



## COORDINATED SAMPLING PROJECT 19 – Nutritional Claims

Conducted August to September 2016 with Local Governments across Western Australia

# Nutritional Claims

A word cloud is centered on the page, featuring various nutritional terms. The words are arranged in a roughly circular shape. The most prominent words, shown in a larger font size, are 'source', 'fibre', and 'free'. Other words include 'fat', 'low', 'good', 'sugar', 'lactose', 'trans', 'cholesterol', 'nut', 'added', 'carbohydrate', and 'gluten'. The words are colored in shades of green and blue.

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## Executive Summary

This Coordinated Sampling Project (CSP) focused on nutrition and health related claims. The Local Health Authorities Analytical Committee (LHAAC) worked in concert with Local Government Authorities (LGA's) to execute this project. It is essential that in light of the new standard relating to nutrition and health related claims, Western Australian citizens can rely on the accuracy of these claims to inform their purchasing decisions.

The purpose of this project was to assess food products against labelling requirements and accuracy of any nutrition or health related claims made by packaged foods throughout Western Australia. The samples were assessed against Standard 1.2.7 and Schedule 4 of the Food Standards Code (FSC). This project was executed by Environmental Health Officers submitting samples for assessment to either ChemCentre or Agrifood (appointed analysts to LHAAC) for assessment from August through September of 2016.

At the end of the sampling period 254 samples were available for assessment, with a total of 300 nutrition or health related claims made by these products. Nearly all claims submitted for assessment were nutrition or nutrient content related claims, with gluten free or fat related claims being the most prevalent amongst the samples submitted. Only 7% of claims were found to be inconsistent, which is a re-assuring result for consumers as this implies these newly regulated claims can be relied upon to inform purchasing decisions. Due to the importance of nutrition and health related claims in informing consumer choices, LGA's are encouraged to participate in follow up action on inconsistent products in their locality in order to ensure continued compliance with the FSC.

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## List of abbreviations

Coordinated Sampling Project (CSP)  
Food Standards Australia and New Zealand (FSANZ)  
Food Standards Code (FSC)  
Local Government Authorities (LGA)  
Local Health Authorities Analytical Committee (LHAAC)

## Background

From 2013 there has been a three year transitional period with the Standard for health claims on food. Standard 1.2.7 came into force in March 2016 (FSANZ, 2013). Before a claim can be made the food must meet the Nutrition Profiling Scoring Criterion (NPSC) and be scientifically tested. There are three main types of health claims that can be made: Nutrition related claims make a statement about the nutritional content of the food for example a “good source of calcium”; Secondly, general level health claims that link a nutrient’s effect to health or a non-serious disease such as “calcium is good for bones and teeth”; High level health claims make a claim about a nutrients effect on a serious disease or biomarker such as “diets high in calcium reduce risk of osteoporosis in the elderly”. A claim is also not allowed to refer to the prevention or cure of a disease, disorder or condition or make comparisons with goods used for, or likely to be taken for, therapeutic use (FSANZ, 2017).

A key component of the requirements for this new standard is the reliance on scientific evidence to inform general and high level health claims. The requirement to review the literature and gain approval from FSANZ before the use of these types of claims adds a layer of protection for consumers in discerning health related food choices and in providing manufacturers a regulated method for advertising the health benefits of their products (Malcom & Stonehouse, 2016). Whilst consumers have been found to be more suspicious of health claims on food products than of the nutrition information panels (Malcom, Bowen, Krause, Jones & Stonehouse, 2016), there is significant evidence that health claims have the ability to influence purchasing decisions (Kaur, Scarborough, & Rayner, 2017) and that there is support for food regulatory policies in support of Western Australian health (Pollard, Dally, Moore & Binns, 2013).

## Introduction

LHAAC works in collaboration with LGA's to aid in the upkeep of the FSC throughout Western Australia. One of the ways this is achieved is through Coordinated Sampling projects (CSP's). LHAAC chooses the focus for CSP's based on routine surveillance, response to public trends and evidence of non-compliance. The standard 1.2.7 allows more health claims on food than was previously permitted and sets out a structure (Schedule 4) for what specific properties are required in the food to allow the health claim to be made (FSANZ, 2017). This CSP aimed to analyse nutritional content against nutrition information panels (NIP's), product labels against labelling standards and to assess any health claims made.

