



Queensland Health

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20 December 2023

Standards Management Officer
Food Standards Australia New Zealand
PO Box 5423
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Dear Sir / Madam

Submission – Application – A1247 – D-allulose as a novel food

Thank you for the opportunity to provide a submission on the Call for Submissions (CFS) for Application A1247.

This submission provides comments on the proposed changes to the *Australia New Zealand Food Standards Code* (the Code) and was prepared with input from health professionals from the Food Safety Standards and Regulation Unit. The submission does not represent a Queensland Government position, which will be a matter for the Queensland Government should notification be made by the FSANZ Board to the Food Ministers' Meeting.

Application A1247 has been assessed by FSANZ following an application to permit the sale of D-allulose as a novel food. If permitted, D-allulose will be added to foods as a low-energy substitute for sugar. The enzyme, if permitted, will be classed as a processing aid and listed in Schedule 18 of the Code.

From a public health perspective, it is essential that industry cannot use marketing claims to confuse or mislead consumers or promote some foods as 'better for you' options. This is especially important considering the significant burden of overweight and obesity as currently there is potential to be misled by *no added sugar* claims or there to be confusion by a health halo concept that may promote some items as a healthier choice. This is inconsistent with a key priority of the food regulation system (Priority 2) to support the public health objectives to reduce chronic disease related to overweight and obesity.

As outlined in FSANZ's *Consumer Evidence Summary*, nutrition content and other health-related claims clearly influence purchasing and consumption decisions and ultimately the long-term health

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of the public. Consequently, it is vital the public can clearly distinguish foods and beverages that are high in sugar with easy-to-understand labelling and are not misled by clever marketing claims that disguise the true sugar content of the foods they purchase and consume.

As the Australian Dietary Guidelines (NHMRC, 2013) recommend limiting sugar intake and also achieving and maintaining a healthy weight, this should also be an important consideration for FSANZ. Foods and beverages high in sugar, whether specifically added or as a consequence of manufacturing processes, have a higher energy content, making a healthy weight more difficult to achieve and maintain.

FSANZ in considering this matter should also consider the recent World Health Organisation guideline 'Use of non-sugar sweeteners' (<https://www.who.int/publications/i/item/9789240073616>), which suggests that non-sugar sweeteners should not be used as a means of achieving weight control.

As a low-energy substitute for conventional sugar ingredients, it appears it may be appropriate for nutrition content claims for energy to be used in relation to D-allulose. However, with a proposed energy factor of 2 kJ/g (200 kJ/100g), it appears products containing D-allulose may not qualify for the energy nutrition content claims *low* and *diet*. This was not explicitly discussed in the call for submissions report and could be considered for inclusion in the approval report.

Concern is raised about proposed requirements for D-allulose in the Nutrition Information Panel (NIP) and the appropriateness of allowing nutrition content claims on foods containing D-allulose for *no added sugars* and *unsweetened*, which are not supported by this submission.

It is important that the requirements for calculation of sugars in the Nutrition Information Panel (NIP) for D-allulose is consistent with other low energy sugars such as D-tagatose. From nutritional perspective health professionals are concerned that D-allulose will not be included in the calculation of sugars in the NIP unless there is 5 g/100g or more, and foods containing D-allulose will be permitted to make 'no added sugar' claims. This is an inconsistent approach as compared to another approved low energy sugar (D-tagatose), which creates complexities around NIP and nutrition content claim requirements for different sugar substitutes creating a potential for confusing or misleading consumers if 'no added sugar' claims are allowed for D-allulose. Inconsistency also potentially creates an unfair competitive advantage when similar products are subject to different requirements.

It is understood that D-tagatose, as a hexose monosaccharide, is not permitted to make a 'no added' sugar(s) nutrition content claim because it is included in the definition of *sugars* in section 1.1.2—2 of the Code. D-allulose should be treated similarly, and from a drafting perspective, D-allulose could be included in the definition of 'sugars*' consistent with D-tagatose.

It is inappropriate for an unsweetened nutrition content claim to be used for D-allulose and is not supported because it is misleading. D-allulose has approximately 70% of the sweetness of sucrose and therefore significantly contributes to sweetness. Similar to D-tagatose, if D-allulose was included in the definition of 'sugars*' it would not be permitted to include a nutrition content claim for *unsweetened*.

A further area of concern is the apparent lack of safety data surrounding the suitability of this product for consumers with diabetes, hereditary fructose intolerance and potential risk of urinary

tract infections. Another potentially vulnerable group is people with impaired kidney function (especially because this is more prevalent among those with diabetes). If most D-allulose is excreted via the kidneys, has it been considered how might this be changed when kidneys aren't fully functional?

A final consideration is the risk management of a laxative effect of D-allulose. Whilst there is limited evidence to inform the threshold for laxative effects, it may be necessary to require a mandatory advisory statement on the laxative effect of D-allulose and combination of D-allulose and other sweeteners (including polyols or sorbitols) by including D-allulose in the existing section 1.2.3—2, in addition to setting maximum use levels as proposed. We note that it is proposed that D-allulose would be permitted in a wide range of foods and permitted as a tabletop sweetener, which may result in high levels of consumption by some consumers. Concern is raised that setting maximum use levels as proposed by FSANZ may still result in intake of D-allulose above the threshold level to cause a laxative effect in high consumers e.g. by consuming dessert and a soft drink both containing D-allulose in one occasion.

Further, the threshold value is based on a study on healthy young adults. This evidence doesn't consider limits for children, or for people who are not "healthy" (e.g., people with diabetes or with gastrointestinal conditions). It is noted also that adverse effects were sometimes described as "severe" in the threshold studies. Whilst FSANZ's reduction of the maximum use levels is an improvement on the values suggested by the applicant, there still appears to be a risk of overconsumption if two or more foods containing D-allulose are consumed concurrently. This may be a risk for anyone who is replacing many foods with low-energy, low-sugar alternatives. This is due to the lack of evidence to inform the threshold for requiring the mandatory advisory statement, so a mandatory advisory statement would be the most conservative option.

A typographical error was noted in the drafting on page 24 of the CFS which will need to be corrected in the final drafting. The section is below and should be corrected from:

[7] Section S4—3 (table item dealing with nutrition content claims in relation to 'sugars or sugars')

to

[7] Section S4—3 (table item dealing with nutrition content claims in relation to 'sugar or sugars')

Should you require further information in relation to this matter, please contact Food Safety Standards and Regulation, Health Protection Branch, Department of Health on (07) 3328 9310 or at foodsafety@health.qld.gov.au.

Food Safety Standards and Regulation
Health Protection Branch
Department of Health
Queensland Government

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Submitted to Application A1247 D-allulose as a Novel Food
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[REDACTED]

[REDACTED]

Introduction

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Name of your business, organisation (please write N/A if this does not apply)

Organisation:
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Please identify which of the following groups you mostly closely identify with

Groups to which you belong:
Government

If other please specify:

Who is the contact person for this submission

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Submission

[REDACTED]

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