

Wine Australia for Australian Wine

6 October 2023

Food Standards Australia New Zealand
PO Box 5423
KINGSTON ACT 2604
AUSTRALIA

By FSANZ's Consultation Hub and by email submissions@foodstandards.gov.au

Dear Sir / Madam,

Submission to Food Standards Australia New Zealand (FSANZ) re Proposal P1062 Defining added sugars for claims

Wine Australia welcomes the opportunity to make a submission in relation to the proposed amendments to the *Australia New Zealand Food Standards Code* (Code) articulated in the call for submissions document released by FSANZ for Proposal P1062 dated 11 September 2023 (**FSANZ Proposal**).

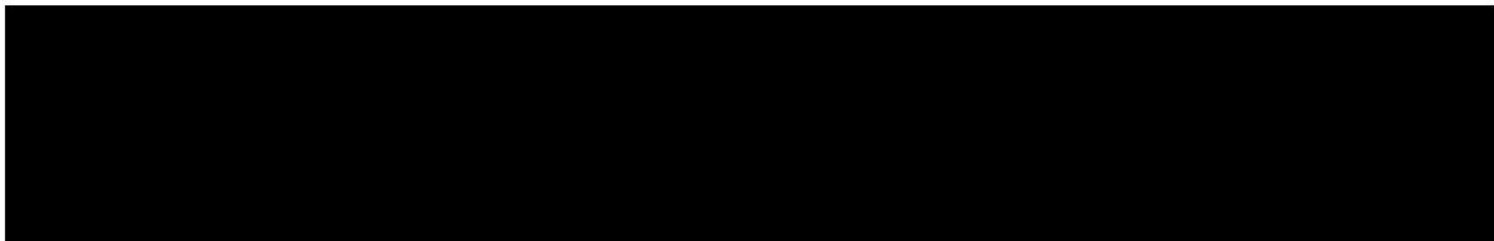
About Wine Australia

Wine Australia is a Corporate Commonwealth entity that operates in accordance with the *Wine Australia Act 2013* (Cth). Wine Australia is not an advocacy body. Accordingly, this submission is intended to highlight the considerations that ought to be taken into account in further developing the FSANZ Proposal, rather than proffering a recommended outcome.

In accordance with section 3 of the Act, Wine Australia's objects include:

- to support grape or wine research and development activities
- to support the growth of the wine industry, and other industries that make wine
- to support the growth of international wine tourism, and services, products and experiences that complement international wine tourism
- to control the export of grape products from Australia
- to promote the consumption and sale of grape products, both in Australia and overseas, and
- to enable Australia to fulfil its obligations under prescribed wine-trading agreements and other international agreements.

Wine Australia is funded by grape growers and winemakers, through levies and user-pays charges, and the Australian Government, which provides matching funding for research, development and adoption investments.





Wine Australia for Australian Wine

Background / context

Standard 4.5.1 of the Code includes requirements for, and applies to, the production of wine in Australia.

Insofar as wine produced in Australia is concerned, the Code defines “wine” as meaning “the product of the complete or partial fermentation of fresh grapes, or a mixture of that product and products derived solely from grapes.”

Fermentation, as it applies to wine, is the process of converting sugar to ethanol (and carbon dioxide) effected by the metabolism of yeast. Naturally occurring sugars contained in grapes may therefore produce ethanol (if fermented) or sweetness (if not fermented), as part of the winemaking process. Accordingly, by way of general and intentionally simplified comment:

- unfermented grape juice contains unfermented sugars and is sweet to taste
- wine which has had all (or almost all) of its contained sugars fermented (i.e. converted to alcohol) in the course of its production will not be sweet to taste, and
- ripe grapes with a high concentration of sugars will not necessarily produce a sweet tasting wine with a high level of residual sugar.¹

Relevantly, under the Code:

- sugar is not a permitted additive for still wine produced in Australia (see standard 4.5.1 of the Code)
- grape juice including concentrated grape juice may be used in the production of wine, sparkling wine or fortified wine (see standard 4.5.1 of the Code)
- sparkling wine produced in Australia may contain sugars (see standard 4.5.1—6 of the Code),² and
- imported wine may have sugars added during production (see standard 1.1.2—3 of the Code).³

Wines with residual sugar produced in Australia encompass a large range of styles and may be produced by, for example:

- halting fermentation early to retain sugars,⁴ or

¹ The total sugars left in a finished wine is often referred to as its “residual sugar”. Some, but by no means all, residual sugar in a wine is tasted as sweetness.

