

## 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:** Dr. Janet Weber, Institute of Food, Nutrition and Human Health, Massey University, Palmerston North, New Zealand.

**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
8	Terms such as fortified/enriched imply comparison. It is not clear how/if this clause relates to clause 15
Schedule	Comments
1	Vitamins and minerals- are all foods eligible to make content claims re vitamins and minerals? What is relevance of ‘claimable food’ as defined in standard 1.3.2 and permitted claims in Clause 3 standard 1.3.2?
Consequential variations	Comments

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

<b>Submitter name:</b>	
<b>Question</b>	<b>Comment</b>
<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>I only have anecdotal evidence of consumers making these types of decisions. I have encountered both substitutions between food groups as well as within food groups, although the latter appears to be more common.</p> <p>Anecdotal information also suggests that confusion about % fat and fat free leads consumers to mistrust nutrition information in general, and so not make good use of information that is available.</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>I support option 3. The status quo does not support optimal food choices. A Code of Practice may be acceptable, but I expect it would need to be facilitated by government if it is to be widely adopted in a timely fashion. Development of option 3 by FSANZ, might lead to a Code of Practice instead of regulation.</p>
<p>4. Please comment on the possible options for additional regulatory requirements for fat-free and % fat-free claims (option 3) (refer section 8) as follows:</p> <p>a. Which option do you support and why?</p> <p>b. 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.</p> <p>c. Are there other suitable options for additional regulatory requirements for fat-free and % fat-free claims? Please describe.</p>	<p>I support option 3 (a). Claims of fat free/% fat free give foods a 'healthy halo', and as such it would be consistent to treat the same as health claims. Although consumers are sceptical about these claims, they also appear to be influenced by them.</p> <p>Regarding the other options: there is no evidence that disclosures counteract the claim (option b); setting a sugar threshold (option d) is simplistic; and defining food categories (option c) is not allowing for innovation by the food industry (e.g. incorporation of fvnI).</p> <p>The current EU approach of not allowing % fat free claims would also be an acceptable regulatory option. (If the claims do not influence consumers then there is no harm to industry if they are not allowed, and if the claims do influence consumers then the claims need to be prohibited or better regulated.)</p>