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Via email: diane.bourn@foodstandards.govt.nz

Dear Dr Bourn

Thank you for the opportunity to provide written comment on the targeted stakeholder consultation on P1058 – Nutrition labelling about added sugars.

VicHealth supports amending the Australian and New Zealand Food Standards Code (the Code) to include ‘added sugars’ information in the nutrition information panel (NIP) to enable consumers to make informed choices in support of dietary guidelines.

Many companies are packing the food we buy full of hidden sugars, worsening our community health. Misleading food labels trick many people in to thinking the food they buy is healthy, when really it’s not. We need to set higher standards for how the food industry markets and sells the food we eat.

The consumption of sugar has a direct impact on our community’s health. Currently, 2 in 3 Australian adults are overweight or obese. If we are to reach the targets set out in the National Obesity Strategy to halt the rise and reverse the trend in the prevalence of obesity by 2030 we need to take strong policy action. The strategy further recommends that the food regulation system should consider policies or regulations to support people to make healthier food and drink choices such as information on unhealthy ingredients including added sugar.

FSANZ has a once in a lifetime opportunity to prioritise public health and provide clear guidance to consumers on the added sugars in the products they consume.

VicHealth provide the following answers to the specific questions outlined in the added sugars background paper.

Section 3.2.1 - Foods not intended to be captured as sources of added sugars

1. *Do you support the food categories to not be captured as sources of added sugars? Why/Why not?*

Yes. We strongly support FSANZ’s proposed approach that mono-and disaccharides naturally present in:

- Milk and dairy products
- Cereals, grains nuts and seeds

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- Whole/raw fruit and vegetables, (including legumes) and those reduced in size (e.g., cut, sliced diced or peeled)

Are not considered to be added sugars.

Australian and New Zealand dietary guidelines both recommend eating a variety of foods from these core food groups; however, these foods contain mono-and disaccharides that have been associated with negative health impacts associated with excess sugar intake.

2. *Do you think any of these food categories need to be specifically listed in the Code?*

Yes. The above food categories should be specifically listed in the Code to provide clarity to community members and consumers about what they are actually consuming.

Section 3.3 Existing ‘no added sugar’ claim conditions and ‘sugars’

3. *Do you agree with the addition of maltose?*

VicHealth strongly supports the inclusion of maltose as an ‘added sugar’ source. It is a malt sugar made by fermenting barley or rice and is used to sweeten products.

4. *Should any other mono- or disaccharides be explicitly listed?*

Yes, VicHealth would propose that there are other mono- and disaccharides that should be explicitly listed. The following should also be included:

- Glucose should be specifically included.
- Lactose in whey powder should be specifically included.
- Galactose should be specifically included:
 - as per other mono- and disaccharides once this is isolated from its original food source and added as an ingredient it should be considered an added sugar
 - Consistent with PHE definition
- D-Tagatose and D-Allulose should be included – there should not be an exclusion for low-energy sugars (see our response to Q14).

5. *Does the new name adequately capture fruit sugar syrups and other plant-based syrups as intended?*

Yes - widening the definition appears to capture both syrups made from fruit and other plant-based syrups such as those listed, agave, palm, rice and coconut as intended.

6. *Are there any unintended consequences associated with this name change?*

VicHealth supports the new name of sugar syrups made from plants. As this is a new definition, it is unclear if there will be any unintended consequences.

7. *Is ‘and similar products’ necessary, or are such similar products already adequately captured by the different ingredients listed in this table?*

The words ‘and similar products’ are necessary – this would capture the series of oligosaccharides and polysaccharides (i.e., oligofructose) and also future proof the definition.

8. *Would this capture icing sugar or does this need to continue to be specified individually below?*

Defining products derived at a sugar refinery, including brown sugar and molasses as an 'added sugar' source does not capture icing sugar as it often has cornflour mixed and would not be captured by the phrase 'derived at a sugar refinery'. Therefore, Icing sugar should continue to be specified individually.

9. *Do you agree to treat fruit and vegetable juice concentrates the same as both contribute to the 'added sugar' content? Why/why not?*

Vegetable concentrates should be treated the same as fruit concentrates and classified as added sugars throughout the added sugar definition. This is consistent with international approaches. Some vegetable concentrates, such as beet juice are high in sugar and failure to include vegetable juice may see a growth in these products being used to sweeten products. There is no technical or physiological reason to consider that sugar from fruit and vegetable concentrates would be processed differently by the body and therefore they should be treated the same.

