

Response ID ANON-JN9Z-F8AS-W

Submitted to P1062 - Defining added sugars for claims

Submitted on 2023-09-27 21:34:00

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?

Food industry

If other, please specify:

What is the name of your organisation?

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

[REDACTED]

What is your position title?

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

[REDACTED]

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?:

Unilever supports the proposal to maintain set conditions for making "no added sugar" (NAS) claims, based on the existing legislation and the recommendations in the dietary guidelines. We understand that the intent of making such claims, is to assist consumers in making informed choices. Our concern is that some of the principles and requirements being outlined in P1062 will make it too difficult to make such claims, particularly where fruit-based products are concerned, and the result will be that these claims disappear from the market as they are not worthwhile or are too difficult to comply with. If there is no obvious FOP distinction between a mixed fruit product and a product with mixed fruit plus other added sugars, the result is that consumer choice is reduced.

Whilst FSANZ have indicated that P1062 will be treated as a separate proposal entirely to P1058, Unilever finds it very difficult to separate these two proposals. We struggle to see how the definition of added sugars for making claims can be misaligned with the definition of added sugars for the NIP.

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)?:

Unilever wishes to highlight to FSANZ the concept of "single strength" fruit juice or the fresh fruit equivalents. We feel that this is key to whether or not juices (fruit or vegetable) should be considered added sugar in any product. If a product contains fruit juices, concentrates, powders or the like, with enough free water to ensure the sugar content of that final product sold is as per single strength (or fresh fruit equivalent), then addition of that ingredient should not be considered added sugar. If sugar content is higher than what would be expected from the total fruit content in the product (ie. insufficient water), then any extra sugar should be considered added sugars.

Regarding single strength juices, we request a specific addition to the proposed schedule (Page 39), for condition (e), the list of products that are exempt from the conditions of the claim should also include a FROZEN product type. This is discussed in the explanatory noted on page 44 of the document. This is aligned with Proposal 6 below - that a fruit product which is the food for sale, be permitted to make NAS claims. If the product for sale is a fruit juice (single strength) but simply frozen, then the same permission to make a NAS claim should apply, to enable this product to be distinguished from other ice confection containing both fruit and other added sugars.

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?:

Unilever supports the responses from the AFGC and NZFGC on this approach.

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?:

Unilever supports this approach - foods containing very low energy sugars should not be able to make "unsweetened" claims, since these ingredients are used to provide sweetness in the product.

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?:

Unilever does not support the listed fruit products being considered as added sugar and strongly recommends that FSANZ consider the single-strength justification mentioned in point 2 above. It is important to acknowledge and be able to differentiate between fruit-based products that contain the same amount of sugar as would be expected in the fresh fruit equivalent (ie. 100% fruit or single strength) from similar products that contain a higher sugar content due to other additional sugars. Removing the ability to differentiate products in this way goes against the dietary guidelines and inhibits consumer ability to make informed choices.

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?:

Unilever supports the proposal that a fruit product which is the food for sale be permitted to make NAS claims, whether it be single or blended fruit juice. We do not agree with the restriction on combined fruit products (juice + puree), being prohibited from making the claim. It is important to note that some fruits, like bananas and mangoes are not able to be "juiced" and are generally used as a pulp or puree, particularly at commercial volumes. Therefore, these should be treated in the same way as the "blend of fruit juices" in the proposal. There is no value in restricting the combination of fruit product types in the way that is being proposed. It is more important to clarify the conditions that the final sugar content of the food for sale, must be equivalent to the single strength of the total fruit content in the product, or the total fresh fruit equivalent.

Regarding fruit as the food for sale (eg. fruit juice), we request a specific addition to the proposed schedule (Page 39), for condition (e), the list of products that are exempt from the conditions of the claim should also include a FROZEN product type. This is discussed in the explanatory notes on page 44 of the document. If the product for sale is a fruit juice (single strength) but simply frozen, then the same permission to make a NAS claim should apply, to enable this product to be distinguished from other ice confection containing both fruit and other added sugars.

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?:

Unilever supports the responses from the AFGC and NZFGC on this approach.

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?:

Unilever supports the FSANZ approach on "unsweetened" claims be maintained and be subject to the same conditions as a NAS claim. However, we would like to distinguish that foods containing very low energy or intense sweeteners should be exempt - ie. products containing these sweeteners should be able to maintain a NAS claim - since they do not contribute significant sugar/calories in the diet.

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?:

Unilever supports this approach - foods containing very low energy sugars or intense sweeteners should not be able to make "unsweetened" claims, since these ingredients are used to provide sweetness in the product. However we feel that such products should be able to make a NAS claim, since they do not contribute significant sugar/calories to the diet.

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?:

Unilever does not agree with the timeline and is concerned about a lack of stock-in-trade allowance. The food industry is still working through other labelling changes that impact the whole sector, such as PEAL and HSR implementation and would struggle to incorporate another broad change such as this. We would like to reiterate our concerns about separating P1062 from P1058 and express concern that we could not implement changes under 1062 until we have final guidance on P1058, as the labelling changes would be unfeasible. In addition, for categories like ice cream, with shelf-life of more than 2 years, it would be impossible to comply. Since there is no risk to human safety, we would like to request a 5 year transition period with a 2 year stock in trade period.

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.:

No file uploaded

Feedback

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

Neutral

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

No

If yes, please provide details.: