



**Submission from Cancer Council Australia to
Food Standards Australia New Zealand on
Proposed extended transition period for
dietary fibre claim requirements**

Cancer Council Australia

Cancer Council Australia is Australia's peak national non-government cancer control organisation. Its members are the eight state and territory cancer organisations working together to undertake and fund cancer research, prevent and control cancer and provide information and support for people affected by cancer.

Cancer Council Australia's goal is to lead the development and promotion of national cancer control policy in Australia, in order to prevent cancer and reduce the illness, disability and death caused by cancer.

Cancer Council is pleased to contribute to the FSANZ consultation on the proposed extended transition period for dietary fibre claim requirement under *Standard 1.2.7 – Nutrition, Health and Related Claims* of the Food Standards Code.

Summary recommendation

Cancer Council believes that the three-year transition period for *Standard 1.2.7 – Nutrition, Health and Related*, has provided ample time for food businesses to consider the implications of the new standard for their product range and take steps to ensure that product labelling complies with the new regulation by January 2016. We do not believe that the review of the dietary fibre claims criteria requested by food companies is sufficient grounds to grant an additional 12-month extension to the transition period for dietary fibre claim requirements.

Nutrition content claims, dietary fibre and cancer

Our organisation is concerned about the way in which false, misleading, deceptive, or simply misunderstood marketing practices can contribute to unhealthy food choices, the development of obesity and therefore the risk of cancer. Latest figures show that 63% of Australian adults are overweight or obese.¹ There is convincing evidence that being overweight or obese increases the risk of cancers of the bowel, kidney, oesophagus, pancreas, as well as endometrial and post-menopausal breast cancers.² Obesity prevention and the promotion of healthy food choices are therefore extremely important to Cancer Council.

In addition, there is evidence that a diet high in fibre can decrease the risk of bowel (colorectal) and oesophageal cancer, as well as obesity, type 2 diabetes and cardiovascular disease.^{2:3} Consumers should therefore expect that any product making a claim about the presence of dietary fibre (regardless of whether it is a 'source of', 'good source' or 'very good/excellent source' claim) makes a significant contribution to their adequate intake of dietary fibre.

Extending the transition period for compliance with dietary fibre claims requirements

We note that the Australian Food and Grocery Council now seeks an extension to the transition period to accommodate the 11-month period during which FSANZ considered an industry request to review the qualifying criteria for dietary fibre claims. The three-year transition period – which is a year longer than the two-year transition period that is generally applied in other food standards – recognises that food manufacturers may need to change labels to comply with standard 1.2.7 and allows an additional 12 months for this to occur.

As outlined in numerous submissions to FSANZ during the development of *Standard 1.2.7 – Nutrition, Health and Related Claims*, Cancer Council is concerned that nutrition claims on less healthy foods will promote consumption of unhealthy foods because of the implied health benefits attributed to the claimed nutrient. For this reason, we supported the higher qualifying criteria for dietary fibre nutrition content claims outlined in Standard 1.2.7 and were pleased that FSANZ maintained these more stringent criteria, despite lobbying from some members of the food industry seeking to revert to the lower levels that previously applied under the *Code of Practice on Nutrient Claims in Food Labels and Advertisements* (CoPoNC).

Given FSANZ's extensive work and consultation over previous years to develop the current standard for nutrition and health claims, and the absence of new evidence to justify returning to the less stringent dietary fibre claim criteria, there was no reason for FSANZ to revert to the qualifying criteria established in CoPoNC – a document that dates back to 1995. The FSANZ decision to increase the qualifying criteria was informed by feedback from a range of public health, industry, consumer and government stakeholders; there was no reason for food industry organisations to assume that the outcome of the FSANZ review would be to revert to the lower criteria.

Cancer Council recognises that the introduction of Standard 1.2.7 will result in some food manufacturers no longer being eligible to make nutrition or health claims, should products fail to meet the new qualifying or disqualifying criteria. In Cancer Council's view this is precisely the intent of the new standard – to ensure that nutrient content claims will only appear on products that make a meaningful contribution to nutrient intake and that health claims are not made on unhealthy products.

In view of these concerns, Cancer Council's position is that an extension is not warranted, as food businesses have had ample time to consider the impact of the new standard on their product categories and to take steps to revise product labels and formulation if necessary. Food businesses still have more than 12 months to ensure compliance with dietary fibre claim requirements. We note that one manufacturer of breakfast cereals was very quick to promote its compliance with the requirements relating to general level health claims.

As food companies regularly change product packaging as new competitions and promotions are introduced, Cancer Council sees no reason why an extension should be granted when manufacturers are making other voluntary labelling changes over this period.

Given that there was no guarantee that the outcome of the FSANZ review of the dietary fibre qualifying criteria would result in a favourable outcome for the food businesses concerned, it is Cancer Council's view that it would have been good business practice for these companies to continue to explore the steps they would

need to take to ensure compliance with the new standard by January 2016, should the more rigorous qualifying criteria be maintained. Companies should not have 'stopped the clock' on their investigations while the review was underway.

Having witnessed food industry stalling tactics during the development of the Health Star Rating system, we believe this request from the Australian Food and Grocery Council is yet another attempt to delay the introduction of food labelling initiatives designed to provide consumers with reliable, independent information about the healthiness of the foods they eat.

For further information about this submission from Cancer Council Australia please contact [REDACTED], Nutrition Program Manager [REDACTED]
[REDACTED]

Reference List

- (1) Australian Bureau of Statistics. Australian Health Survey: First Results, 2011-12. Canberra, Australia: Australian Government; 2012. Report No.: 4364.0.55.001.
- (2) World Cancer Research Fund and American Institute for Cancer Research. Food, nutrition, physical activity and the prevention of cancer: a global perspective. Washington DC: AICR; 2007.
- (3) National Health and Medical Research Council. Australian Dietary Guidelines. Canberra: National Health and Medical Research Council; 2013.