

Submission – Application A1104 - Voluntary Additions of Vitamins & Minerals to Nut- and Seed- based Beverages

Comments from the Department of Health and Human Services, Tasmania,
16 October 2015

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The Department of Health and Human Services, Tasmania (the Department) appreciates the opportunity to comment on Application 1104 - Voluntary Addition of Vitamins & Minerals to Nut- and Seed- based Beverages.

The Department would prefer that beverages that are not nutritionally equivalent to milk, particularly those that have low protein levels and limited other nutritional benefit, are not fortified with vitamins and minerals. This refers to the current application A1104 and a previous application A500. Both these applications have beverages with protein content below 3% m/m and are therefore not nutritionally equivalent to milk.

As application A500 (December 2005) has previously been gazetted to permit vitamins and minerals to be added to cereal based beverages with a protein content of 0.3% m/m it is difficult to justify why A1104 (i.e. nut and seed based beverages) should not be treated in the same manner.

The Department would like further explanation on how coconut milk used for drinking (i.e. coconut beverage) will be differentiated from coconut milk used in dishes such as curries. Some of these coconut milks are presented in a tetra pack similar to coconut beverage which may add to consumer confusion. The intended use and market presentation of these products could change in the future and it therefore needs to be clearly outlined in the Code that coconut milk used as an ingredient in mixed dishes cannot be fortified.

The Department is pleased to see the advisory statements that currently apply to cereal-based beverages would also apply to nut and seed-based beverages (both fortified and unfortified). However, these mandatory advisory statements are likely to only be adequate for people under the care of a suitably qualified health professional. The Department is concerned that these products may be used inappropriately by those who choose not to consume dairy products for health or philosophical reasons. They may be unaware of the nutritional differences between cow's milk, soy beverages and other cereal, nut and seed based beverages, especially for young children.

The Department generally supports application A1104. However, this application has raised a number of issues that need to be addressed to ensure consumers are not misled on the nutritional quality of fortified beverages. Some of these issues may be considered out-of-scope for the specific application but there are consequences that have arisen as a result of this application and need to be resolved either as part of the application process or by a separate proposal.

These issues include:

1. In Standard 1.1.2 and Standard 2.5.1 of the Food Standards Code (the Code) milk is defined as the mammary secretion of milking animals, obtained from one or more milking's for consumption as liquid milk or for further processing, but excludes colostrum. Therefore a beverage should not be sold as 'milk' unless it meets this definition as clearly outlined in the revised Standard 2.5.1 which commences on 1 March 2016. This issue should probably be referred to ISFR or FRSC for consideration of enforcement action.
2. The Code allows voluntary addition of some vitamins and minerals to 'milk substitutes' (i.e. analogues derived from legumes and analogues derived from cereals). The term analogue is not specifically defined in the Code. The term 'nutritional equivalence' and 'substitute food' is defined in Codex. *Nutritional equivalence* means that a *substitute food* is of similar nutritional value to its counterpart. A *substitute food* means a food:
 - designed to resemble a common food in appearance and texture
 - intended to be used as a complete or partial replacement for the counterpart food it resembles.

Should Application AI 104 be approved, the Department requests consideration be given to defining 'substitute food' in the Code and that only where this substituted food meets this definition can the term 'substitute' be used on the label. For example soy milk should be labelled as soy milk substitute (or an equally equivalent term defined in the Code) for products that have been fortified to be of similar nutritional value to milk. Those products that are deemed not to be nutritionally similar to milk should not be allowed to use the word 'milk' or 'milk substitute' (e.g. unfortified soy beverages, unfortified cereal-based beverages).

3. Consideration should be given the term 'nutritional equivalence'. In the Codex definition it refers to 'partial replacement'. An understanding of what is meant by this term is required. In the case of milk equivalence the *Australian Dietary Guidelines* (2013) states calcium is used as the equivalent and for 'milk alternatives' they are only considered in the milk, cheese and yoghurt food group if they are fortified with at least 100mg calcium /100ml.
4. The Department would support nut and seed based beverages being considered a 'milk substitute' if they were fortified to be of similar nutritional value to milk. Those products that are not of similar nutritional value to milk should be referred to as nut and seed based beverages (or an equally equivalent term). This would be in line with the seventh specific order principles of the *Policy Guideline - Fortification of Food with Vitamins and Mineral* as stated below:
 - the fortification of a food, and the amounts of fortificant in the food, should not mislead the consumer to the nutritional quality of the fortified food.
5. By using the word 'beverage' (or similar terminology) instead of 'milk' consumers will have better understanding that these partially fortified or unfortified beverages

are not equivalent to milk. It also enables consumers to easily determine if a beverage is fortified to be similar to milk by using the word 'milk substitute'.

6. In addition to the above points , there is currently inconsistency in the mandatory advisory statements in S9-2 in relation to the use of the words 'soy' compared to Standard 1.3.2 which refers to 'analogues derived from legumes'. For consistency S9-2 should state under 3(c) *milk, or an analogue beverage made from legumes, that contain no more than 2.5% m/m fat.*