10. *Are there any issues with other source names identified in Table 1 that we are not proposing to modify?*

Yes, the following issues should be modified:

- Deionised vegetable juice should be treated the same as deionised fruit juice and classified as added sugars to remain consistent with other fruit and vegetable juice products and concentrates. It is highly likely that this ingredient would be used as a source of added sugar and appear in products more frequently if excluded from the definition.
- Coconut sugar would not be captured by the 'made at a refinery' definition as it is not refined or the 'sugar syrups made from plants' definition as it has had the water removed. Therefore, it should be specifically listed.

Section 3.4 Sugars from fruit & vegetable food products

11. *Do you support the proposed approach to include the following as sources of 'added sugars'? Why/why not?*

a) Single strength fruit and vegetable juice.

VicHealth strongly supports FSANZ proposal that both full strength and diluted juices are included as added sugars. VicHealth supports this based on the evidence-based rationale set out in the background paper for the September consultations which clearly states that this position:

- supports the dietary guideline recommendations to limit consumption of juices. Fruit juice is identified as a major source of added sugars in the New Zealand Dietary Guidelines and that consumption of fruit juice is recommended to be limited in the Australian Dietary Guidelines.
- is consistent with the WHO 'free' sugar guidelines.
- aligns with the Healthy Star Rating decision to promote water over juice.

However, it should also be noted that coconut water needs to be specifically included in the added sugar definition if it is not captured in the definition of a juice.

b) Powdered fruit and vegetable juices.

VicHealth strongly supports the FSANZ proposal that powdered versions of the single strength and concentrated fruit and vegetable juices are considered 'added sugars'.

12. *Do you support the proposed approach to exclude the following as sources of 'added sugars'? Why/why not?*

a) Fruit and vegetable component of canned and frozen fruit and vegetables.

We support FSANZ's proposal that the fruit and vegetable component of canned and frozen fruit and vegetables are not considered to be added sugars. This proposal is consistent with both the Australian and New Zealand dietary guidelines. As stated in the Australian dietary guidelines "*fresh, frozen, canned or dried varieties of vegetables and fruit are all suitable foods....choose varieties of canned vegetables without added salt and canned fruit in natural juice, not syrup*".

However, any extra sugars or syrups that are added to preserve the fruit must be considered as added sugars and should be clearly stated on the nutrition information panel.

b) Dried fruit and dried vegetables.

VicHealth does not support excluding dried fruit and vegetables as a source of added sugar. Excluding dried fruit would be inconsistent with Australian and New Zealand dietary guidelines both of which state that dried fruit is high in energy and high in sugar and that consumers should limit consumption of it. By excluding these products, it may also mislead consumers that these ingredients are equivalent, from a health perspective, to whole or raw fruits and vegetables which is not the case.

c) Processed fruit and vegetables including pulps, pastes, purees, extruded and powdered (except for powdered juices).

VicHealth does not support excluding processed fruits and vegetables. Again, by excluding these products it may mislead consumers that these ingredients are equivalent, from a health perspective to whole or raw fruits and vegetables. Further, the terms "pulp, paste, puree, extruded and powdered" does not identify how much processing the fruit or vegetable has gone through.

Excluding processed fruit and vegetables is also inconsistent with the intent of the WHO 'free' sugar definition,

13. *What foods currently display no added sugars or unsweetened claims that would be impacted by this proposed approach? Please list the type of food and affected ingredient (juice or powder) and provide the number of stock keeping units (SKUs) affected*

Excluding the sugars in 12(b) and 12(c) from the added sugar definition will have a significant impact on a portion of the food supply in Australia and New Zealand. For example, in Australia, dried fruit and vegetables are found in 7.4% of the food supply and processed fruit and vegetables are found in 15.2% of the food supply.

We have identified that dried and processed fruit and vegetables are found in a wide range of foods, many of which are savoury foods and/or foods that may not be typically considered as

sugary like sauces, ready meals, baby foods, yoghurt and breakfast cereals. This means that not only will there be a big gap in the market if these dried and processed fruit and vegetables are not considered added sugars, but there will be a gap across many key food categories. This highlights the 'hidden' nature of many of these sugars, and the fact food companies are pouring added sugars into these foods without consumers realising – contributing to poor health and a preference for sweet foods.

On top of the concerns raised above, products containing these sugars also frequently use marketing claims for sugar to advertise that their products are 'low in sugar', 'sugarfree' or contain 'no added sugars'. For example, in Australia, 4.9% of products that contain dried fruit and vegetable products and 6.9% of products that contain processed fruit and vegetables make a 'no added sugar' claim. These products also often carry additional claims about the fruit content in them. The high prevalence of no added sugar claims is highly concerning given these products are being marketed as containing low or no added sugars when they contain ingredients with a high concentration of sugars. Use of such claims is highly misleading, particularly as these dried and processed fruits are advised to be limited in the dietary guidelines.

