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AUSTRALIAN INDUSTRY GROUP CONFECTIONERY SECTOR SUBMISSION

to

**Food Standards Australia New Zealand
on Proposal 1037 – Amendments
associated with Nutrition Content &
Health Claims**

JULY 2015



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SUBMISSION: AMENDMENTS ASSOCIATED WITH NUTRITION CONTENT AND HEALTH CLAIMS

The Australian Industry Group (Ai Group) Confectionery Sector and its member companies make this submission to provide comment on Food Standards Australia New Zealand Proposal P1037 – Amendments associated with Nutrition Content and Health Claims.

Our comments, in particular, relate to the Proposal's recommendation to exempt the trademarked Health Star Rating (HSR) label elements from the requirements for claims in the Australia New Zealand Food Standards Code (the Code). Whilst we support the need to provide clarity on the treatment of the HSR front of pack labelling (FOPL) system in the context of Standard 1.2.7 and 1.2.8 we recommend this treatment be extended to other FOPL schemes, including the Daily Intake Guide.

ABOUT THE AUSTRALIAN INDUSTRY GROUP – CONFECTIONERY SECTOR

The Ai Group Confectionery Sector represents manufacturers of chocolate, sugar and gum confectionery, suppliers of ingredients, machinery, packaging materials and services to the industry, and wholesaler and distributor firms. The Ai Group has approximately 130 confectionery sector members operating in Australia and New Zealand.

Major confectionery manufacturing plants are principally located in New South Wales, Tasmania and Victoria, including in a number of regional locations (eg Ballarat and Lithgow) and to a lesser extent South Australia, Queensland and New Zealand where SME business are based.

SPECIFIC COMMENTS

Proposed exemptions from claim requirements for trademarked HSR elements

The Ai Group Confectionery Sector supports the proposed exemption to provide for the star rating, star rating with the energy icon and star rating together with the prescribed nutrient icons for sodium, saturated fat and sugars, as trademarked, from claim requirements of Standard 1.2.7 (nutrition content claims) and Standard 1.2.8 (health claims).

However, we recommend that the same exemptions be extended, including to other front of pack labelling (FOPL) schemes such as the Daily Intake Guide (DIG) and where the FOPL information does no more than repeat some or all the mandatory or %DI information from the NIP.

Although the HSR energy icon, when displayed without the star rating is not trademarked, this exemption should extend to HSR and DIG energy, with or without %DI, as it is simply repeating information from the NIP in a front of pack nutrient labelling system.

The Ai Group Confectionery Sector recommends that the drafting be amended to indicate that FOPL schemes in general (not HSR specifically), that duplicate some or all of the mandatory nutrition information from the NIP, do not constitute a claim or trigger claim requirements, similarly to %DI information when presented outside the NIP.

Permitted Health Star Rating symbols

As noted above, the Ai Group Confectionery Sector recommends that FOPL schemes in general (not HSR specifically), that duplicate some or all of the mandatory or %DI information from the NIP, be exempt from nutrient content claim requirements.

The Ai Group Confectionery Sector therefore recommends that the definition in the draft variation to Standard 1.1.1, 2A (2) be widened to account for all FOPL schemes. However, if draft variation Standard 1.1.1, 2A (2) (a) is retained, the wording needs to incorporate 'per serve', 'per 100g/100ml', 'per pack' and 'per [reference] portion'.

Percentage Daily Intake information presented outside the NIP

Proposal P1037 indicates that %DI for energy alone outside the NIP is intended (page 10), albeit in FSANZ's opinion this is unclear in the current provision in Standard 1.2.8, Clause 7B. Furthermore it say:

"Clarity of this approach is also required for the HSR system, as the HSR Style Guide states that a %DI value for energy alone, may be included within the energy icon for per pack values (ie when presented as a single serve pack intended for consumption in a single sitting).

In addition to %DI energy being permitted per serving and per pack, the HSR Style Guide also permits the declaration of %DI energy for confectionery products 'per [reference portion]' reference ie:

"For confectionery products only, the %DI can be shown on the energy icon for individual packs in a multipack, even when the pre-packed piece size is not the industry agreed standard serve size (see Section 2.7.1). However, in order to be consistent with the FSC, the pre-packed piece size should be specified in the NIP" (refer page 10, Section 2.6 of the HSR Style Guide).

We query whether the draft variation to Standard 1.2.8, Clause 7B adequately captures the intent of the HSR System with respect the presentation of %DI energy. That is, does the drafting adequately extend %DI energy use across the reference measures permitted by the HSR System generally and/or specifically for confectionery.

Furthermore, draft variation to Standard 1.2.8, Clause 7B (5), replacing Standard 1.2.8, Clause 7B (3), says that if more than one piece of %DI information is presented outside the NIP that they are presented together. This may have an unintended consequence of preventing %DI energy being presented with HSR and DIG energy icons, on the same pack, that the HSR System permits may co-exist (see Section 4 of the HSR Style Guide). This should be amended to allow for this intent.



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Additionally, the Ai Group Confectionery Sector recommends that Standard 1.2.8 Clause 7B is clarified to ensure %DI energy may be presented with the HSR energy icons, either alone or together with the other nutrient icons, on a 'per pack'; 'per serve'; and 'per [reference] portion' (with respect to confectionery in multipacks); to avoid doubt.

Transition period

There is potential that label changes will be required as a result of the measures proposed by P1037 and so a realistic transitional period, followed by a stock in trade provision is recommended.

Thank you for the opportunity to comment on P1037. Given the significant changes proposed the Ai Group Confectionery Sector recommends further consultation with industry in order to finalise the Code amendments, in the absence of a proposed second round of public consultation.