## Methodology

LGA's were provided with a set of sampling instructions for this CSP. LGA's were to provide samples for assessment of items with any health claims made, as well as any reference foods needed to test the health claim against. In order to avoid duplication of samples a schedule of which food product groups are to be collected by each LGA was provided (see Appendix A). Larger metropolitan LGA's and larger non-metro LGA's were proposed to sample the majority of the products for analysis. LGA's in regional areas with suitable outlets were invited to participate based on the schedule in Appendix A, with smaller LGA's able to participate upon request.

LGA's were asked to read Standard 1.2.7 and Schedule 4 of the FSC before beginning any sampling activity. In general it was advised that any product claiming 'light' or 'reduced' would require a reference food for analysis. Claims that did not require a reference food included but were not limited to: low cholesterol, low energy, low fat, low gluten or gluten free, low lactose or lactose free, low salt or sodium, low sugar and good or excellent sources of dietary fibre.

From August to September 2016, samples collected were submitted to either Agrifood or ChemCentre with a minimum sample size set of 250g or 250mL. Samples were then assessed against Standards 1.2 regarding labelling and Standard 1.2.7 and Schedule 4 regarding health claims. LGA's were then requested to review any results and participate in follow up actions needed for non-complying products.

The specific requirements for a claim in each category is shown in Table 1 below:

*Table 1: Standards for nutrient and health claims*

Nutrient health claim	Criteria for health claim
Protein	<ul style="list-style-type: none"> <li>▪ Source – At least 5g/serving</li> <li>▪ Good Source – At least 10g/serving</li> </ul>
Carbohydrate	<ul style="list-style-type: none"> <li>▪ Reduced/ light/ lite – 25% less than reference food</li> </ul>
Sugar	<ul style="list-style-type: none"> <li>▪ Low/% free – No more than 2.5ml/100mL for liquids and 5g/100g for solids</li> <li>▪ Reduced/ light/ lite – 25% less than reference food</li> </ul>
Fat	<ul style="list-style-type: none"> <li>▪ Low/% free – No more than 1.5g/100mL for liquids and 3g/100g for solids</li> <li>▪ Reduced/ light/ lite – 25% less than reference food</li> </ul>
Trans fat and saturated fat	<ul style="list-style-type: none"> <li>▪ Low – No more than 0.75g/100mL for liquids or 1.5g/100g for solids</li> <li>▪ Reduced/ light/ lite – 25% less than reference food</li> </ul>
Cholesterol	<ul style="list-style-type: none"> <li>▪ Low – No more than 10mg/100mL for liquids and 20mg/100g for solids</li> <li>▪ Reduced/ light/ lite – 25% less than reference food</li> </ul>
Dietary Fibre	<ul style="list-style-type: none"> <li>▪ Source – At least 2g/serving</li> <li>▪ Good source – At least 4g/serving</li> <li>▪ Excellent source – At least 7g/serving</li> </ul>
Sodium	<ul style="list-style-type: none"> <li>▪ Low – No more than 120mg/100g of food (liquid or solid)</li> <li>▪ Reduced/ light/ lite – 25% less than reference food</li> </ul>
Calcium	<ul style="list-style-type: none"> <li>▪ Good source – No less than 25% of RDI or ESADDI per serving</li> </ul>
Gluten	<ul style="list-style-type: none"> <li>▪ Free – No detectable gluten</li> <li>▪ Low – No more than 20mg/100g of the food</li> </ul>
Lactose	<ul style="list-style-type: none"> <li>▪ Free – No detectable gluten</li> <li>▪ Low – No more than 2g/100g of the food</li> </ul>
Iron	<ul style="list-style-type: none"> <li>▪ Good source – No less than 25% of RDI or ESADDI per serving</li> </ul>

The table above shows the majority of claims tested in this CSP however a comprehensive list can be found at the FSC website (FSANZ, 2017).

### Results

At the end of the sampling period 254 samples had been submitted for assessment for labelling and health claims. 14 samples were removed from the final data set for missing values leaving 240 for analysis. From these 240 samples 300 nutrition claims were made with 21 inconsistent with the FSC as demonstrated in Figure 1 below.

