



Public Health Association
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Public Health Association of Australia submission on P1058 - Nutrition Labelling About Added Sugars

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The **Public Health Association of Australia** (PHAA) is Australia's peak body on public health. We advocate for the health and well-being of all individuals in Australia.

We believe that health is a human right, a vital resource for everyday life, and a key factor in sustainability. The health status of all people is impacted by the social, commercial, cultural, political, environmental and economic determinants of health. Specific focus on these determinants is necessary to reduce the root causes of poor health and disease. These determinants underpin the strategic direction of PHAA. Our focus is not just on Australian residents and citizens, but extends to our regional neighbours. We see our well-being as connected to the global community, including those people fleeing violence and poverty, and seeking refuge and asylum in Australia.

Our mission is to promote better health outcomes through increased knowledge, better access and equity, evidence informed policy and effective population-based practice in public health.

Our vision is for a healthy population, a healthy nation and a healthy world, with all people living in an equitable society, underpinned by a well-functioning ecosystem and a healthy environment.

Traditional custodians - we acknowledge the traditional custodians of the lands on which we live and work. We pay respect to Aboriginal and Torres Strait Islander elders past, present and emerging and extend that respect to all other Aboriginal and Torres Strait Islander people.

Introduction

PHAA welcomes the opportunity to provide input to FSANZ regarding P1058 - Nutrition Labelling About Added Sugars. This submission is PHAA's response to the Targeted Stakeholder Consultation. The consultation is seeking views on a proposed definition of 'added sugars' and relevant technical and implementation matters. The outcomes will inform the preparation for the Call for Submissions in December 2022.

The proposal is considering amending the Australia New Zealand Food Standards Code (the Code) to include 'added sugars' in the nutrition information panel (NIP). The addition of 'added sugars' on the NIP will raise awareness about the presence of added sugars in foods, which PHAA considers important to allow the public to make informed choices consistent with the Dietary Guidelines.

PHAA has adopted a policy position statement on Added Sugar Labelling and our key policy positions include (1):

1. Nutrition information on all packaged foods should be reformed to:
 - Quantify the amount of added sugar in the mandatory Nutrition Information Panel and
 - Ingredients lists should specify sugar/s and sugars-based ingredients.
2. A comprehensive public education campaign should be conducted with the aim of teaching people how to read and interpret the food label changes.
3. The Health Star Rating system algorithm should be updated to include added sugars.
4. Additional interpretive measures should be considered including advisory labels and/or pictorial displays of the amount of sugar in food, and particularly for beverages.
5. Further research is needed to develop the evidence base to inform policy in this area, particularly its implementation and effectiveness and impact on behaviour and improving the food supply.

PHAA's response to the FSANZ Targeted Stakeholder Consultation

3.2 Approach to developing the definition

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

PHAA supports the proposed approach to not include milk and dairy products, cereal grains, nuts and seeds, and whole/raw fruit and vegetables (including legumes) and those reduced in size (e.g., cut, sliced, diced, or peeled), as sources of added sugar.

Australian and New Zealand Dietary Guidelines recommend eating a variety of foods from core food groups, including the aforementioned food categories. These foods contain mono- and disaccharides that have not been associated with negative health impacts associated with excess sugar intake.⁽²⁾ These foods generally contain a low concentration of natural sugars along with many beneficial components and nutrients vital for healthy eating, including fibre, vitamins, and minerals.⁽²⁾

These foods are not considered 'added sugars' as part of the United States Food and Drug Administration (USFDA) added sugar and the World Health Organization (WHO) free sugar definitions and we believe it is important to be as aligned as possible with existing definitions.^(3,4)

2. Do you think any of these food categories need to be specifically listed in the Code? Why/why not?

PHAA supports these food categories being listed in the Code.

Listing food categories that are not sources of added sugars in the Code will send a clear message about the health benefits of these foods and leaves no room for interpretation.

3.3 Existing 'no added sugar' claim conditions and 'sugars'

3. Do you agree with the addition of maltose? Why/why not?

PHAA supports the addition of maltose as an added sugar source.

Maltose is used to sweeten products and it is a disaccharide of two glucose molecules. Maltose breaks down to two glucose molecules in human digestion. Therefore, it is contributing added mono- and/or disaccharides to foods.⁽⁵⁾ For the same reason, its isomer, isomaltose, should also be included.

The addition of lactose to 'toddler milks' should also be included in the definition. Lactose is added to meet the carbohydrate requirements of standard 2.9.3 for special purpose foods. However, 'toddler milks' are marketed as a general purpose food but are a completely unnecessary part of healthy eating for toddlers. Parents should be given the opportunity to understand exactly how much added sugar (in any form) is added to these products and the implications of this for the health of their children.

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

Yes - Glucose, lactose in whey powder, galactose, and D-Tagatose and D-Allulose should be explicitly listed.

Galactose should be specifically included because once this is isolated from its original food source, like other mono- and disaccharides, and added as an ingredient it should be considered an added sugar.

There should not be an exclusion for low-energy sugars (D-Tagatose and D-Allulose) because low energy sugars can be twice as sweet as sucrose, have similar technical properties to traditional sugars and they contribute energy to the diet.⁽⁶⁾ 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.

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

No - PHAA suggests using 'sugar syrups *derived* from plants'.

There is a risk that the proposed name, 'sugar syrups *made* from plants', will be interpreted narrowly by industry to only include sugar containing syrups sourced with minimal processing. A narrow interpretation could exclude enzymatically processed products such as corn syrup and rice malt syrup.

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

See answer above for Question 5.

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

Yes - The words 'and similar products' are necessary.

This would capture the series of oligosaccharides and polysaccharides (i.e. oligofructose) and also future proofs the definition.

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

Icing sugar should continue to be specified individually.

Icing sugar (often labelled 'icing mixture') has cornstarch mixed in it to maintain consistency and avoid the formation of lumps that occurs in pure icing sugar and may not be captured by the phrase 'derived at a sugar refinery'.

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

Yes - Vegetable concentrates should be treated the same as fruit concentrates and classified as added sugars.

This would be consistent with the approach taken by the USFDA and Public Health England (PHE).(3,7)

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

Yes - Deionised vegetable juice should be treated the same as deionised fruit juice and classified as added sugars.

Whilst this is not an ingredient produced and used in the food supply currently, if deionised vegetable juice is excluded from the definition, it is only a matter of time before it is used in food products.

Also, coconut sugar is not refined so would not be captured by the 'made at a refinery' definition. It also has the water removed so is no longer a syrup and captured by the 'sugar syrups *made* from plants' definition. Thus, coconut sugar may need to be specifically included.

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

PHAA supports the proposed approach to include both full strength and diluted juices as added sugars.

This will support the recommendation of the Australian and New Zealand Dietary Guidelines to limit consumption of juices. It is consistent with the WHO free sugar definition and aligns with the Health Star Rating decision to promote water over juice.(4,8)

Any interpretation of the recommendation of the Dietary Guidelines regarding the occasional consumption of fruit juice as suggesting that fruit juice can be considered a core food is not an accurate representation of the intent of either the Australian or New Zealand Dietary Guidelines. Additionally, not including fruit juice as an added sugar will mislead the public by implying that fruit juice is as nutritionally beneficial as whole fruit. Further, the definition of added sugars should be based on the Dietary Guidelines and current scientific evidence regarding health outcomes and not on any potential response to labelling changes the food industry may implement. Coconut water also needs to be included in the added sugar definition if it is not captured in the definition of a juice.

b) Powdered fruit and vegetable juices

PHAA supports the proposed approach to include powdered single strength and concentrated fruit and vegetable juices as added sugars for the same reasons outlined under our response to Question 11(a).

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

PHAA supports the proposed approach to exclude fruit and vegetable components of canned and frozen fruit and vegetables as sources of added sugars.

Canned and frozen fruit and vegetables are considered sources of fruits and vegetables and should be excluded from the added sugar definition. This would be consistent with both the Australian and New Zealand Dietary Guidelines. However, any extra sugars or syrups added to preserve the fruit and / or vegetables should be considered added sugars.

b) Dried fruit and dried vegetables

PHAA supports the exclusion of whole dried fruits as single ingredient foods only. This is limited to whole dried fruit where the cell wall is not broken or where the whole intact fruit is cut into smaller pieces but still sold as a single ingredient food. It does not include intact dried fruits that are sweetened with sugar (e.g., cranberries).

In all other circumstances, such as where the dried fruit or vegetable is processed into a paste or made from dehydrated juice (such as in muesli bars), it should be included in the definition of added sugars, as it provides considerable sugar but few, if any, other nutrients.

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

PHAA does not support the exclusion of processed fruit and vegetables including pulps, pastes, purees, extruded and powdered (except for powdered juices) as added sugars. Further, PHAA requests clarification of what the difference is between powdered fruit / vegetables and powdered juices and why they would be treated differently?

In all the cases identified in this question, the whole fruit has been processed into something unrecognisable and the sugar is highly concentrated. Excluding these would mislead the public by implying that these ingredients are equivalent from a health perspective to whole/raw fruits/vegetables. On the contrary, water-soluble vitamins and minerals are lost or reduced in processing and other important nutrients such as fibre are destroyed.

Further, excluding these would be inconsistent with the intent of the WHO 'free' sugar definition, which has been clarified by PHE and WHO Europe Region:

- PHE: free sugars include all processed fruit and vegetable ingredients *"All sugars naturally present in fruit and vegetable juices, concentrates, smoothies, purees, pastes, powders and extruded fruit and vegetable products"*.(9)
- WHO Europe Region: Blended, pulped, puréed or powdered 100% fruits (including dried fruit which has been puréed) are only permitted to be added as an ingredient in certain categories in limited amounts, as they are high in free sugars.(10)

FSANZ mentions that no reference is made to processed fruit sugars in the Dietary Guidelines other than recommending pureed fruit and vegetables for infants. However, the intention of the Dietary Guidelines is to make recommendations about foods not ingredients. Additionally, the recommendation for infants to consume fruit and vegetable purees is not in relation to their sugar content but the consistency necessary for infant feeding. WHO recommendations clearly state that infants over 12 months should no longer eat pureed foods.

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.

The use of 'no added sugar' or 'unsweetened claims' is often misleading as most often the associated foods and beverages contain ingredients with a high concentration of sugars. Use of such claims and any potential impact by the proposed approach, should have no bearing on the definition of added sugars. This should be determined by impact on public health, not impact on commercial claims and marketing.

Public health impact should also be considered as more important than the number of SKUs affected. The number of SKUs should have no impact on food standard decision-making. A transition period of 2 years should be more than adequate to use existing stock, and the regularity with which food labels are altered or updated means any labelling change should not be a major burden on industry.

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?

PHAA does not support the proposed approach to exclude mono- and disaccharides with an energy less than 17kJ/g as 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.(6) Thus, 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.

To date there is one low energy sugar permitted for use in Australia and New Zealand with another under application. If these are excluded from the definition, it is likely other low energy mono-and disaccharides will be added over time. Food manufacturers will likely replace traditional sugars with these low energy sugars to add sweetness to foods while reducing the added sugar content. The United States treats low energy sugars as added sugars given they contribute to empty calories in the diet.(11) Additionally, the proposed exclusion of low energy sugars in the total sugars declaration would make labelling less accurate than current labelling.

3.6 'Added sugars' sold as single ingredient foods

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

PHAA acknowledges the conundrum created by this issue and would not add to the already significant level of confusion about healthy eating among the public. However, PHAA supports the proposed approach for the added sugars labelling of 'added sugars' sold as single ingredient foods because NIPs should be consistent to enable the public to compare foods and make informed choices. Excluding an 'added sugar' line on the NIPs of single-ingredient foods could result in inconsistent public health messages about broader dietary guidance to limit total sugar consumption. However, monitoring may be necessary to ensure that labelling naturally occurring sugars in single ingredient foods as 'added' would not unintentionally cause confusion among the public.

PHAA agrees with FSANZ that public education will be an important element of implementing this added sugar labelling reform. Beyond explaining 'added sugar' labelling, a public knowledge and awareness campaign would provide further benefits. For example, raising awareness about the presence of sugars in foods and the need to make healthier choices.

PHAA does not support the use of a footnote to explain that the single ingredient food is an 'added sugar' when added to another food. This would not be appropriate for single ingredients that are consumed by themselves, e.g., fruit juice.

3.7 Sugars from hydrolysis during food production

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

PHAA supports the inclusion of sugars formed from hydrolysis during food manufacture to be considered as added sugars.

However, we do not support the proposed approach to exclude mono- and disaccharides formed from lactose hydrolysis during production 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, then this will be reflected in the amount of added sugar in the relevant line on the NIP.

Added sugar on the NIP should reflect the amount of sugar in the end product that gets consumed (excluding only those mono- and disaccharides mentioned under Question 1). If hydrolysis produces sugars that are not naturally occurring in the unprocessed ingredient, then this should be captured in the NIP added sugar calculation.

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.*

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.

Examples include, oat 'milk', low or no lactose milks and yoghurts (plain and flavoured).

As noted in the answer to Question 13, the number of SKUs should not determine food standards or the length of any transition period.

3.8 Residual 'added sugars' after fermentation

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

PHAA supports the proposed approach to include residual added sugars after fermentation as added sugars for the same reasons as those outlined under Question 16.

FSANZ should consider including all sugars that are produced as a result of any processing method. This should specifically include sugars from hydrolysis, fermentation, processing of fruit and vegetables and any new processing technologies. This will ensure that there is a consistent approach to sugars and ensure that new processes are captured, and the added sugar definition remains current.

3.9 Incidental presence of 'added sugars'

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.

PHAA 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.

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 is consistent with the treatment of other nutrients and ensures additional sweetening is not added unnecessarily.

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 a product as 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.

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? Please explain.

No comment.

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?

PHAA supports the proposed approach for the presentation of added sugars in the NIP.

Additionally, PHAA supports plans to conduct testing among the public, which will be important for understanding how the proposed presentation is interpreted.

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?

PHAA does not support a reference value for added sugar.

The use of % Daily Intake (DI) on the front of pack as well as the NIP is poorly understood. Numerous studies have found customers are less likely to understand or use the NIP compared with other label formats. This is particularly the case for those with low literacy.(12)

Additionally, it is difficult for the public to interpret %DI in the context of daily dietary requirements, let alone general healthy eating. The %DI is based on a daily energy intake of 8700kJ, but this does not reflect the wide range of energy requirements among the population, particularly for children and older people, or the difference in energy requirement between men and women.

Further, as standard serve sizes are not prescribed in the Code, serving sizes of different products will be manipulated so that the %DI appears low. The %DI does not distinguish maximum, minimum, and average recommended amounts meaning customers do not understand that being under %DI is best for some nutrients (e.g., sugar) but not for others (e.g., iron).

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

PHAA does not support the inclusion of a reference value for added sugar in the Code for the same reasons provided under Question 25.

