



6 July 2015

Project Officer Proposal P1037  
Food Standards Australia New Zealand  
PO Box 10559  
The Terrace  
WELLINGTON 6036



Dear Sir/Madam

**Proposal P1037 Amendments associated with Nutrition Content and Health Claims – Call for Submissions**

Thank you for the opportunity to comment on this proposal. The Ministry for Primary Industries (MPI) has the following comments to make.

**Amendments to address inconsistencies and lack of clarity.**

MPI is generally supportive of the proposed amendments to the Code to address inconsistencies and improve clarity.

With regards to the issue outlined for lactose and salt/sodium claims, MPI considers that providing a cross-reference in 1.2.7 to the appropriate requirements in 1.2.8, which are triggered by the claim(s), would be useful. This would however, necessitate additional cross references in Standard 1.2.7, Schedule 1 (eg, for gluten, trans fats, mono-unsaturated fatty acids, omega fatty acids, etc).

MPI considers this to be useful because in a recent review of claims in-market we noted that the majority of non-compliant nutrient content claims were non-complaint mainly due to the absence of claimed food properties on the Nutrition Information Panel. Therefore cross-referencing the requirements of Standard 1.2.8 (4) within Standard 1.2.7 Schedule 1 would help to alleviate this non-compliance by providing further clarity with respect to additional labelling requirements.

MPI therefore recommends that for all food properties making nutrient content claims, Schedule 1 (Column 2) should specify a cross reference to the requirements of Standard 1.2.8 (4), (and Standard 1.2.8-6 of the Code commencing 1 March 2016).

**Amendments to exempt certain elements of the Health Star Rating (HSR) system from the requirements of the Code.**

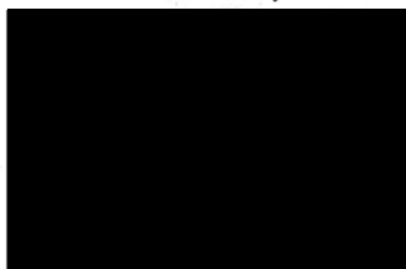
MPI supports the exemption of the trademarked elements of the HSR system from certain requirements of the Code. We note however that the equivalent New Zealand trademarks for the HSR have not been captured in the proposed drafting. The equivalent New Zealand Trademarks are: 1018809, 1018808 and 1018807. These New Zealand trademarks need to be added to the proposed drafting to ensure it is explicit that HSR in New Zealand is also exempt from the requirements in the Code as set out in this proposal.

MPI do not support the HSR being exempt from Standard 1.2.8 clause 11A. The proposed drafting creates an inconsistency in the need to declare the form of the food on which the HSR has been calculated. Where a positive nutrient is included in the HSR declaration, and the food is required to be prepared or consumed with at least one other food, the HSR is required to be calculated using that prepared form. Standard 1.2.8 requires the form of the food upon which a claim is based to be stated if it is not the form 'as sold'. A positive nutrient icon is not a trademarked element of the HSR and is therefore not exempt from the conditions for making a claim, and as such this clause would apply.

However if the HSR does not include a positive nutrient icon it would be exempt from the requirements of making a claim. Where a food with an HSR that is exempt from the requirements of making a claim is calculated based on the 'as prepared' or 'as consumed' form of the food, the proposed drafting would not require this to be declared.

MPI suggest that whenever the HSR is calculated on a form of the food other than 'as sold', the form of the food used to calculate the HSR should be declared in conjunction with the HSR. This is important information to allow the consumer to correctly compare foods based on their HSR. It appears some industry are voluntarily adding this.

Yours sincerely



Manager Food Science and Risk Assessment