



FOOD STANDARDS  
Australia New Zealand  
Te Mana Kounga Kai - Ahitereiria me Aotearoa

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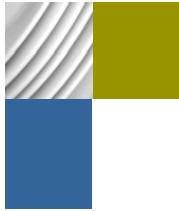
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# **Disqualifying Foods from Making Health Claims**

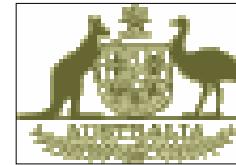
**A proposed set of criteria to be used in  
Australia and New Zealand**

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**Chief Medical Advisor**  
**Food Standards Australia New Zealand**

**Presented to the EFSA Nutrition and Health Claims Conference,  
Bologna, November 2006**



# About FSANZ



- A bi-national government agency
- Partnership between Australian Government, States and Territories of Australia (8), and New Zealand Government
- Role:
  - Ensure safe food by developing effective food standards in Australia and New Zealand
  - Be open and accountable
- Offices in Canberra and Wellington



# Current regulation of health claims

- Most health claims are currently prohibited:
  - Therapeutic and prophylactic
  - Those referring to diseases or physiological conditions
  - Reference to word ‘health’ or similar
  - Slimming or weight-reducing
  - Advice of a medical nature
- Nutrient content claims and Nutrition function claims are, however, allowed

## The proposed standard

- Reduces the current complexity
- Rationalises elements of the Food Code
- Provides consumers with more information
- Permits voluntary nutrition and health claims
- Will allow disease risk reduction claims, and
- Provides incentive for industry to develop healthier products



## Scope of the standard

- Applies to all foods: General Purpose foods and Special Purpose foods
- Applies to food labels and advertising
- No nutrition or health claims on alcoholic beverages (except alcohol & energy content) or on kava
- No nutrition or health claims on infant formula
- Therapeutic/prophylactic claims prohibited



# Claims Framework

Increasing degree of regulation in relation to “risk”

General Level Claims		High Level Claims
Nutrition Claims	General Level Health Claims	
<b>Content claims:</b> •Absolute •Comparative	<b>Function Claims</b> <b>Risk Reduction</b> <b>Claims (for a <b>non-serious</b> disease or condition)</b>	<b>Biomarker Claims</b> <b>Risk Reduction Claims (for a <b>serious</b> disease or condition)</b>



# Health Claim Conditions

## Claims must:

- Be substantiated
- Comply with wording conditions
- Meet criteria for making the claim



# Nutrient Criteria for Health Claims

- **Qualifying criteria**
  - relate to nutrient(s) being claimed
  - specific
  - based on nutrient content claim
- **Disqualifying criteria**
  - relate to nutrient profile of food vehicle
  - generic (in most cases)



# Would this meet criteria for a health claim?

## *Real Chocolate Pleasure While Being Good To Your Heart Every Day™*

Chocolate Covered Almonds and three Chocolate Bar varieties have joined the CocoaVia™ Brand lineup of heart-healthy chocolate snacks.



- ♥ NEW! Original, Crispy, and Blueberry & Almond Chocolate Bars
- ♥ NEW! Chocolate Covered Almonds
- ♥ Chocolate, Chocolate Almond, and Chocolate Blueberry Snack Bars

Find CocoaVia™ chocolate snacks at a store near you

 [Store Locator](#)

Or, you can buy CocoaVia™ chocolate snacks online.

 [Buy Online](#)

