

## **Public Consultation – Food Regulation Policy Guideline** **Online Submission**

The George Institute for Global Health's mission is to improve the health of millions of people worldwide. Our Food Policy team works in Australia and overseas to reduce death and disease caused by diets high in salt, harmful fats, added sugars and excess energy. The team does multi-disciplinary research with a focus on outputs that will help government and industry deliver a healthier food environment for all.

Our flagship FoodSwitch program, a growing database of nutrition and labelling information describing over 500,000 packaged and restaurant foods, enables us to analyse changes in the healthiness of the food supply provided to more than a billion people around the world.

The George Institute has been designated a World Health Organization Collaborating Centre on Population Salt Reduction, with remit to support countries to achieve global targets for reducing salt by 30% by 2025.

### **1. What are your overall comments on the Policy Guideline?**

The George Institute supports the development of a policy guideline to provide guidance to FSANZ when developing or reviewing food labelling measures. This type of guidance has potential utility in empowering FSANZ's increasing work on the public health objective of reducing obesity and diet-related chronic disease.

### **2. How would this Policy Guideline impact you/your organisation?**

As a research organisation with a chronic disease focus, TGI is interested in the impact of these policy guidelines on public health. Guidelines that are clearly aligned with promoting healthy food consumption will enhance our ability to advocate for effective regulatory strategies to improve population diets.

### **3. Are there any potential unintended consequences associated with this Policy Guideline?**

In brief, our main concern relates to the policy principle that one nutrient should not be emphasised above others except in very limited circumstances. Some specific nutrients are associated with health risks, e.g. salt and hypertension, making it appropriate to emphasise these nutrients even where they are not the single nutrient present.

Other potential unintended consequences of the Policy Guideline include preferencing packaged foods over unpackaged, fresh foods such as fruit and vegetables. Fresh, unpackaged foods that align with Dietary Guideline recommendations should be promoted to consumers (through education but also potentially through information on the shelf, floor-space or other areas where sold) alongside complementary food labelling initiatives to support healthy dietary patterns.



## Specific feedback on the Policy Guideline

### 4. What are your comments on the 'Aim'?

The George Institute is concerned about use of the term 'a whole of diet' approach, given previous use of this term by industry groups as a strategy to avoid policies that recommend limiting consumption of particular product categories or specific nutrients (see for example, AFGC [Submission to Senate Select Enquiry on the Obesity Epidemic](#)).

The Dietary Guidelines themselves use the term 'dietary patterns' rather than 'whole-of-diet' approach. They also **do** single out specific products categories (e.g. sugar sweetened beverages) and nutrients (e.g. added sugars, sodium, saturated and trans fats) on the basis of robust evidence of associated health risks.

It is also somewhat unclear what 'whole of diet' approach means in a food labelling context, given that many foods recommended by the Dietary Guidelines are fresh and unpackaged.

The George Institute recommends that the aim be updated to focus on food labelling supporting overall dietary patterns in line with the Dietary Guidelines to enable consumers to identify healthy and unhealthy foods, compare products and choose healthier options. We suggest all references to 'whole of diet' approach be removed.

### 5. What are your comments on the 'Policy Principles'?

*Principle 1 - "Food labels, on the physical product<sup>3</sup>, should include information to provide consumers the opportunity to identify foods that contribute to healthy dietary patterns aligned with the recommendations of the Dietary Guidelines."*

- We commend recognition in point one that food labels should be on the physical product, and that consumers should not be required to access this information online via a link from a label. This is necessary to promote equitable access to information and increase the likelihood of labelling influencing decisions at the point-of-sale. In addition to the physical product we note that other forms of delivery are possible near the point-of-sale including shelf-talkers and other in-store materials for unpackaged products such as fruit and vegetables.
- Point one specifies that labels provide an opportunity to identify foods that contribute to healthy dietary patterns. While implied, it would be valuable to make explicit that food labels should also allow consumers to identify foods that do *not* contribute to healthy dietary patterns (i.e. also identify unhealthy options). For example, in the area of front-of-pack nutrition labelling, recent evidence reviews such as the WHO EURO Health Evidence Synthesis (<http://www.euro.who.int/en/publications/abstracts/what-is-the-evidence-on-the-policy-specifications.-development-processes-and-effectiveness-of-existing-front-of-pack-food-labelling-policies-in-the-who-european-region-2018>) suggest that front-of-pack labels that display information on product *unhealthfulness* appear to better support consumers to choose nutritionally favourable products. To accomplish this, the principle could be updated to include 'and to identify unhealthy foods to enable them



to make healthier choices'

*Principle 2 - "Information that provides consumers the opportunity to identify foods that contribute to healthy dietary patterns aligned with the recommendations of the Dietary Guidelines sits at the mandatory end of the 'dominant intervention mode' within the preventive health section of the Food Labelling Hierarchy<sup>4</sup> (see Appendix), unless there is an effective co-regulatory measure to achieve the aim and policy principles in this document."*

