

## **Consultation Paper**

### **Labelling Review Recommendation 17: Per serving declarations in the nutrition information panel**

#### **Q1. How do you or your organisation use per serving information in the nutrition information panel on food labels?**

As noted in the consultation paper, per serving information is useful for assessing compliance, especially for claims where the claim is based on ‘per serve’ information. This would include %DI, %RDI and some nutrition content and general level health claims.

Guidance on appropriate portion sizes provides a sound approach to achieving and maintaining a healthy weight<sup>1</sup>. As part of the NSW Healthy Eating and Active Living Strategy 2013-2018 to address overweight and obesity, our policies and programs regularly provide information on healthy eating that includes per serving nutrition information. An example of this is the Fresh Tastes @ School nutrient criteria for healthy school canteens which uses per serving nutrition information for school canteen managers to assess if products are able to be served in canteens or not.

#### **Q2. 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? Explain why the information is useful.**

As noted in the example, ‘per serve’ information would be appropriate for single serve packages as this would provide easily understandable information concerning the nutrients in the package and would assist with compliance/enforcement as noted in Q1. Inclusion of solely ‘per 100g/100ml’ information would be confusing for consumers when placed on single serve packs.

In general, per serving nutrition information is of use for all food products as it provides consumers with a guide to what is in a reference serve of the food or beverage, particularly in the absence of standardised serve sizes for most food and beverages. The consumer research presented in the consultation document (page 13-14) suggests that consumers are more likely to use per serve than ‘per 100g/100ml’ nutrition information. This research also suggests that it is not easy for consumers to convert ‘per 100g/100ml’ nutrition information into ‘per serve’ nutrition information themselves. It is also noted that research undertaken during the development of the Health Star Rating System found consumer preference for ‘per

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<sup>11</sup> National Health and Medical Research Council 2013, Australian Dietary Guidelines. Canberra: National Health and Medical Research Council. Retrieved from: [www.eatforhealth.gov.au/sites/default/files/files/the\\_guidelines/n55\\_australian\\_dietary\\_guidelines.pdf](http://www.eatforhealth.gov.au/sites/default/files/files/the_guidelines/n55_australian_dietary_guidelines.pdf)

100g/110ml'. The literature review being undertaken by FSANZ as part of the review should assist with answering this question.

**Q3. 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)? Give a reason for your answer.**

We would support retaining the need for per serving nutrition information being mandatory where daily intake claims are made. This information assists consumers compare like products and provides information for enforcement agencies to review compliance. Without this information, consumers would need to calculate the nutrient content 'per serve' using the 'per 100g/100ml' information and the consumer research presented in the consultation paper would suggest that consumers would find this difficult. In addition, reviewing compliance would be more problematic. Under this scenario it is likely that further information would be requested from businesses for compliance studies, adding time and cost for industry and regulators.

Under the approach proposed by FSANZ, products which display the Health Star Rating and include the %DI for single serve packs or use the industry agreed standardised serving size for the nutrient information elements will then have to include 'per serve' in the NIP. This may create additional confusion for consumers and cost for businesses when a business voluntarily removes 'per serve' from the NIP and at a later implements a voluntary front of pack label such as the Health Star Rating system at which stage the 'per serve' would need to be reinstated.

**Q4. 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?**

Voluntary per serving information is likely to result in more variability although variability already exists under current arrangements with the 'per serve' and 'per 100g/100ml' scenarios. However this can be rectified by improved consumer education.

Given to the poor understanding of the NIP as a whole, it would present a problem for those providing nutrition education to explain the multiple variations of each NIP and the instances in which each version of the NIP could be used.

**Q5. If per serving information in the NIP was voluntary, do you think the inclusion of per serving information in the NIP should be mandatory where a nutrition content claim about vitamins, minerals, protein, omega-3-fatty acids or dietary fibre is made? Given reasons for your answer**

Per serving information should be mandatory for the same reasons provided at Q3.