If you have an invitation code enter here >>

Available in the USA



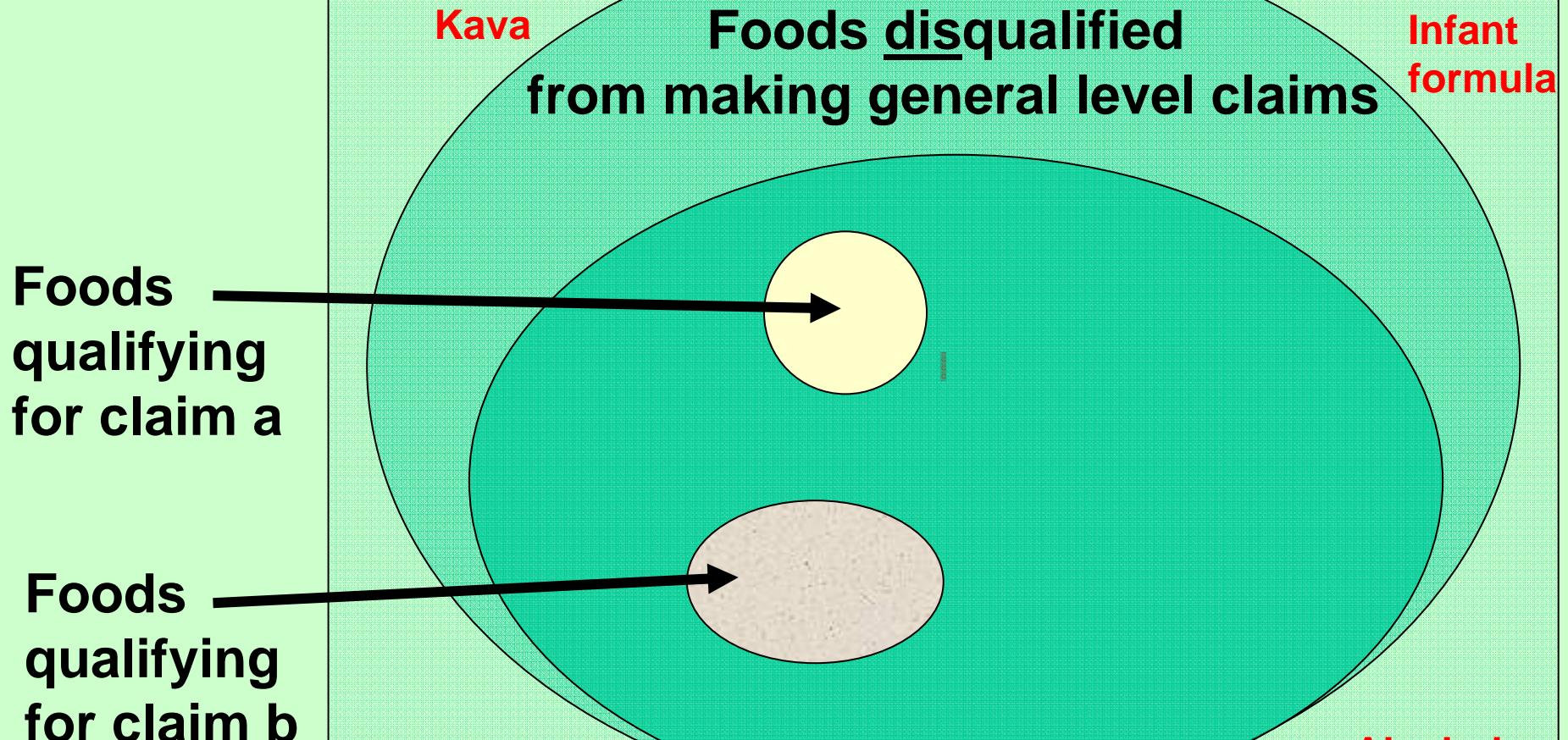
# Disqualifying Criteria

- **For nutrition content claims**
  - no generic disqualifying criteria
  - Exception: specific disqualifying criteria are applied to some claims (eg, fatty acids)
- **For health claims**
  - **generic** disqualifiers are proposed
  - **specific** disqualifiers for some high level claims



# Why have disqualifying criteria?

- Focus is on the whole food
- To complement national nutrition policies based on nutrients of public health concern
- Less onus on consumer to 'interpret' healthiness of the food
- Assist consumer use in context of the total diet, not just claimed nutrient
- Incentive to develop healthier food products.





# Developing the current Proposal

## Step One

- For simplicity, a generic approach was chosen
- FSANZ initially went out for consultation with generic disqualifying criteria based on the levels of 3 'negative nutrients' per serve:
  - Total sugar;
  - saturated fat and
  - salt (sodium)



# Intrinsically different approaches to examining foods

**Across-the-board (generic):** classifies foods according to content

- no guide to the ‘best choice’ within food types

**Category based:** directs people to the better choice within groups of foods

- foods with the same nutrient profile might be classified differently if they are in different categories



# The initial approach

**“A food may carry a health claim, if it contains:**

- Sodium                             $\leq$  325 mg / serve, and
- Saturated fat                     $\leq$  4 g / serve, and
- Total sugars                     $\leq$  16 g / serve

