

Submission from Cancer Council Australia to Food Standards Australia New Zealand (FSANZ) Proposal 1024 – Revision of the Regulation of Nutritive Substances and Novel Foods

28 July 2017

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

Cancer Council appreciates the opportunity to provide comments on Proposal 1024 – Revision of the Regulation of Nutritive Substances and Novel Foods. As many of the submission questions are on areas outside Cancer Council's concern, the focus of this submission is on the reliance on a food business to hold data to support safety without regulatory scrutiny.

Cancer Council commends FSANZ on the removal of self-assessment from the proposed approach. Given that Nutritive Substances and Novel Foods are, by definition, not recognised foods, we are concerned about the potential for foods coming into the market that have not been subject to pre-market scrutiny.

In Summary

Cancer Council supports the removal of the self-assessment notification pathway from the modified framework for the regulation of Nutritive Substances and Novel Foods.

Cancer Council is concerned that the modified framework includes an eligible food pathway that may allow ingredients and foods into the marketplace before any proper regulatory scrutiny.

Cancer Council position on self-assessment

Approximately one-third of all cancer cases in Australia could be prevented by making healthy lifestyle choices such as not smoking, using sun protection, maintaining a healthy weight, being physically active, limiting alcohol consumption and eating a healthy diet.¹ Of the 37,000 new cancer cases reported in 2010, approximately 3,900 could be attributed to overweight or obesity² and 7,000 could be attributed to unhealthy diet.^{3;4}

Cancer Council believes that Australians should achieve their nutritional needs by eating a balanced diet consistent with the Australian Dietary Guidelines. As such, we recommend that the majority of foods consumed are from the five core food groups – fruit, vegetables, cereal foods, lean meats and alternatives and dairy foods and alternatives. However, we recognise that packaged food products contribute a significant proportion of Australians' diets. As such, we advocate for information on food labels that are truthful and assist consumers to make healthier choices.

Of relevance, Cancer Council NSW has been monitoring the implementation of the self-substantiation and notification process for the regulation of health claims. Under Food Standard 1.2.7 of the *Australia New Zealand Food Standards Code*,⁵ food companies are able to notify food-health relationships that they intend to be the subject of future health claims on packages. They must hold evidence of this relationship in the form of a systematic literature review. However, unless a member of the public contacts their local state or territory health agency or department with concerns about a notified food-health relationship, the evidence is not scrutinised.

Our experience in monitoring notified food-health relationships is that enforcement agencies may not have the specialist expertise to assess the dossiers of evidence required to be held by the food companies as part of this self-substantiation process. Of the agencies that are equipped to conduct reviews of the companies' self-substantiation dossiers, the assessment of the systematic review relies on the agency assessing the review against the requirements of Schedule 6 of the *Food Standards Code*. However, this process is flawed as it is difficult to assess the totality of the evidence without conducting a review. That is, relevant studies can be inadvertently or deliberately omitted, and this would not be evident without conducting an additional, independent systematic review. Further, enforcement agencies may not have the resources to allow them to conduct such reviews.

These limitations were echoed by government agencies during the previous round of consultation by FSANZ on Nutritive Substances and Novel Foods.

Cancer Council believes that self-substantiation is not adequate to protect consumers from foods and substances that have not been adequately assessed as safe for consumption. As Nutritive Substances and Novel Foods are by definition not recognised foods, we are concerned that the eligible food pathway in the modified framework may allow foods into the market that have not been subject to pre-market scrutiny.

Cancer Council appreciates the opportunity to contribute to the consultation on Proposal 1024 – Revision of the Regulation of Nutritive Substances and Novel Foods. Should you require further information about the issues raised in this submission, please [REDACTED]

[REDACTED]

[REDACTED]

References

- (1) Whiteman DC, Webb PM, Green AC, Neale RE, Fritschi L, Bain CJ, et al. Cancers in Australia in 2010 attributable to modifiable factors: summary and conclusions. Aust N Z J Public Health 2015 Oct; 39(5):477-84.
- (2) Kendall BJ, Wilson LF, Olsen CM, Webb PM, Neale RE, Bain CJ, et al. Cancers in Australia in 2010 attributable to overweight and obesity. Australian and New Zealand Journal of Public Health 2015 Oct 1; 39(5):452-7.
- (3) Nagle CM, Wilson LF, Hughes MC, Ibiebele TI, Miura K, Bain CJ, et al. Cancers in Australia in 2010 attributable to the consumption of red and processed meat. Aust N Z J Public Health 2015 Oct; 39(5):429-33.
- (4) Nagle CM, Wilson LF, Hughes MC, Ibiebele TI, Miura K, Bain CJ, et al. Cancers in Australia in 2010 attributable to inadequate consumption of fruit, non-starchy vegetables and dietary fibre. Aust N Z J Public Health 2015 Oct; 39(5):422-8.
- (5) Australian Government. Australia New Zealand Food Standards Code - Standard 1.2.7 - Nutrition, Health and Related Claims. Australia New Zealand Food Standards Code 2016 March 1 [cited 2015 Dec 7]; Available from: <http://www.legislation.gov.au/Details/F2016C00161>