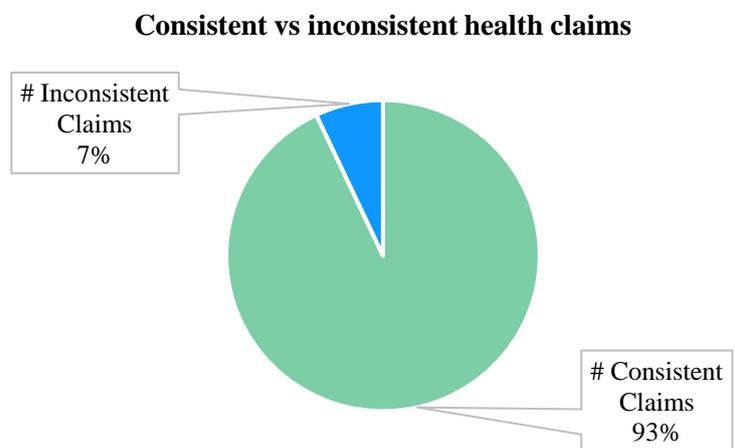


Figure 1: Consistent versus inconsistent health claims

The above figure shows a very high rate of consistent health claims with only 7% of claims that were tested in this sample identified as inconsistent with the FSC. Furthermore, 47.6% of inconsistencies were from the Bread, Cakes and Biscuits category of foods. Figure 2 below shows the breakdown of the type of inconsistencies identified in this sample with the greatest number of inconsistencies from gluten free claims.

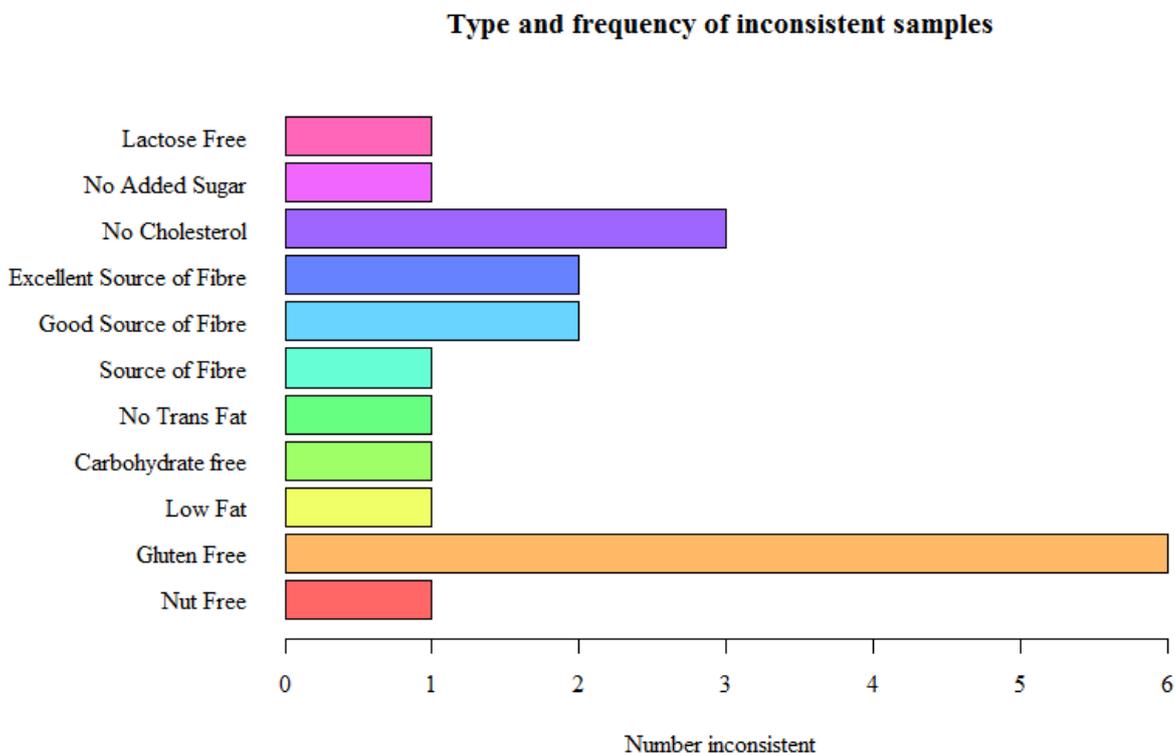


Figure 2: Type and frequency of inconsistent samples

Of the 300 health claims made, 290 were related to the presence or absence of nutrients, energy or a bioavailable compound, with the rest being miscellaneous claims or claims that did not fall under Standard 1.2.7, such as foods that claimed to be preservative free, artificial colour free or free from allergens such as wheat, dairy, egg or tree nuts.