**Meals/main dish products may carry a health claim, if they contain:**

- Sodium                             $\leq$  775 mg / serve, and
- Saturated fat                     $\leq$  7 g / serve, and
- Total sugars                     $\leq$  31 g / serve                    ”



## Specific 'problems' with the initial model

- Discriminated against foods with large serving sizes
- 'Failed' some fruit
  - e.g. pears, large apples, mangoes
- 'Passed' foods that were 'less healthy' than fruit
  - e.g. many biscuits, sugar-based confectionery, potato crisps, high sugar breakfast cereals
- Misalignment with national dietary guideline



## Step 2

- **Two new approaches**
  - Categorising Dividing foods into categories, each with its own set of criteria, using 'per 100g'
    - Dieticians Association of Australia and others
  - Profiling Nutrient profiling, taking into account both the negative and the positive aspects of the food, using 'per 100g'
    - Based on the work of M Raynor for the UK FSA

**Altogether 7 models were tested against a database of over 10,000 foods**



# Seven models tested

- **From Step One**
  - the original simple set of criteria based on 3 nutrients/ ‘per serve’ and two modifications of the original
- **From Step Two**
  - a *categorising* model based on 9 food groups/ the 3 nutrients plus energy density & calcium / ‘per 100g’. Different cut-off points for different food categories
  - A refinement of the above, extending to 14 categories and adding fibre as a criterion for cereals
  - The UK *profiling* model with minor refinements based on ‘per 100g’ with demerit and credit points, and
  - a FSANZ adaptation, correcting for some anomalies, e.g. energy, fats, oils, margarine, butter and cheeses



# Evaluation of Models

## Per serve models:

Model 1: Initial Model proposed and consulted on

Model 2: Modified Initial Model version 1

Model 3: Modified Initial Model version 2

## Per 100g and energy density models:

Model 4: DAA Food Category model

Model 5: DAA Food Category model version1

## Nutrient profiling models:

Model 6: UK Nutrient Profile model

Model 7: UK Nutrient Profile model version1



## Model 2 - Modified Initial ,V1

Food may carry a health claim, if it meets two of the following criteria:

- Sodium  $\leq$  160 mg / serve, and
- Saturated fat  $\leq$  2 g / serve, and
- Total sugars  $\leq$  8 g / serve



## Model 3 - Modified Initial, V2

Food may carry a health claim, if it meets two of the following criteria:

- Sodium  $\leq$  160 mg / serve, and
- Saturated fat  $\leq$  2 g / serve, and
- Total sugars  $\leq$  8 g / serve

And the third nutrient meets the relevant following criterion:

- Sodium  $\leq$  265 mg / serve,
- Saturated fat  $\leq$  3.3 g / serve,
- Total sugars  $\leq$  13 g / serve



# Model 4 – DAA Food Category Model

## Nine food categories:

- Breads and cereals
- Fruit and vegetables
- Milk/milk products and alternatives
- Meat, fish, eggs, legumes
- Fats, oils, nuts, seeds
- Meals and main dishes
- All other foods
- Beverages

**Assessed against nutrition criteria per 100 g for energy, saturated fat, sodium and calcium**



# Model 5 – DAA Food Category V1

- **Twelve food categories**
- **New categories:**
  - Other cereal based products e.g. noodles, pasta, rice
  - nuts, seeds and their spreads
  - fruit (dried) and fruit spreads
- **Additional nutrition criterion per 100g for fibre**

## Model 6: UK Nutrient Profile model

- Developed by UK Food Standards Agency (2006) for control of broadcast advertising of less healthy foods to children
- Uses 100 g as the base unit of calculation
- Base points are allocated for energy, saturated fat, sodium and total sugars (debits points)
- Total base points are offset by credit points:
  - ‘V’ points (fruit & vegetables)
  - ‘P’ points (protein)
  - ‘F’ points (fibre)



## **Model 7: UK Nutrient Profile Model V1 ( FSANZ's Preferred Approach)**

- Modified version of the UK Model
- Foods classified into one of three categories
- Allows higher scores for cheeses with > 320mg calcium
- Allows higher scores for edible oils and spreads
- Considers milk as 'a food'



# Profiling model – as modified (Model 7)

Can allow many poly oils & spreads, and high-Ca cheeses to “pass”



Could deal with the whole milk problem

Various rules can be linked into other regulations

- whether “concentrated fruit juice” counts as fruit or not
- redefine beverage to mean “foods with NIP based on ml not g”