Section 3.5 Low energy sugars

14. *Do you support the proposed approach where mono- and disaccharides with an energy level less than 17 kJ/g in section S11—2(3) are not 'added sugars'? Why/why not?*

No. VicHealth does not support FSANZ's proposed approach that mono-and disaccharides with an energy level less than 17kJ/g in section S11-2(3) of Schedule 11 are not 'added sugars'. Low energy sugars can be twice as sweet as sucrose, have similar technical properties to traditional sugars and they contribute energy to the diet – they should not be excluded just because they have a lower energy value. The lower energy value of these sugars will be reflected in the lower added sugar content of products that contain these sugars.

Section 3.6 'Added sugars' sold as single use ingredients

15. *Do you support the proposed approach for the added sugars labelling of 'added sugars' sold as single ingredient foods? Why/why not?*

VicHealth strongly supports FSANZ's approach that foods which are considered an added sugar when added to a food as an ingredient should also be considered as an added sugar when sold as a single-ingredient food.

We strongly support the view by FSANZ that excluding single-ingredient foods could result in inconsistent public health messages and raise confusion for consumers.

This is highlighted by the examples raised in the policy document which clearly demonstrate the disadvantages of excluding single-ingredient foods for both public health and consumer messaging such as:

- i. A jam would contain added sugars whereas honey would have zero.

- ii. A diluted fruit drink could have a lower total sugar content than a 100% fruit juice. Yet the added sugar content would be higher in the diluted drink given the 100% fruit juice would contain no added sugars.

In addition, excluding single-ingredient foods does not educate consumers about the issue of consuming added sugars in excess. It is important that labelling reflects single-ingredient foods as high in added sugars and for that reason we do not support the use of a footnote to explain that the single ingredient foods are 'added sugars' when added to another food.

Consumer education must be seen as an important element of implementing this added sugar labelling reform. Beyond explaining to consumers the meaning of 'added sugars' labelling on single ingredient foods that are 'added sugars', a consumer knowledge and awareness campaign would provide further population health benefits.

16. *Should sugars formed from hydrolysis during food manufacture be considered 'added sugars'? Why/why not?*

We strongly support the FSANZ proposal to include mono- and disaccharides formed from hydrolysis undertaken during the production of a food as added sugars. Added sugar on the nutrition information panel should reflect the amount of sugar in the end product that the consumer consumes (excluding only those as set out in Question 1). If the process of hydrolysis produces sugars that are not naturally occurring in the unprocessed ingredient this should be captured in the nutrition information panel added sugar calculation.

We do not support a FSANZ proposal to exclude mono- and disaccharides formed from lactose hydrolysis undertaken during the production of a food from the added sugar definition. We see no reason why lactose hydrolysis should be treated differently to hydrolysis generally. If this does not result in an increased amount of sugar this will be reflected in a zero amount in the added sugar line on the nutritional information panel.

We recommend FSANZ consider including all sugars that are produced or residual as a result of any processing method to be added sugars. This would ensure there was a consistent approach to sugars that are the result of processing and ensure that new processes are captured and that the added sugar definition remains current.

17. *What approach would generally be taken to quantify 'added sugars' in this situation?*

As noted in the background paper: *the use of hydrolysis is tightly controlled during food production and consequently the quantification of sugars from hydrolysis in the final food product should not be problematic.* Added sugars from hydrolysis could be quantified by taking the total sugar content of the final product minus the starting total sugar content of the raw ingredients.

18. *What foods, (in which sugars are formed from hydrolysis during manufacture) currently display no added sugars or unsweetened claims? Please list the type of food and provide the number of stock keeping units (SKUs) affected*

Lactose-free yoghurt (plain and flavoured)

While lactase may be used to reduce the lactose content, which is helpful for those with allergies/intolerances, the lactose hydrolysis process does create some additional sugars, increasing the added sugar content of lactose free products. It is important that consumers are aware of the true added sugar content of lactose free products.

Again, according to FoodSwitch2021 a total of 74% lactose-free yoghurts display 'no added sugars' or unsweetened claims.

76% of yoghurts containing lactase are not actually lactose free. The fact that companies are adding lactase without the intention of producing lactose-free products suggests that food companies may be using lactose hydrolysis to sweeten yoghurts without having to increase the sugar content, rather than to eliminate the lactose content.

