

Public Consultation- Food Regulation Policy Guideline

Online Submission

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(submitted by Miranda Blake on behalf of Anna Peeters)

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3. What sector do you represent?

Public Health

4. What is your organisation?

Global Obesity Centre, Institute for Health Transformation, Deakin University

5. Which country are you responding from?

Australia

6. An opportunity to submit any other information about your organisation you would like to provide.

The Global Obesity Centre (GLOBE) is a world-class research group based in the Institute for Health Transformation at Deakin University. GLOBE is a designated World Health Organization Collaborating Centre for Obesity Prevention, with strong links to governments, health services, other research groups and a diverse range of collaborators nationally and internationally. Our vision is “To catalyse improvements in population health, with a focus on obesity, through innovative research that empowers people and enables healthier environments.”

For further details please see: <https://globalobesity.com.au/>

7. What are your overall comments on the Policy Guideline?

GLOBE supports the general intent of the food labelling policy guideline (the Policy Guideline). Our major comments relate to clarifying the aim, broadening the principles to include concepts such as equity, and more explicit consideration of conflict of interest management. These issues are elaborated on in the relevant questions below.

8. How would this Policy Guideline impact you/your organisation?

As a research organisation focused on obesity prevention, GLOBE is interested in the impact of the Policy Guideline on public health. Guidelines that are more clearly aligned with promoting healthy food consumption, and decreasing unhealthy food consumption, will enhance our ability to advocate for better public health policy, including through food labelling.

9. Are there any potential unintended consequences associated with this Policy Guideline?

We have highlighted potential unintended consequences under specific questions below, as relevant. To summarise, we have concerns, including in the aim, about the privileging of packaged foods over fresh foods, including fruits and vegetables. This privileging of packaged foods could have an unintended consequence of further promoting packaged food consumption, which is not aligned with dietary guidelines to consume mostly fresh, minimally processed foods. We acknowledge this is an inherent tension in food labelling policy, but it is important that food labelling policies on packaged foods be coherent with, and supported by, policies to promote fresh food consumption.

GLOBE also wishes to highlight concerns that the Policy Guideline should support labelling to address key population dietary issues. Specifically, the proposed policy principle that "one nutrient should not be emphasised above others" could remove the opportunity to highlight specific nutrients of current or future significant public health importance based on associations with health outcomes and/or levels in the food supply.

Specific feedback on the Policy Guideline

10. What are your comments on the 'Aim'?

GLOBE considers the wording relating to the “whole-of-diet approach” to food labelling in line with the Dietary Guidelines (DGs) confusing, since the bulk of food according to the DGs should be fresh; fresh food is not typically packaged and labelled. We suggest the current aim could be broken down into two more specific aims:

“To develop labelling to enable healthier food choices by:

1. supporting overall dietary patterns in line with dietary guidelines; and
2. supporting consumers to make informed choices to compare within and across food groups”

11. What are your comments on the ‘Policy Principles’?

Principle 1

- GLOBE supports this first principle that food labels provide an “opportunity to identify foods that contribute to healthy dietary patterns”. However, food labels also allow consumers to identify foods that do not contribute to healthy dietary patterns (Talati, 2017). For example, with voluntary uptake of the Health Star Rating (HSR), there is a greater proportion of eligible products that attract a high HSR using the labelling system, than those that would have a lower health star rating (Jones, 2018). We believe that the Policy Guidelines should contain an explicit principle that labels provide “opportunity to identify foods that contribute to unhealthy dietary patterns”. This also supports the goal of point 2; if labelling were to be made mandatory it would equip consumers with adequate information to make informed choices about their food intake, though clearer wording of this point is required.

Principle 3

- GLOBE does not agree with the need for kilojoule labelling principle to be made separate to the discussion around nutrients. Instead, we suggest that points 3 and 4 be merged to state that information about nutrients identified in the recommendations of Dietary Guidelines should be presented on food labels on a consistent basis to support consumers to compare food products, and monitor consumption, within and across

categories. Whilst kilojoule labelling is of importance, we question its relevance and the ability of this to be emphasised over the labelling of other nutrients. We also request clarification around the reference to ‘on a consistent basis’ (sub-point 2), as we are unsure if this relates to mandatory use of labels across all food products; consistency in the content of the labels; or consistency in the units reported (e.g. per 100g/ml).

