals are so closely related and are likely to have implications for one another.

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:

Please upload additional files here.:

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Feedback

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No

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