



NSW Food Authority Submission to Food Standards Australia New Zealand

Proposal P293 Nutrition, Health and Related Claims

Summary

The NSW Food Authority has consulted with NSW Health regarding the P293 Nutrition, Health and Related Claims consultation paper.

NSW supports Part 1 of P293 as it provides for simple, enforceable and equitable rules which are supported by the majority of jurisdictions.

In respect to Part 2 of P293 ('fat free' and '% fat free'), based on the information presented in the consultation paper, NSW supports Option 1, maintaining the status quo. However, NSW acknowledges the significance of the issue and suggests that further evidence of the potential benefits of the recommended approach be provided in the Approval Report. Alternatively, further work on these claims could be undertaken separately to Part 1 of P293.

P293 represents a new and important standard. To provide evidence that the Standard is operating as intended and is enforceable, NSW stresses the importance of conducting a review of the Standard after two years.

Specific Issues

Part 1

The NSW position on Part 1 of Proposal 293 is one of general support noting that it provides for simple, enforceable and equitable rules which are supported by the majority of jurisdictions.

P293 is considered to represent a significant improvement on the existing Standard in that it is more enforceable, provides clearer guidelines for industry and provides a level playing field for both small and large business sectors of the food industry.

NSW acknowledges that FSANZ is currently conducting a further round of consultation but is concerned that the proposed timeframe for finalisation of the standard will preclude Ministers from being afforded the opportunity to appropriately consider the outcomes of this consultation. In particular, NSW notes that any health claim not included in Schedule 2 (ie: not pre-approved) will be deemed a "high level health claim" (refer cl 16) and the ability to use both pre-approved and high level health claims on products is contingent upon the food meeting nutrient profile scoring criterion. Industry perspectives relating to the application of the nutrient profile scoring criterion across the range of foods and claims potentially affected may reveal further work that needs to be done rapidly before finalisation of the standard.

Part 2

The preliminary research included in the proposal indicates mixed consumer understanding and use of the claims 'fat-free' and '%fat-free' as they currently apply. Some consumer substitution behaviour is noted so too is a level of consumer scepticism towards such claims. The latter emerges when consumers see such claims, which infer that the products are a healthy choice, on food with high sugar content.

With regard to the proposal for additional regulatory requirements relating to 'fat-free' and '%fat-free' claims, NSW acknowledges that these terms do infer that the products are healthy. By requiring that the use of these statements also takes into consideration other nutritional properties of the product, the potential to mislead consumers might decrease and consequently consumer confidence in such claims might increase.

However, while NSW is inclined to support the development of additional regulatory requirements relating to 'fat-free' and '%fat-free', further evidence is needed to support the potential benefits of the recommended approach. NSW does not have any additional information that could assist with this research.

Unless further evidence is provided in the Approval Report, NSW is likely to support Option 1, maintaining the status quo, for Part 2.

Given the significance of the issue, NSW would suggest that, if this evidence cannot be available in time for the Approval Report, further work on these claims be continued separately to Part 1 of P293.

The views expressed in this submission may or may not accord with those of other NSW Government agencies. The NSW Food Authority has a policy which encourages the full range of NSW agency views to be submitted during the standards development stages before final assessment. Other relevant NSW Government agencies are aware of and agree with this policy.