Principle 4

- GLOBE does not support inclusion of sub-point 3 of principle 4, which states that one nutrient information should not be presented “in a manner such that information about one nutrient should not be emphasised above others”). Instead, we believe whether or not it is appropriate to emphasise one nutrient over another should be considered on a case-by-case basis, considering evidence on associated health outcomes. For example, the protein content of a food is commonly displayed, though at a population level protein consumption is within the recommended intake range (Grech et al, 2018) indicating this is unlikely to be a high-risk nutrient. In contrast, sodium intakes exceed the upper limits of safe intake in two thirds of those aged over two years of age, with children more likely to exceed these limits than adults (Australian Bureau of Statistics, 2020) indicating that this may be a high-risk nutrient for the majority of the population. The emphasis of one nutrient over another may also be appropriate in food categories where the main difference between products is related to one specific nutrient. How this would be applied in conjunction with the nutrition, health, and related claims legislation may also require consideration. The second part of this sub-point also requires rewording, especially the section stating “where predominantly energy is present” to clarify the intended meaning. What kinds of foods does this refer to? We suggest that point 2 may already adequately address the messages in this sub-point.
- GLOBE supports the inclusion of sub-point 4 “in a manner which does not promote foods, food groups or dietary patterns that are not aligned with recommendations in the Dietary Guidelines”. Further, GLOBE recommends the inclusion of an explicit statement that there should be a focus on nutrients that are currently a population health problem and that an evidence-based approach should be taken in determining this.
- We support that “Information being displayed in a manner which is easily understood by consumers”. However, we recommend this be broadened so that it captures specific

at risk population subgroups, not only consumers generally. The policy guideline on front of pack labelling provides a recommended approach by explicitly requiring that labelling “[be] readily understandable and meaningful across socio-economic groups, culturally and linguistically diverse groups and low literacy/low numeracy groups’.

In addition, GLOBE recommends that the following additional policy principles be included:

- Food labelling policy should be **evidence-based**
- **Accountability**, including high standards of governance and transparency, in order to maintain public trust in food labelling policy
- **Consistency** across the different food and nutrition policies in Australia and New Zealand, including Dietary Guidelines
- Food labelling policy should support **equity** and should not increase health or socio-economic disparities
- **Accessibility** – policy should enable food labels to be accessible, understood and used correctly by people with different education levels, incomes, literacy/numeracy, visual impairment, linguistic and cultural backgrounds
- Where possible, **interpretive** labelling systems should be prioritised

References

Australian Bureau of Statistics, 4364.0.55.008 - Australian Health Survey: Usual Nutrient Intakes, 2011-12: Sodium, accessed 15/01/2020,

<https://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4364.0.55.008~2011-12~Main%20Features~Sodium~403>

Grech A, Rangan A, Allman-Farinelli M. (2018) Macronutrient Composition of the Australian Population's Diet; Trends from Three National Nutrition Surveys 1983, 1995 and 2012. *Nutrients*.;10(8):1045. Published 2018 Aug 8. doi:10.3390/nu10081045

Jones, A., Shahid, M., & Neal, B. (2018). Uptake of Australia’s Health Star Rating System. *Nutrients*, 10(8), 997.

Talati, Z., Pettigrew, S., Ball, K., Hughes, C., Kelly, B., Neal, B., & Dixon, H. (2017). The relative ability of different front-of-pack labels to assist consumers discriminate between healthy, moderately healthy, and unhealthy foods. *Food quality and preference*, 59, 109-113.

12. What are your comments on the 'Scope'?

- Point number 2: “This Policy Guideline applies to any foods which are required to bear a label under the Australia New Zealand Food Standards Code⁵.”
 - We suspect that there is an error in footnote 5. Standard 1.1.2-2 (currently listed under footnote 5) defines the term “bear a label” but does not define which foods are required to bear a label. Standard 1.2.1-6 identifies when a food for sale must bear a label and is a more appropriate reference to define the scope of the Policy Guideline.
- We argue that considerations of environmental sustainability should be explicitly included in the scope of the Policy Guideline. Consideration of health should be made in conjunction with sustainability. The recent increases in consumer emphasis and scientific evidence on the links between environmental sustainability and diet (Willet et al. 2019) justify an explicit consideration of environmental sustainability in policy development.
- We seek clarification on whether pregnancy warning labels on alcohol fall under scope of the Policy Guideline. Although Standard 2.7.1 defines and outlines requirements for labelling of alcoholic beverages and food containing alcohol, it is unclear if pregnancy warning labels on alcohol are under the scope of the Policy Guideline. The implications of alcohol consumption during pregnancy were identified and outlined in the October 2018’s Food Regulation Standing Committee Decision Regulation Impact Statement for *pregnancy warning labels on packaged alcoholic beverages*. Furthermore, the impact statement highlighted that the Forum recommended for the development of a mandatory pregnancy labelling standards on packaged alcoholic beverages.

Reference

Food Standards Australia New Zealand (October 2018) Food Regulation Standing Committee Decision Regulation Impact Statement: Pregnancy warning labels on packaged alcoholic beverages. Available from: <https://www1.health.gov.au/>

Willett, W., et al. (2019). "Food in the Anthropocene: the EAT–Lancet Commission on healthy diets from sustainable food systems." 393(10170): 447-492.

13. What are your comments on the ‘Definitions’?

- We support the definition of ‘Food’ and agree with the inclusion of alcoholic beverages. Alcoholic beverage consumption has been linked to poorer diet quality (Breslow et.al 2010) and contributes additional energy intake on top of other dietary sources (Yeomans 2010), and therefore is appropriate to be included in the scope of the Policy Guideline. However, we note that food labelling policy is not currently equally applied across alcohol as other foods and beverages, e.g. we note that alcohol does not require a Nutrition Information Panel, currently. We seek clarification on whether the Policy Guideline means that future and revised food labelling policies will therefore apply equally to alcohol and other foods and beverages.
- We agree that the definition of ‘Nutrient’ should encompass nutritionally important substance that is either protective or harmful. However, we suggest that this definition be broader than what is currently in the Dietary Guidelines and could give examples of key nutrients, but specify not limited to these nutrients. The Australia Dietary Guidelines steer away from listing individual nutrients as “people eat whole foods rather than single nutrients, so such advice can be difficult to put into practice” (NHMRC, 2013).