² Including as a result of the addition of substances commonly known as “tirage liqueur” and “expedition liqueur”.

³ Via a process commonly known as “enrichment” or “Chaptalisation”. See, for example, Part 1 of Annex VIII of Regulation (EU) 1308/2013.

⁴ Stopping the fermentation process before all the sugars have been converted to alcohol will result in a wine with residual sugar. Ferments may be stopped by a variety of means

- blending in a sweetening component (such as unfermented grape juice in the context of table wines, or “expedition liqueur” in the context of sparkling wines).⁵

Comments regarding the FSANZ Proposal

Having considered the FSANZ Proposal, it is understood that FSANZ proposes to amend the Code to:

- clarify and define added sugars for making voluntary nutrition content claims, and
- align added sugars claims with Australian and New Zealand dietary guidelines to support informed consumer choice.

It is further understood that, if the FSANZ Proposal was approved, the changes to the claim conditions for the making of “no added sugar(s)” claims would have consequential effects on the conditions relating to the making of “unsweetened” claims in accordance with the Code.

Wine Australia is supportive of FSANZ’s continued efforts to clarify the Code and its interpretation.

Wine Australia understands that, in the context of wine production and the FSANZ Proposal, whether:

- “grape must” (being crushed grapes), and
- “grape juice”,

each permitted under the Code in the context of wine production, would constitute:

- “fruit pulp” and “fruit juice” (as relevant), and/or
- “added ingredients”,

will affect whether the Code would allow “no added sugar(s)” claims to be made in relation to wine.

Wine Australia encourages FSANZ to engage with the grape and wine sector in relation to any changes to the Code that could lead to the presence or absence of added sugar(s) being called-out in relation to wine, to ensure that changes to the Code regarding sugar- or sugars-related nutrition content claims (if any) do not result in unintended consequences for FSANZ, consumers or the grape and wine sector.

including chilling, the addition of sulphur dioxide, or fortification (being the addition of alcohol).

⁵ In simplistic terms, “expedition liqueur” contains a mixture of wine and sugar syrup and is commonly added to bottle-fermented sparkling wines prior to packaging for sale occurring.

Ancillary comments

Wine Australia also encourages FSANZ's continued consideration of relevant international requirements, given:

- compliance with differing wine labelling laws in export markets presents significant market access challenges for Australian wine exporters
- every labelling change pertaining to wine globally represents a risk that additional trade barriers will ensue, and that additional costs will be incurred, and
- the different way in which imported wine and wine produced in Australia are contemplated by the Code.

Wine Australia further encourages FSANZ's continued dialogue with the grape and wine sector around future amendments of the Code relating to labelling of wine, including regarding proposals related to the FSANZ Proposal:

- P1059 – Energy labelling on alcoholic beverages, and
- P1049 – Carbohydrate and sugar claims on alcoholic beverages.

We thank you in anticipation of the consideration of this submission and welcome the opportunity to engage in further consultation.

For information about this submission, please contact [REDACTED]

[REDACTED]

Response ID ANON-JN9Z-F83J-6

Submitted to P1062 - Defining added sugars for claims
Submitted on 2023-10-07 09:36:38

Complete your submission

Your details

What is your name?

Contact person:

[REDACTED]

What is your email address?

Email address:

[REDACTED]

What is your telephone number?

Telephone:

[REDACTED]

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

Government

If other, please specify:

Wine Australia

What is the name of your organisation?

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

Wine Australia

What is your position title?

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

[REDACTED]

Are you the contact person for your organisation?

No

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:

[REDACTED]

Email address:

[REDACTED]

Telephone:

[REDACTED]

Position title:

[REDACTED]

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?:

Please see attached submission.

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)?:

Please see attached submission.

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?:

Please see attached submission.

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?:

Please see attached submission.

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?:

Please see attached submission.

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?:

Please see attached submission.

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?:

Please see attached submission.

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?:

Please see attached submission.

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?:

Please see attached submission.

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?:

Please see attached submission.

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 see attached submission.

Please upload additional files here.:

Wine Australia FSANZ submission - Proposal P1062 - Defining added sugars for claims - 6 October 2023.pdf was 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?

No

If yes, please provide details.: