

Attachment D – Template for submissions – Proposal P293 – Nutrition, Health & Related Claims

To assist us in compiling submissions, please complete the tables below.

Table 1: Revised draft Standard 1.2.7

Submitter name: Healthy Kids Association (HKA)	
1. Does the revised drafting accurately capture the regulatory intent as provided in Attachment B? Please consider the clarity of drafting, any enforceability issues and the level of ‘user-friendliness’.	
If not, please provide specific details in the table below. Ensure that the relevant clause number, schedule number or consequential variation item number that you are commenting on is clearly identified in the left column. Lines may be added if necessary.	
Clause number	Comment
2	In Clause 2, fats including butter, edible oil and edible oil spreads are listed as a food group. Including these as a “food group” is inconsistent with the current Australian Dietary Guidelines and the Australian Guide to Healthy Eating and has the potential to cause confusion. Perhaps a different term should be used to refer to these foods.
14	Suggests that words, which imply slimming, weight loss or weight maintenance properties cannot be used in a nutrition content claim about energy. The short guide to the new standard states that weight loss and maintenance claims will be allowed and will be required to meet the qualifying criteria for low energy claims, pg. 22.
Schedule	Comments
Copper, Iodine, Iron, Manganese, Magnesium, Phosphorus, Selenium, Zinc, Biotin, Folate, Niacin, Pantothenic Acid, Thiamin, Riboflavin, Vitamin A, Vitamin B6, Vitamin B12, Vitamin C, Vitamin D, Vitamin E, Vitamin K, Potassium,	HKA believes that the specific health claim “contributes to normal growth and development” for children for the micronutrients listed to the left should not be allowed. Even when the %RDI is listed on the Nutrition Panel, the value is relevant for a 70 kg male and not for children. This information would be meaningless for parents because there is nothing on the label to inform them of the actual needs for their child and these needs vary by age group.
	As HKA understands, the current Food Standards Code is based upon the old RDIs. Are the proposed health claims based upon the new NRVs?

Consequential variations	Comments

Table 2: Fat-free and % fat-free claims

Submitter name:	
Question	Comment
<p>2. What evidence can you provide that shows consumers are purchasing foods of lower nutritional quality because they are being misled by fat-free or % fat-free claims?</p> <p>FSANZ is primarily interested in the substitution of foods of higher nutritional quality with foods of lower nutritional quality which have fat-free claims. Substitution within a general food group (e.g. choosing a different confectionery product) is of lesser importance.</p> <p><i>(Note: Please provide documented or validated evidence where possible)</i></p>	
<p>3. Do you support option 1 (status quo), option 2 (voluntary action through a code of practice), or option 3 (regulate with additional regulatory requirements for fat-free and % fat-free claims)? Please give your reasons.</p>	<p>HKA supports Option 3 (regulate with additional regulatory requirements for fat-free and % fat-free claims).</p> <p>-Option 1 even with education does not assist in removing % fat free claims from products that offer no nutritional value to the consumer.</p> <p>-Option 2: Voluntary action has not proved helpful so far and often by the time a complaint is made to the ACCC about packaging, the offending product has had time enough on the shelf to mislead consumers. HKA works with many small food companies who do not know the Code of Practice.</p> <p>-Option 3 reduces the market capable of carrying the claim to those items that already are more nutritious options thus, helping to exclude those products that when carrying the claim have the potential to mislead the consumer about their nutrition quality (e.g. Confectionary).</p>
<p>4. Please comment on the possible options for additional regulatory</p>	<p>HKA supports Option 3a. This allows items in categories that maybe would not meet the</p>

<p>requirements for fat-free and % fat-free claims (option 3) (refer section 8) as follows:</p> <ol style="list-style-type: none"> Which option do you support and why? What is an appropriate sugar concentration threshold for options 3(b) and 3(d)? Where possible, provide information and evidence to support your suggested threshold value. Are there other suitable options for additional regulatory requirements for fat-free and % fat-free claims? Please describe. 	<p>NPSC for % fat free to still carry low fat claims. However, it assists the better nutrition scoring foods to carry the % fat free claims. For example, if a breakfast cereal did meet the NPSC and therefore had lower sodium and sugar content, it would be allowed to carry a % fat free claim and stand out from its less healthy peers.</p>
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