References:

Breslow RA, Guenther PM, Juan W, Graubard BI. Alcoholic beverage consumption, nutrient intakes, and diet quality in the US adult population, 1999-2006. *J Am Diet Assoc.* 2010;110(4):551–562.

National Health and Medical Research Council. Australian dietary guidelines. Canberra: NHMRC; 2013 Available from: <https://www.nhmrc.gov.au/about-us/publications/australian-dietary-guidelines>

Willett, Walter, et al. Food in the Anthropocene: the EAT–Lancet Commission on healthy diets from sustainable food systems. *The Lancet* 393.10170 (2019): 447-492.

Yeomans, M. R. (2010). Alcohol, appetite and energy balance: is alcohol intake a risk factor for obesity?. *Physiology & behavior*, 100(1), 82-89.

14. What are your comments on the ‘Context’?

- Under ‘Food Labels’:
 - GLOBE supports the statement that some consumers “find it difficult to use information on food labels to apply the recommendations of the Dietary Guidelines” (FSANZ, 2016). We strongly recommend that addressing this problem should be a key goal of labelling policy. This is particularly a concern for people with lower education/literacy levels, people from non-English-speaking backgrounds and Indigenous peoples. Evidence from New Zealand highlighted that there are marked ethnic disparities in ability to interpret food labels (Gorton et al. 2009)
 - We also note that too much labelling can be confusing for consumers to identify relevant information. Adding to this confusion is the fact that food labels are frequently used as a source of marketing for food manufacturers. This makes it difficult for consumers to differentiate reliable nutrition information from food industry marketing. We therefore reiterate our recommendation under “principles” that labelling should be evidence-based and consider the population health impact of the foods or nutrients of concern, and labelling without strong evidence or population health need should therefore not be provided.
 - GLOBE strongly believes that the conflict of interest associated with food industry actors involved in labelling policy should be recognised and minimised. We support the recommendations of the WHO that industry should no longer be involved in the leadership of the food labelling policy development in Australia and New Zealand. Accordingly, we do not believe that food industry responses should be considered or factored into decisions regarding this Policy Guideline. We also believe that active management of

conflicts of interest should be highlighted as part of this Policy Guideline, and clearly stated processes be put in place to restrict food industry involvement in policy development.

- GLOBE supports the proposed statement that food labelling can also facilitate food reformulation. As a result, we reiterate our previous recommendation (under policy principles) that labelling policy should be consistent with other food and nutrition policy actions, including reformulation targets.
- As stated above under ‘Scope’, GLOBE is disappointed that food system sustainability is not being considered in the Policy Guideline. Environmental sustainability of the food system is critically important to human health and food security. Food production, and specifically food packaging, are key contributors to waste, plastic pollution greenhouse gas emissions (Willett et al 2019; Marsh and Bugusu 2019).

References:

FSANZ (2016) Consumer Label Survey 2015 Food Labelling Use and Understanding in Australia and New Zealand. Food Standards Australia New Zealand, Canberra.

Gorton D, Ni Mhurchu C, Chen MH, Dixon R, Gorton D, Ni Mhurchu C, et al. Nutrition labels: a survey of use, understanding and preferences among ethnically diverse shoppers in New Zealand. *Public Health Nutrition*. 2009;12(9):1359-65.

Marsh, K and Bugusu, B. “Food Packaging and Its Environmental Impact.” *IFT*, April 1, 2007. Retrieved March 7, 2019, from <http://www.ift.org/Knowledge-Center/Read-IFT-Publications/Science-Reports/Scientific-Status-Summaries/Editorial/Food-Packaging-and-Its-Environmental-Impact.aspx>

Willett W, Rockström J, Loken B, Springmann M, Lang T, Vermeulen S, Garnett T, Tilman D, DeClerck F, Wood A, Jonell M. Food in the Anthropocene: the EAT–Lancet Commission on healthy diets from sustainable food systems. *The Lancet*. 2019 Feb 2;393(10170):447-92.

World Health Organization. Joint FAO/WHO workshop on Frontof-Pack nutrition labelling Prince. Canada: Edward Island, 2013.

https://www.who.int/nutrition/events/2013_FAO_WHO_workshop_frontofpack_nutritionlabelling/en/

15. What are your comments on the ‘Reviews and Updates’?

We support the planned 5-year review timelines as appropriate, with the proviso that the guidelines should be reviewed with the release of the next iteration of the Dietary Guidelines to ensure that these Policy Guidelines remain up to date with current evidence.

Feedback on structure and format

16. What are your comments on the overall structure and format of the Policy Guideline?

No comments

Other general comments

17. Do you have any other general comments on the Policy Guideline?

No further comments.