### Number of claims per nutrient

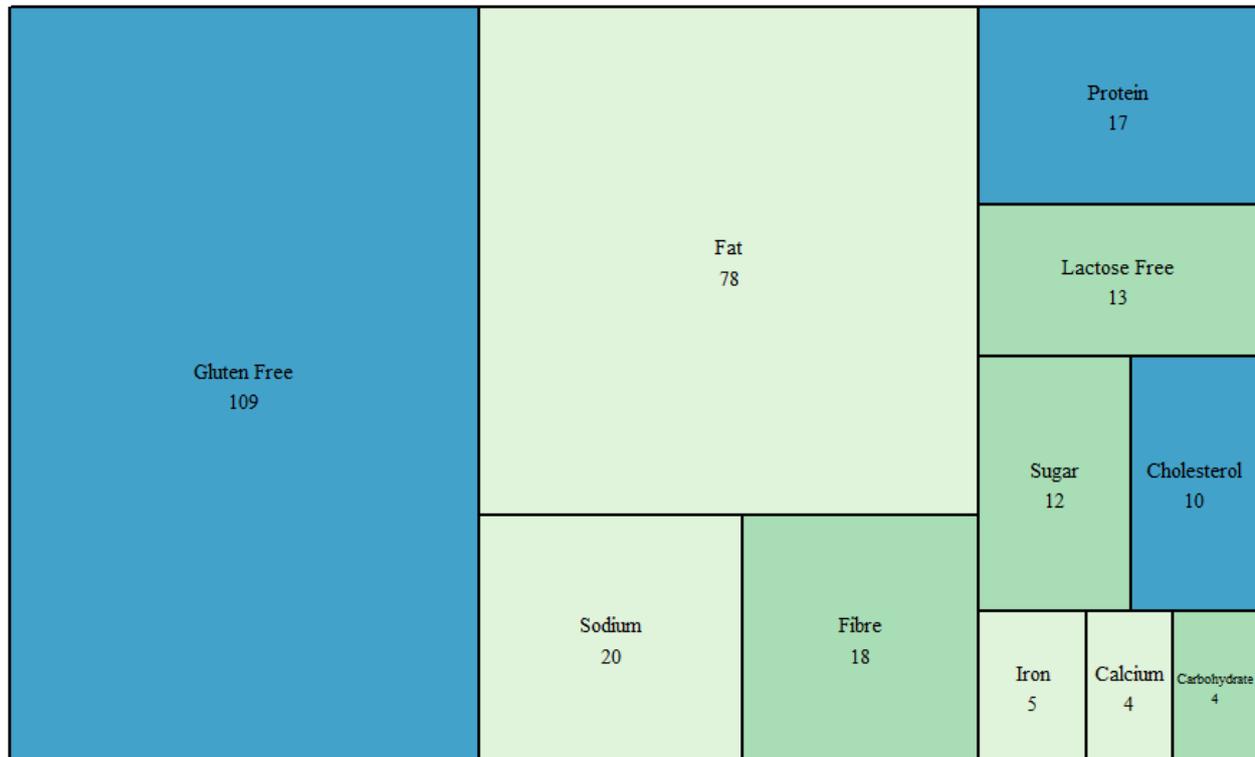


Figure 3: Number of claims per nutrient (including gluten and lactose free claims)

Of the 290 nutrition related claims the two most prevalent claims submitted were 109 low or gluten free claims with 6 samples identified as being inconsistent. And 78 nutrient claims relating to fat, including low or reduced fat, fat free, trans-fats or omega 3 fats (see Figure 3 above).

Finally, only one sample of the 300 submitted was found to contain a nutrition information panel that was inconsistent. The nutrition information panel was found to not be in accordance with Standard 1.2.8 which requires the disclosure of nutrient quantities per serving size.

## Discussion

There was a large number of health claims available for assessment, however the majority of health claims were either gluten free claims or claims related to fat as shown in Figure 3. This could be explained by a greater prevalence of gluten free or fat related claims in proportion to other claims. In concert with this, there was no controlling or screening for general level health claims or high level health claims, however neither of these claims were submitted for assessment in this CSP.

The findings from this CSP are reassuring for consumers as only 7% of health claims were found to be inaccurate. Of these inconsistent results, the 'no cholesterol' inconsistencies could become compliant by changing the claim made to 'low cholesterol.' The sample that claimed it was "sweetened with honey" deems the product unsuitable for nutrition claims such as "no added sugar" as set out in Standard 1.2.7, Schedule 4, section 3 (FSANZ, 2017). The inconsistent claims regarding dietary fibre could also be amended by downgrading the level of the claim from 'excellent' or 'good' to just a 'source' of dietary fibre.