Lactose-free milk (plain and flavoured)

Additionally to the above, 9% of lactose-free milks contain sugars formed during hydrolysis yet display 'no added sugars' or unsweetened claims.

Section 3.8 Residual 'added sugars' after fermentation

In summary, FSANZ proposes: If a fermented food (including alcoholic beverages) has 'added sugars' in the ingoing ingredients, then any residual 'added sugars' after fermentation ARE 'added sugars'.

19. Do you support the proposed approach? Why/why not?

Yes. VicHealth strongly supports FSANZ's proposal to include residual 'added sugars' after fermentation as added sugars. Added Sugar on the nutrition information panel should reflect the amount of sugar in the end products that the consumer consumes (excluding only those as set out in Question 1). If fermentation leaves residual sugars in the end product this should be captured in the nutrition information panel.

Section 3.9 Incidental presence of 'added sugars'

In summary, FSANZ proposes:

Current practice for (total) sugars declarations in the NIP in relation to ingredients containing mono- and/or disaccharides in a carrier can be applied to 'added sugars' declarations

20. Do you agree with the proposed approach? Why/why not? In particular, please explain why current practice for (total) sugars declarations in relation to sugars from carriers can or cannot be applied to 'added sugars' in the NIP.

VicHealth supports FSANZ's proposal for the current practice for (total) sugars declarations in the NIP in relation to ingredients containing mono-and/or disaccharides in a carrier to be applied to 'added sugars' declarations. This is consistent with the treatment of other nutrients such as total fat, protein and dietary fibre and consumers are already familiar with this process.

21. *Do you think a threshold for added sugars present as a carrier in an ingredient is required? If yes, please explain why, in what situation it would be useful and suggest what the threshold could be, giving reasons.*

Yes, a threshold for added sugars present as a carrier in an ingredient is required. A threshold is required to ensure that only the amount necessary to 'carry' the additive is added and not an additional amount that sweetens the food unnecessarily and is consistent with the treatment of other nutrients.

22. *If a threshold was applied that could result in an added sugars value of zero, would the added sugars potentially be included in the total sugars quantification or not? Please explain.*

Yes, the total sugars amount should be a reflection of all sugars in the product consumed and there is no reason for this not to be included. It is not appropriate to remove added sugar and total sugar labelling altogether.

Section 4 Quantification of added sugars

23. *Are you aware of any other situations and/or food types where quantification of added sugars could be complex and therefore need specific consideration?*

VicHealth is not aware of other situations or food groups that need specific consideration but would therefore suggest keeping the language broad enough to capture any unintended situations or food groups.

Section 5 Presentation of 'added sugars in the NIP

24. *Do you support the proposed approach for the presentation of added sugars in the NIP, as shown above? Why/why not?*

Yes. VicHealth agrees that sugars and added sugars should be presented the same as fat and saturated fat on the nutrition information panel as consumers are already familiar with this presentation style.

25. *Do you think a reference value for added sugars is required to enable %DI information to be provided in the NIP, consistent with other nutrients in the NIP? Why/why not?*

No. VicHealth considers that the use of % Daily Intake on the NIP is poorly understood, with numerous studies finding consumers are less likely to understand or use the label compared to other label formats, particularly consumers with low literacy. It is difficult for consumers to interpret %DI in the context of daily diet.

Further, %DI is based on a daily energy intake of 8700kJ but this does not reflect the wide range of energy requirements, particularly for children and older people and differences between men and women.

There is potential for industry to manipulate the serving size of a product so that the %DI contributed appears low. The %DI does not distinguish maximum, minimum and average

recommended amounts so consumers may not understand that being under %DI is best for some nutrients (sugar) but not for others (e.g. iron).

26. *Do you think a reference value for added sugars of 50 g should be included in the Code? Why/why not?*

No. VicHealth considers that it is appropriate to use the WHO recommendation for free sugar intake to provide a relative recommendation of <10% of energy rather than the current reference value in the code which predated the WHO recommendation. However, translating this to an absolute reference amount of 50g is not appropriate given the wide range of energy requirements for adults, and not at all appropriate for children given the wide range of reference values for energy for children related to age and stage. If %DI is used (though we don't recommend this), it is important to have age-appropriate reference values for energy and sugar.

We thank FSANZ for the opportunity to contribute to this consultation and note the challenges in updating P1058 – Nutrition labelling about added sugars.

We would welcome the opportunity to discuss our submission further. Should you wish to do so, please contact Cindy Laird, Lead, Policy & Government Relations via claird@vichealth.vic.gov.au

Kind regards



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