

27 February 2015

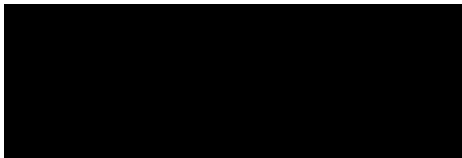
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Dear Sir/Madam

Attached are the comments that the New Zealand Food & Grocery Council wishes to present on the ***Consultation Paper – Labelling Review Recommendation 17: Per serving declarations in the nutrition information.***

Yours sincerely



Katherine Rich  
**Chief Executive**

**Food Standards Australia New Zealand**

**CONSULTATION PAPER – LABELLING REVIEW**

**RECOMMENDATION 17: PER SERVING DECLARATIONS IN THE**

**NUTRITION INFORMATION**

**2 March 2015 (extended from 27 February 2015)**

The New Zealand Food & Grocery Council (the “NZFGC”) welcomes the opportunity to comment on the ***Consultation Paper – Labelling Review Recommendation 17: Per serving declarations in the nutrition information.***

### **New Zealand Food & Grocery Council**

NZFGC represents the major manufacturers and suppliers of food, beverage and grocery products in New Zealand. This sector generates over \$34 billion in the New Zealand domestic retail food, beverage and grocery products market, and over \$28 billion in export revenue from exports to 185 countries – some 61% of total merchandise exports. Food and beverage manufacturing is the largest manufacturing sector in New Zealand, representing 46% of total manufacturing income and 34% of all manufacturing salaries and wages. Our members directly or indirectly employ 370,000 people – one in five of the workforce.

### **Overarching Comment**

NZFGC recognises that the per serve information is a key industry/consumer communication mechanism and many NZFGC members are opposed to it becoming voluntary on the basis that this would create confusion and inconsistency within product ranges and across brands of similar products. There is little logic from our perspective in removing nutrition information on the amount of a product the consumer is recommended to eat. It is also difficult to envisage how this could help consumers to understand the nutritional value of the food system. We note that enforcement of a voluntary system (concerning accuracy of information etc) could be more complex than is currently the case with the mandated requirements.

NZFGC nonetheless believes that substantial improvement could be made to the mandatory arrangement to streamline information and remove, for example, duplication. NZFGC would therefore support a broad review of the mandatory per serve requirement with the objective of improving the delivery of information to consumers. NZFGC would also be interested to see greater flexibility in the format of the NIP information in order that NIP information might be delivered in more consumer friendly ways.

If the provision of per serve information was to become voluntary this could, in any event, have a limited effect since in many circumstances it may still be required for the likes of applying the Health Star Rating scheme or adding vitamins and minerals.

### **Specific Comments**

**Question 1.** How do you or your organisation use per serving information in the nutrition information panel on food labels?

**Question 2.** Are there any particular food categories or types of food packages (e.g. single serve packages) for which per serving information is particularly useful? If so, what are they?

**Question 8.** From your perspective, what are the advantages and disadvantages of per serving information in the nutrition information panel being voluntary?

**Question 9.** Do you think the declaration of the amount of energy and nutrients per serving in the NIP should be voluntary? YES/NO/UNCERTAIN.

**NZFGC Response:** NZFGC members generally use per serve information as a key communication tool for consumers. This is most particularly the case where the difference between the serve size and the mandated 100gm/ml amount is greatest. An example is with spreads (eg a 5gm amount of jam). Per serve information allows consumers with limited numeracy skills to see the nutrients per recommended portion of the product without the need to calculate the values per serving from the reference quantity.

For foods that require further preparation prior to consumption such as powders or mixes, the as prepared/ or preparation with another food column is useful for the consumer to see nutrition information about the intended consumption of the product. However, the per serve column is less relevant and potentially irrelevant for products that require further processing prior to consumption or that are not intended to be consumed as sold.

NZFGC considers that considerable consumer confusion would result from a voluntary approach being applied after consumers have benefitted from receiving per serve information for many years. It would make comparisons with product ranges and between brands all that more difficult where consumers have focussed mainly on the per serve information.