Suggests multiple ways for manufacturers to improve products

Less overtly based on drawing a line that includes only the foods we “approve” of

More overtly even-handed in how “good” and “bad” foods are graded

Does not required debates about whether a Big Mac is a meal, a cereal, a meat or “other food”



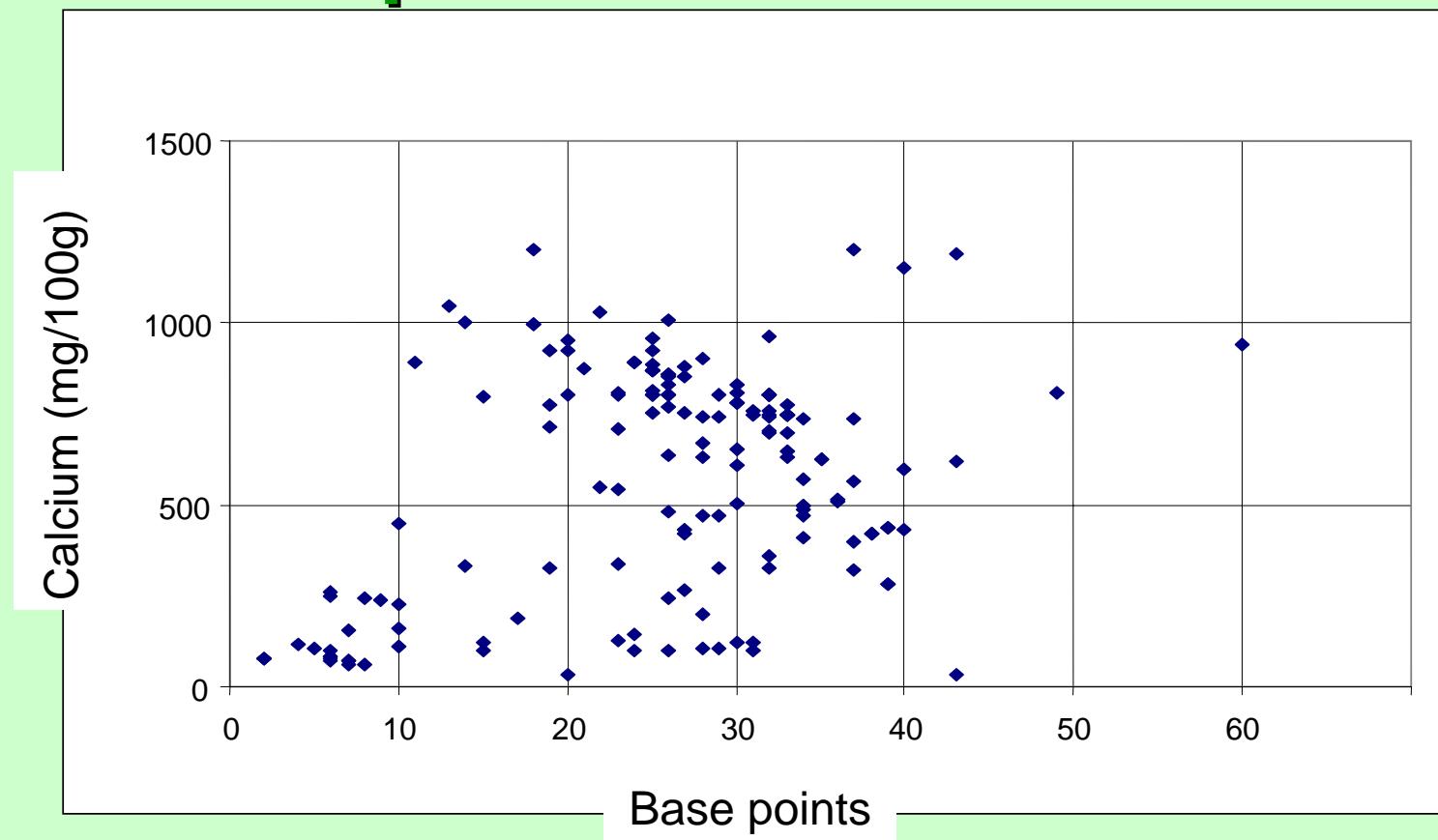
# Classification of Scores

- The modified score is classified against disqualifying criteria (DQ) cut-offs, by food category.