- We strongly support new recognition that the labelling covered by this Policy Guideline sits at the mandatory end of the 'dominant intervention mode' within the Food Labelling Hierarchy. This recognition is critical to the utility of this Guideline and achieving meaningful progress in food regulation to address obesity and chronic diet-related disease.
- We strongly suggest removing the caveat inserted in this version of the draft Guideline (though not included in an earlier draft we reviewed) that states 'unless there is an effective co-regulatory measure to achieve the aim and policy principles. The Food Labelling Hierarchy already recognises that the effectiveness of co-regulatory measures will inform the level of intervention chosen. Guidelines issued by the Office for Best Practice Regulation also require consideration to be given to regulatory form for any new regulation developed in Australia during regulatory impact analysis. The novel aspect of this Policy Guideline is recognition that labelling to support informed choices aligned with Dietary Guidelines benefits from a presumption of being at the mandatory end of the spectrum, given that this was previously ambiguous in the Food Labelling Hierarchy diagram. The George Institute believe this new recognition is entirely appropriate given the growing body of evidence that demonstrates that co-regulatory options such as the Healthy Food Partnership and Health Star Rating system are not achieving maximum public health impact in their voluntary form. For example, five years since it began implementation, Health Stars are only on around 1/3 of products, mostly those scoring 3.0 or above. Four years since the Healthy Food Partnership was announced, targets have still not been agreed to drive voluntary reformulation.

*Principle 3 – "Food labels should provide information about a foods' energy (kilojoule) content to support consumers to monitor energy intakes and assist with achieving and maintaining a healthy body weight."*

- We recommend that this principle be incorporated into Principle 4, rather than a standalone principle. The subpoints in the fourth policy principle should also apply to any form of food energy labelling.

*Principle 4 - "Information about nutrients identified in the recommendations in Dietary Guidelines should be presented on food labels:*

- *in a manner that is easily understood by consumers,*
  - *on a consistent basis to support consumers to compare food products, and monitor consumption, within and across categories."*
- We strongly support that information about nutrients should be presented in a manner easily and quickly understood by consumers, hence the benefits in an interpretive system



like the Health Star Rating system. We also support consistency on labels (e.g. through information provided per 100mL or 100g to enable comparison). Previous food labelling systems such as the Dietary Intake Guide and energy icon have hampered product comparisons due to inconsistent serving/portion size information.

- We caution the use of the term ‘within and across categories’ given the lack of agreement about the meaning of this phrase and how to define categories e.g. in HSR. This clause could be omitted without losing the meaning of this principle.
  - *“in a manner such that information about one nutrient should not be emphasised above others, except in food categories where predominantly energy or a single nutrient is present.”*
- The George Institute believe this subpoint should be removed.
- We have concerns that this principle could provide an unnecessary barrier to evidence-based food labelling initiatives that single out one or more nutrients in a product given associated health risks (e.g., warning labels). It should also be noted that existing food regulations allow single nutrients to be voluntarily highlighted through health and nutrition claims legislation (e.g. protein). Nothing in this Guideline should prevent similar highlighting of risk nutrients to support population health.
  - *“in a manner which does not promote foods, food groups or dietary patterns that are not aligned with recommendations in the Dietary Guidelines.”*
- The George Institute strongly supports this subpoint, noting that food labels are often used by the food industry to promote foods that are not aligned with the Dietary Guidelines, including the use of food labels to promote unhealthy foods to children and their parents.
- We recommend that it be elevated to become a standalone policy principle and should apply to all food labelling, not just information about nutrients, i.e. *“Information should not be presented on food labels in a manner ...”*

## 6. What are your comments on the 'Scope'?

No response

## 7. What are your comments on the 'Definitions'?

- The George Institute supports the definition of ‘Food’ and agrees with the inclusion of alcoholic beverages.
- We agree that the definition of ‘Nutrient’ should encompass nutritionally important components including protective or harmful. The definition states that these components need to be referred to in the Dietary Guidelines, but we also note growing global evidence for consideration of other factors independent of nutrients, e.g. level of processing, for which evidence of associated health harms is increasing. Given the lag



between updates of the Dietary Guidelines, it may be appropriate to state 'referred to in the Dietary Guidelines or other authoritative nutrition guidance'.

- Similarly, the definition of 'Recommendations' could be broadened to encompass both the Dietary Guidelines and other relevant food policy as published.

#### **8. What are your comments on the 'Context'?**

The George Institute supports and agrees with the material provided as context. We particularly note recognition of the potential benefits of reformulation for population health and note that scale of reformulation is likely to be much broader with mandatory measures.

#### **9. What are your comments on the 'Reviews and Updates'?**

The George Institute supports the planned 5-year review timelines as appropriate.

#### **10. What are your comments on the overall structure and format of the Policy Guideline?**

No comments

#### **Other general comments**

##### **11. Do you have any other general comments on the Policy Guideline?**

The George Institute recommends that the policy guideline recognises the need to safeguard nutrition policy making from conflicts of interest, particularly commercial conflicts of interest. Recent international developments in food labelling include a shift away from 'softer' positive signposts that highlight healthier options towards formats such as warning labels in countries like Chile, Peru, Israel, Uruguay and Mexico. By signalling product unhealthfulness, these labels have the potential to discourage consumption, thereby potentially decreasing sales. Manufacturers of impacted products therefore have a commercial conflict of interest with such policies and should not be involved in policymaking. Food labelling to inform healthy choices should be led by government with input from independent experts. Due process for all stakeholders can be achieved with appropriate, transparent, public consultation to ensure due process. Direct food industry involvement should be limited to the implementation stage.