The usefulness to consumers is negated entirely when the serve size is 100gm/ml because this results in the same information in two columns in the NIP, one for per serve and one for the per 100gm/ml. In this circumstance, NZFGC recommends a provision should be made to exempt such products from carrying per serve information, an approach that would be consistent with Codex standards.

As with small serve size products, a special case can be made for larger serve size products such as single serve drinks. With these, the per serve information is particularly useful for the consumer. A consumer drinking a 330ml bottle of milk or juice is much clearer on macronutrients and energy from the beverage as a whole drink than the provision of the 100gm/ml information only.

With the advent, and prospective uptake, of the Health Star Rating Scheme on many packaged products, inclusion of per serve information is mandated in any case. This is also the case in a range of other situations such as the addition of vitamins and minerals and the application of %DI. These arrangements present as an argument for both status quo (any difference resulting from voluntary per serve information would be so low because of other requirements mandating application as to question the worth of making a change) and voluntary per serve information (many foods will carry per serve information anyway and the few that don't will not make an appreciable impact).

While NZFGC notes that per serve information is often criticised in the media, its removal might also be seen as an industry strategy to limit consumer information. This is clearly not the case and NZFGC therefore opposes removal of a consumer-oriented data set.

**Question 3.** The Labelling Review recommendation suggests that per serving information be voluntary *unless a daily intake claim is made*. Do you support this approach? That is, do you think declaration of per serving information in the nutrition information panel should be mandatory if a daily intake claim is made (e.g. %DI or %RDI)?

**NZFGC Response:** NZFGC considers that the NIP per serve information can result in duplication of the %DI information and that such information should comprise one or the other, not both. NZFGC therefore does not support mandating the per serve information in the NIP simply because a %DI or %RDI claim is made.

**Question 4.** As noted in Section 4, there is currently variation in the format of NIPs on food labels because of voluntary permissions for the use of %DI labelling and the option to include a third column for foods intended to be prepared or consumed with at least one other food. If per serving information in the NIP was voluntary this would result in more variability in the format of NIPs across the food supply. Do you think this would be a problem? Why/why not?

**NZFGC Response:** NZFGC believes information for consumers should be provided in the way that best meets consumer needs and that is of most use to consumers. Variability is not necessarily a negative if the information for consumers can be conveyed in a way that enhances utility or is presented in the best way for consumers to use. NZFGC understands that trying to ensure maximum comparability across similar products is the main reason for mandating form. However, there is already variability and the presentation of information for consumers could be enhanced by reassessing and potentially removing the mandated form.

An example of the complexity that can result in the NIP from the range of requirements is a product that is required to provide five columns of data: per serve dry basis, per 100g dry basis; per serve as consumed; per 100g as consumed; and %DI. We could now envisage a sixth column for application of the Health Star Rating Scheme. This raises the issue of consumer utility of the information and the prospect that a review to streamline the information might deliver considerable benefits.

The enforcement of a voluntary system (concerning accuracy of information etc) could be more complex than is currently the case with the mandated requirements adding to the burden of regulators in this area.

**Question 5.** If per serving information in the nutrition information panel was voluntary, do you think the inclusion of per serving information in the nutrition information panel should be mandatory when a nutrition content claim about vitamins, minerals, protein, omega-3-fatty acids or dietary fibre is made?

**NZFGC Response:** NZFGC considers that mandating per serve information when a claim is made to be a useful outcome for consumers.

**Question 6.** If per serving information in the nutrition information panel was voluntary, do you think the inclusion of per serving information in the NIP should be mandatory in any other specific regulatory situations?

**NZFGC Response:** NZFGC considers that irrespective of whether per serve information is voluntary or mandatory, the basis for arriving at or establishing a serve size should be further considered. Such work could assess the relative merits of using different source material or different reference materials and assess the merits of aligning various sources including the approach devised for the Health Star Rating Scheme. While this would reduce the variability of a voluntary system, it would have the same effect for the mandatory system and a distinction about undertaking such work only for a voluntary system should be reconsidered.

**Question 7.** What additional studies examine consumer use and understanding of per serving information in the nutrition information panel on food labels? Please provide a copy of studies where possible.

**NZFGC Response:** NZFGC has no other studies examining consumer use and understanding of per serving information in the nutrition information panel on food labels to offer.