Product Category	DQ criteria cut-offs
1 - Beverages	< 1
2 – Food, including milk	< 4
3 - Edible oil, edible oil spreads, cheese	< 28



# Calcium content and uncapped base points for cheeses





## Overall Performance, by Food Grouping

### Fruit and vegetables:

**Pass:** raw and canned

**Fail:** fruit roll-ups, pickled vegetables generally fail

### Breads and cereals:

**Pass:** most breads, rolled oats, bran cereals

**Fail:** croissants, crumpets, low sugar/high sodium cereals



## Overall Performance, by Food Grouping

### Cakes and confectionery:

Pass: fruit pies, pancakes, sugar free gum, carbohydrate modified confectionery

Fail: most cakes, chocolate, liquorice

### Sweet biscuits and savoury crackers:

Pass: (no biscuits pass), ~ 20% crackers

Fail: all biscuits, high sodium/fat crackers



## Overall Performance, by Food Grouping

### Milk and yoghurts:

**Pass:** whole milk, reduced fat milks, most yoghurt

**Fail:** some full fat, fruit-based yoghurts

### Cheeses:

**Pass:** small number of cottage/ricotta cheeses,  
lower fat hard cheeses with  
calcium  $> 320\text{mg}/100\text{g}$

**Fail:** all other types of cheese



## Overall Performance, by Food Grouping

### Meat, fish, poultry and eggs:

Pass: low fat chicken/beef/fish dishes, eggs, raw seafood

Fail: lamb, bacon, sausages, some smoked fish

### Oils and yellow fat spreads:

Pass: many unsaturated oils and spreads

Fail: palm oil, butter



## Overall Performance, by Food Grouping

### Spreads and sweeteners:

**Pass:** diet jam, 100% nut spreads, some peanut butters

**Fail:** yeast and meat-based spreads, honey, jams and fruit spreads, chocolate hazelnut spread

### Non-milk beverages:

**Pass:** diet varieties of cordial and soft drinks, fruit and vegetable juices

**Fail:** regular cordial and soft drinks



## Attributes of the Preferred Model

- Addresses many concerns raised at Draft Assessment
- Support dietary recommendations
- Encourage innovation by manufacturers to support dietary recommendations
- Support the Policy Guidance as it will 'allow for effective monitoring and appropriate enforcement'



# Disqualifying Criteria Calculator

- Step-by-step process to assess whether foods pass
- Linked to the Nutrition Information Panel Calculator, available on the FSANZ website
- Simple tool to support enforcement agencies and industry



# Proposed disqualifying criteria for health claims

- System based on UK system for nutrient profiling for further regulation of broadcast advertising to children.
- System of **debit points** for risk-increasing nutrients: energy content, sodium, total sugars and saturated fat;
- Above a debit point threshold, these can be offset by **credit points** for fruit/veg/nuts/pulses content, dietary fibre, protein, calcium (in some cases);
- Eligibility determined by final calculated value being below established **cutpoint values**



# **Disqualifying criteria for High Level Claims**

**Are to be the same as for General Level Claims  
unless specifically stated to be different**



## **Current position**

**As at 30 November, 2006, the FSANZ Board has asked for more trialing and stakeholder consultation before this proposal is published**

**Your comments would be appreciated**

**THANK YOU**



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# The process of developing disqualifying criteria



