

Comments from the Victorian Departments of Environment and Primary Industries and Health

Due date of submission – 20 November 2014

The Victorian Departments of Environment and Primary Industries and Health (the Departments) welcome the opportunity to provide comments on Application A1101.

Application A1011 seeks to delay the commencement of Standard 1.2.7 Nutrition, Health and Related Claims for nutrition content claims about dietary fibre from 18 January 2016, to 18 January 2017.

The Victorian Departments support the requested 12-month delay in commencement of Standard 1.2.7 fibre content claims in the interests of reducing costs to industry however, we wish FSANZ to note the following matters.

Based on the Application *Executive Summary*, the Victorian Departments understand that the Application seeks this delay on the basis that the transition period for dietary fibre claims has effectively been shortened by 12 months due to consultations carried out by FSANZ during 2013. It is understood by the Victorian Departments that these consultations – and the public release of a FSANZ Consultation Paper titled *Qualifying criteria for nutrition content claims about dietary fibre* - were in response to concerns raised by several bread and cereal manufacturers during the development of Standard 1.2.7, about the qualifying criteria for nutrition content claims about dietary fibre. The *Executive Summary* states that a delay in the commencement Standard 1.2.7 dietary fibre claim provisions will provide industry with an adequate period of time to address challenges and financial impacts. These challenges and impacts are described as relating to reformulating products to meet increased fibre levels to maintain claims, rather than claims being downgraded to reflect truth in labelling.

The Application has been lodged by the Australian Food and Grocery Council (AFGC) and so the Victorian Departments have referred to the AFGC submission to FSANZ on the aforementioned Consultation Paper. In articulating the impacts of the qualifying criteria and the technical challenges to industry, the AFGC submission refers to “reducing the fibre level so that the product meets lower source claims” where the higher level cannot be technically achieved, as well as “lower fibre whole grains replaced with non-cereal sources of fibre” to increase fibre levels.

The Victorian Departments are concerned that industry appear to have a focus on reformulation – even so far as to technically reduce the fibre content, or maintain claims by adding fibre with potentially no additional benefit – rather than a focus on labelling foods in a way that presents accurate information to consumers. Standard 1.2.7 and the dietary fibre criteria is designed to give consumers confidence in labels. While it is recognised that product reformulation is a practice used by industry to innovate and market their products, it is a concern to the Victorian Departments that industry could potentially reformulate products to *reduce* the nutritional benefits (by removing wholegrains), but then promote them as having *increased* nutrient benefits.

The Victorian Departments acknowledge the concerns raised in the AFGC submission and suggest that further work be done by FSANZ to modernise the nutrient definitions in the Code, taking into account the latest science and international regulations. An updated definition of fibre could provide consumers with appropriate information about the fibre content in foods they purchase, through nutrient content claims being made only when it is reasonable to do so.

Notwithstanding the above concerns, the Victorian Departments support the requested 12-month delay in commencement of Standard 1.2.7 fibre content claims, in the interests of reducing costs to industry.

Part B – Question for all stakeholders

Question 10

Please indicate your preference for the commencement date of the provisions in Standard 1.2.7 – Nutrition, Health and Related Claims for nutrition content claims about dietary fibre.

Please check the appropriate box.

- ☐ **Retain** 18 January 2016
- ☒ **Change** to 18 January 2017
- ☐ **No preference** for either date

Please state your reasons in the box below.

Please see above.