**Q6. If per serving information in the NIP was voluntary, do you think the inclusion of per serving information in the NIP should be mandatory in any other specific regulatory situations? Explain your answer.**

Formulated caffeinated beverages will present another situation in which the 'per serve' information is required in the NIP. Standard 2.6.4 regarding Formulated Caffeinated Beverages requires that all beverages in this category include 'per serve' and 'per 100ml' information on caffeine, thiamine, riboflavin, niacin, vitamin B6 and B12, pantothenic acid, taurine, glucuronolactone and inositol. The wide variety of package and serving sizes would warrant the inclusion of 'per serve' information to advise the consumer on the total quantity of caffeine to be consumed.

The 'per serve' information is frequently used for monitoring compliance, so any situation which would require monitoring would make use of the 'per serve' information.

**Q7. What additional studies examine consumer use and understanding of per serving information in the NIP on food labels? Please provide a copy of studies where possible.**

We have not done a literature review of additional studies and note that FSANZ has indicated this will occur as part of the review. The consumer research undertaken during the development of the Health Star Rating system includes research on the use and understanding of nutrition information and FSANZ should include this research in the literature review where appropriate.

When assessing use of NIP it is important to consider why consumers use the panel. It is likely that for those with conditions which may be influenced by nutrition (e.g. type 1 diabetes and chronic renal disease), the 'per serve' information is more frequently used than consumers without nutrient-related conditions. Additionally, the 'per serve' information would be used for those working towards energy targets for weight loss, gain or maintenance. Programs, policies and education campaigns designed to address the high prevalence of overweight and obesity in Australia regularly incorporate nutrition information 'per serve' (as mentioned in question 1).

Further, when assessing use of NIP, it is also important to consider what assistance they may have used to help them understand the NIP. This could include consumer education, tools such as mobile applications and/or information from health/medical professionals.

**Q8. From your perspective, what are the advantages and disadvantages of per serving information in the nutrition information panel being voluntary? Please provide evidence where possible.**

While we have no evidence, there appears to be advantages for industry and consumers with 'per serve' information being voluntary. A voluntary approach provides industry with more flexibility in packaging design and has the potential to

decrease cost. For consumers, comparison of multiple products to determine the healthiest choice would be simpler and may assist with understanding.

A disadvantage would be that having some foods in the market with 'per serve' information and other without would have the potential to confuse consumers. The consumer research presented in the consultation paper suggested that more people used 'per serve' information than 'per 100g/100ml' information. A significant disadvantage would be the ability for people with nutrient-related conditions being able to manage their diet as mentioned in Q7. 'Per serve' information allows them to understand how much of the nutrient they may be consuming and anecdotal evidence suggests 'per serve' is easier to interpret than 'per 100ml/g'. This should be assessed as part of the literature review. Further, while there are a variety of mobile applications that can also assist, these may not be appropriate for all people.

**Q9. Do you think the declaration of the amount of energy and nutrients per serving in the NIP should be voluntary? YES/NO/UNCERTAIN**  
**Please give reasons and evidence to support your view. If you are UNCERTAIN, please indicate what information you would need in order to form a view**

NO.

As previously mentioned, the per serving nutrition information would be complimentary to the Health Star Rating system. Given that one aspect of the Health Star Rating system is to display the 'per serve' intake of key nutrients, under this proposal, all products which carry the Health Star Rating would be required to have the 'per serve' information in the NIP. Additionally, the Health Star Rating does not give any guidance or education on serving size of foods. Retaining the 'per serve' information would provide an additional tool for consumers to choose the healthiest option and in the portion size most appropriate for them.

The consumer research presented on pages 13 and 14 of the consultation paper suggest that consumers use the 'per serve' information more frequently than the 'per 100g/100ml' information, which would suggest that keeping the 'per serve' information would be most beneficial to consumers.

An understanding and assessment of other stakeholder's viewpoints would also be required.

## **ENDS**

**The views expressed in this submission may or may not accord with those of other NSW Government agencies. The NSW Food Authority has a policy which encourages the full range of NSW agency views to be submitted during the standards development stages before final assessment. Other relevant NSW Government agencies are aware of and agree with this policy.**