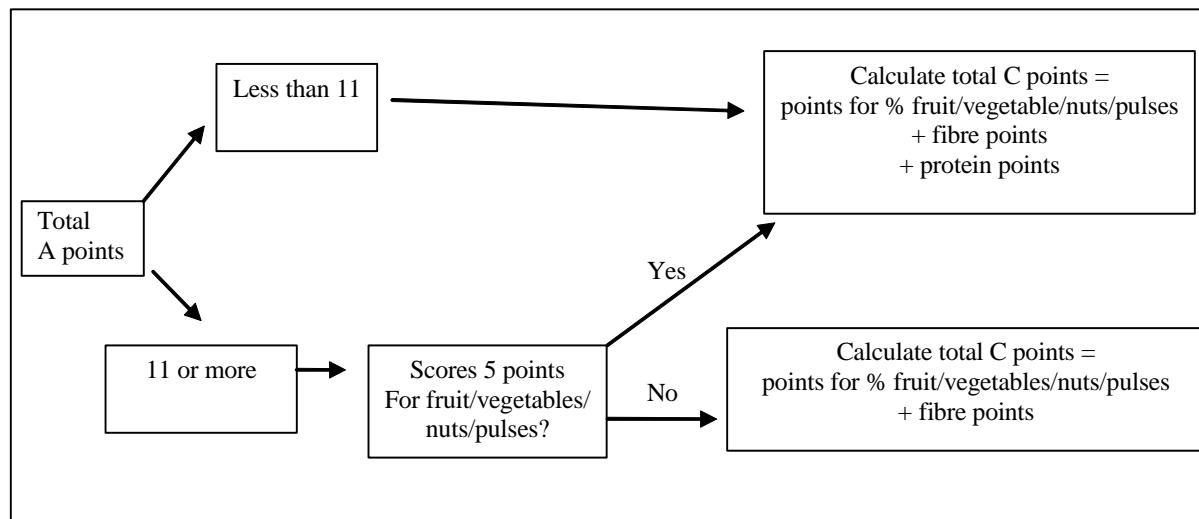
## Many foods can be classified without complete information

Product name	% fvnp	A points	Prot points	Fibre points	%fvnp points	Total points	
Olive & tomato foccacia	?	7	5	2	?	0	Pass
Pumpkin scone	?	9	4	2	?	3	Pass
Wholemeal pasta		7	5			2	Pass
Snack right, Mixed berry fruit slice	47.6	15	-	5	1	9	Fail
Spicy fruit roll	62.1	17	-	3	2	12	Fail
Monte carlo		24	-	1	(0)	23	Fail
Tim tam black forest fantasy		25	-	-	(0)	25	Fail

NB – rules regarding dried fruit as an ingredient

# Most information is already on the label

- Table for A (demerit) points (energy, SFA, total sugars, Na)
- Follow the instructions



- Table for C (credit) points (protein, % f/v/n/p, fibre)
- Subtract C points from A points



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# Testing the models 1 to 6



## Breads

Product name	per serve			category		profile
	1	2	3	4	5	6
Wholemeal	Pass	Pass	Fail	Pass	Pass	Pass
Traditional wholemeal	Fail	Pass	Fail	Fail	Fail	Pass
Traditional white	Fail	Pass	Fail	Pass	Pass	Pass
Wonder white wondergold with iron	Pass	Pass	Fail	Pass	Pass	Pass
Soy and linseed	Fail	Pass	Fail	Fail	Fail	Pass
Soy-lin	Pass	Pass	Fail	Pass	Pass	Pass
Bread Fruit	Pass	Pass	Pass	Pass	Pass	Pass
Muffin, English, Regular	Pass	Pass	Fail	Pass	Pass	Pass



# Crackers

Product name	per serve			category		profile
	1	2	3	4	5	6
SAO crispbread	Pass	Fail	Fail	Fail	Fail	Fail
Salada wholemeal	Fail	Pass	Fail	Fail	Fail	Fail
Vita weat original	Pass	Pass	Pass	Fail	Fail	Pass
Rice cake original	Pass	Pass	Pass	Pass	Pass	Pass



## Some fish

Product name	per serve			category		profile
	1	2	3	4	5	6
Fish, fingers, baked	Pass	Pass	Pass	Fail	Fail	Pass
Shark, Battered, Fried	Pass	Pass	Pass	Fail	Fail	Pass
Fish In White Sauce From Basic Ingredients	Fail	Fail	Fail	Pass	Pass	Pass
Oyster, Baked/Grilled, Fat Not Added In Cooking	Pass	Pass	Fail	Fail	Fail	Pass
Flounder, Steamed/Poached	Pass	Pass	Pass	Pass	Pass	Pass
Red salmon, wild Alsakan	Fail	Pass	Fail	Fail	Fail	Pass
Anchovy fillets	Fail	Pass	Fail	Fail	Fail	Fail



# Specific comments about model 6

- **Unexpected results**
  - baked beans, regular and low salt
  - breakfast cereals
- **Cheese**
- **Poly oils and spreads**
- **Potatoes**
- **Full cream milk**



## So, can the UK system be adapted:

- a food ‘passes’ if <4 points
- a drink ‘passes’ if <1 point
- a cheese (as defined in the standard) ‘passes’ if < ? points  
(just for cheese with calcium >500mg/100g?)
- edible oils and edible oil spreads (and butter) passes if < ? points
- easier if cheese and spreads/oils have the same cutpoint
  - < 26 points