One sample was positive for Brazil nuts whilst claiming 'nut free.' Whilst the prevalence of inconsistent claims identified in this sample is low there is significant risk for consumers in allergen free claims, which were not targeted in this study or included in Standard 1.2.7. Claims such as gluten free, lactose free and cholesterol free may be relied upon by consumers to inform decision making related to health outcomes, and whilst it is positive that there was an extremely low prevalence of inconsistencies observed it is still important that appropriate follow up action on inconsistent samples be taken by LGA's. With the advent of the inclusion of nutrition and health related claims in the FSC, ensuring consumers have confidence in these claims is vital as these claims have the potential to influence consumers purchasing decisions (Kaur, Scarborough, & Rayner, 2017).

### Strengths and Limitations

The sample size submitted for analysis in this CSP can be considered relatively large and diverse due to the large range of outlets or manufacturers from which samples were taken. Sampling methods could have included a greater degree of randomization in the selection of manufacturers and vendors, and the goods selected for analysis. Agrifood and ChemCentre conducted analysis with NATA accredited methods which are not discussed in this report, for further information see Appendix B.

## Conclusion

This CSP aimed to assess the labelling requirements and the health claims made by food products throughout Western Australia. With the support of LGA's and the appointed analysts to LHAAC there was found to be a very high level of consistency observed in regards to health claims made on food products in Western Australia. This can be seen as reassuring for consumers in that these health claims are a reliable, regulated source of information that can assist in purchasing decisions. Due to the influence of health claims on consumers, it is paramount that LGA's follow up with inconsistent samples in order to ensure the continued compliance of manufacturers with the FSC. The relevant LGAs were informed of inconsistent samples and appropriate action taken to ensure the future compliance of imported food products in Western Australia to the FSC.

### Suggested action on non-complying products

To help to ensure consistent follow-up action on non-complying products the following actions are recommended:

1. Inform the retail outlet in writing that the relevant product does not comply with the Code.
2. When the manufacturer is based in WA, write to the manufacturer and the Local Government Authority in which the manufacturer is located.
3. In situations where the product is not manufactured in WA, the details of the non-compliance should be sent to the Department of Health who will pass the information to the correct enforcement agency in the State or Territory in which the manufacturer is located under the Home Jurisdiction Rule. A copy of the sample submission sheet and the results of analysis should be submitted to the Department of Health Food Unit with a description and details of the non-compliance.
4. Enforcement action can be initiated by a Local Government if the agency is not satisfied with the actions taken by the retailer and/or manufacturer for a product that does not comply with the Code. Where only the retail outlet is within the local government's area, this enforcement action can only be taken for sale of product that does not comply with the Code.

## References

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## Appendix A

### Sampling Allocations to Local Government Authorities

PRODUCT GROUP TO TEST	LOCAL GOVERNMENT AUTHORITIES TO COLLECT SAMPLES
DRIED PRODUCTS	Bassendean, Bayswater, Belmont, Bunbury, Canning, Claremont, Collie, Cottesloe.
JAMS & FRUITS	Dardanup, Denmark, East Pilbara, Esperance, Stirling.
MEAT & SEAFOOD (Canned & Fresh)	Albany, Armadale, Ashburton, Augusta-Margaret River, Joondalup, Kalamunda, Kalgoorlie-Boulder, Karratha, Kwinana.
CEREAL PRODUCE (incl. noodles, rice and pasta)	Busselton, Cambridge, Melville, Mundarring, Murray, Nedlands, Northam, Port Hedland.
SAUCES/ MARINADES	Narrogin (T), Perth, Rockingham, Serpentine-Jarrahdale, South Perth.
DAIRY/ CHEESE	Capel, Fremantle, Greater Geraldton, Swan, Victoria Park, Vincent.
MISCELLANEOUS/ GENERAL	Cockburn, Derby-West Kimberly, Mandurah, Manjimup.
CONFECTIONARY (Biscuits, snack bars, etc.)	Gosnells, Harvey, Mosman Park, Subiaco, Wanneroo

## Appendix B

### Raw Data

For further questions or inquiries about raw data contact LHAAC Co-ordinator Trevor Chapman:

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