Conclusion

PHAA supports the inclusion of 'added sugars' on the nutrition information panel, as one part of assisting the public to make informed food and beverage choices. However, we are keen to ensure that the NIP continues to provide consistent, meaningful, and accurate information relating to the nutritional content of food. We would especially like to make sure the following points in our submission are highlighted:

- The added sugar definition should be based on the evidence about sugars. It should inform the public about **all** sugars, that when consumed in excess, contribute to health harms.
- The definition should not be weakened by issues of application (e.g., the ability to use claims, stock keeping units, whether certain ingredients are more prevalent in one category than another, nutrition literacy), which should be dealt with separately from the science of which types of sugar contribute to health harms when consumed in excess.
- Added sugar labelling should be **consistently applied** across the food supply, including part 2.6.2 of the Food Standards Code (electrolyte drinks – which are regularly consumed by the general public) and part 2.9. This is particularly important for:
 - Part 2.9.2 Foods for infants
 - Part 2.9.3, especially 'follow up formula' for toddlers and young children as these products do not form any necessary component of healthy eating for toddlers and young children (regardless of why any ingredients are added e.g., lactose added for carbohydrate composition requirements of special purpose foods should not be exempt from added sugar labelling).

The PHAA appreciates the opportunity to make this submission and the opportunity to provide a response to the FSANZ Targeted Stakeholder Consultation.

Please do not hesitate to contact me should you require additional information or have any queries in relation to this submission.



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References

1. Public Health Association of Australia. Sugar Labelling Policy Position Statement. [Internet] 2018 [cited 2022 Oct 11]; Available from: <https://www.phaa.net.au/documents/item/2844><https://www.phaa.net.au/documents/item/2844>.
2. Sun L, Liang X, Wang Y, Zhu S, Ou Q, Xu H, et al. Fruit consumption and multiple health outcomes: An umbrella review. *Trends Food Sci Technol* 2021;118:505–18.
3. Food and Drug Administration. Added Sugars: Now Listed on the Nutrition Facts Label and How Are They Different. *New Nutr Facts Label* [Internet]. 2020:1–3 [cited 2022 Oct 11]. Available from: <https://www.fda.gov/food/new-nutrition-facts-label/added-sugars-new-nutrition-facts-label>.
4. World Health Organization. Guideline: sugars intake for adults and children. [Internet] World Health Organ. 2018 [cited 2022 Oct 11]. Available from: <https://www.who.int/publications/i/item/9789241549028>
5. Laube H, Wojcikowski C, Schatz H, Pfeiffer EF. The effect of high maltose and sucrose feeding on glucose tolerance. *Horm Metab Res*. 1978;10(3):192–5.
6. Van Laar ADE, Grootaert C, Van Camp J. Rare mono- and disaccharides as healthy alternative for traditional sugars and sweeteners? *Crit Rev Food Sci Nutr* 2021;61(5):713–41.
7. Swan GE, Powell NA, Knowles BL, Bush MT, Levy LB. A definition of free sugars for the UK. *Public Health Nutr*. 2018;21(9):1636–8.
8. Health Star Rating. Health Star Rating System Calculator and Style Guide. [Internet]. Health Star Rating, 2017:1–17 [cited 2022 Oct 11]. Available from: <http://www.healthstarrating.gov.au/internet/healthstarrating/publishing.nsf/Content/guide-for-industry>.
9. Swan GE, Powell NA, Knowles BL, Bush MT, Levy LB. A definition of free sugars for the UK. *Public Health Nutr*. 2018;21(9):1636-1638.
10. World Health Organization. Ending inappropriate promotion of commercially available complementary foods for infants and young children between 6 and 36 months in Europe. [Internet] World Health Organ. 2019 [cited 2022 Oct 11]. Available from: http://www.euro.who.int/__data/assets/pdf_file/0004/406453/Ending_Final_3June2019.pdf?ua=1.
11. Food and Drug Administration. Final Response to Citizen Petition from FDA CFSAN to Bonumose LLC. [Internet] 2022 [cited 2022 Oct 11]. Available from: <https://www.regulations.gov/document/FDA-2018-P-0874-0053>.
12. Neal B, Crino M, Dunford E, Gao A, Greenland R, Li N, et al. Effects of Different Types of Front-of-Pack Labelling Information on the Healthiness of Food Purchases-A Randomised Controlled Trial. *Nutrients*. 2017;9(12).