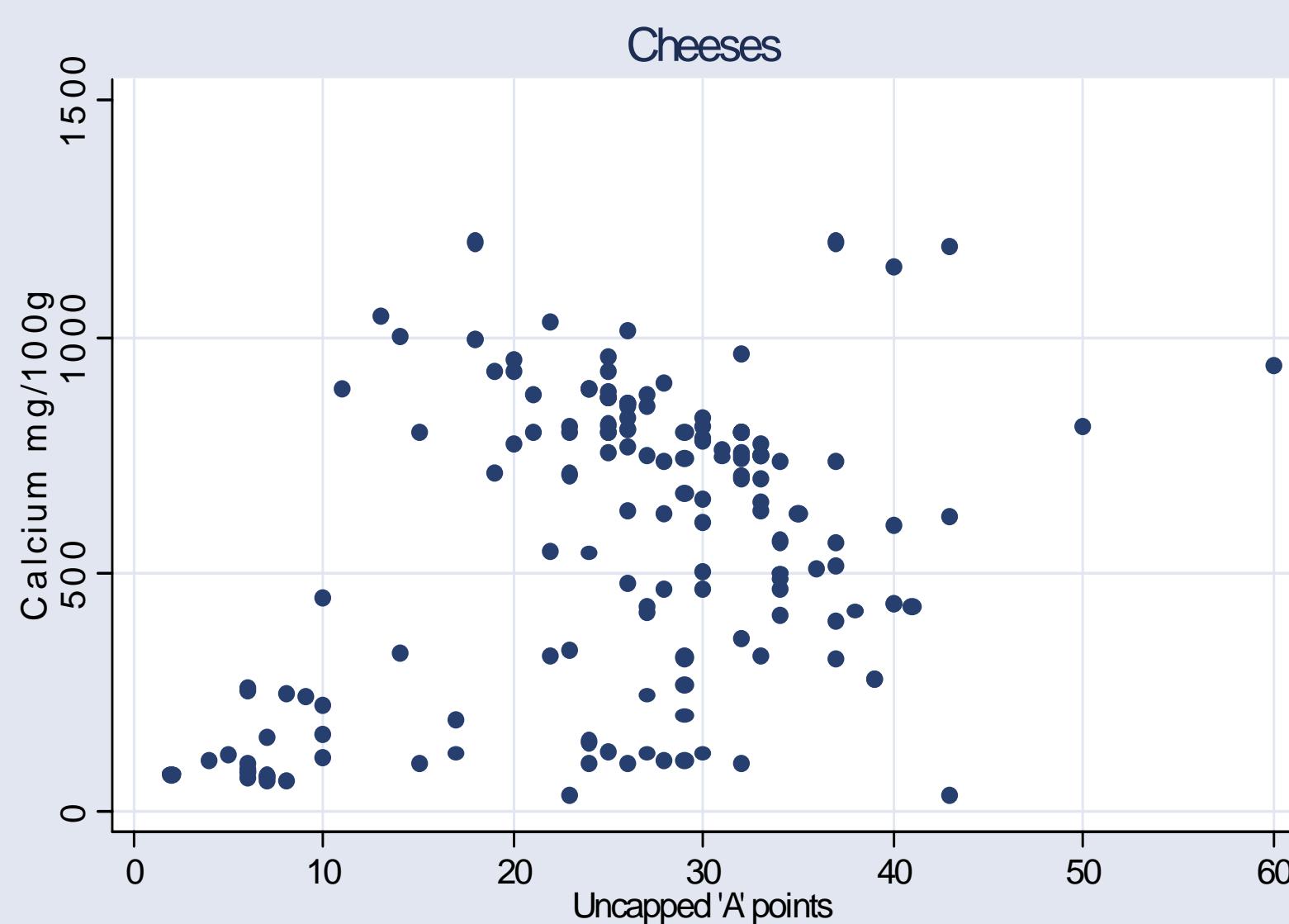


# Cheeses

**Model 4 – passes low fat-low calcium cheeses  
and some high calcium cheeses but not all the  
'lite' ones**

**Model 6 - fails virtually all cheeses except for a  
few low calcium cheeses**

# Cheeses with 'A' points<10 have relatively low calcium content





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