

Response to: Proposal P1038 Vitamin & Mineral Claims & Sodium Claims about Food containing Alcohol

FSANZ consultation closing 10th August 2015

Dairy Australia is the dairy industry owned service organisation, whose members are farmers and industry bodies, including the Australian Dairy Farmers, and the Australian Dairy Products Federation.

Dairy Australia thanks FSANZ for preparing this proposal and welcomes the opportunity to comment on the Consultation: Proposal P1038 Vitamin & Mineral Claims & Sodium Claims about Food containing Alcohol.

Comment is provided on the Vitamin and Mineral Claims aspect of the proposal only and outlines the key points underlying Dairy Australia's support of the proposed amendments as a suitable mechanism to address current discrepancies prior to the end of the Health Claims Standard transition period.

- As outlined in Proposal 1038, with the change from a reference quantity to a per serving basis, it is impossible for some vitamin and mineral claims that could previously be made, to meet the minimum amount required to make a nutrition content claim (Standard 1.2.7) and not exceed the maximum claimable amount (Standard 1.3.2)
- This is the case where foods permitted to be fortified with vitamins or minerals have: a prescribed maximum claimable amount of a vitamin(s) or mineral(s) and a serving size (nominated by the supplier) that is smaller than the prescribed reference quantity in Standard 1.3.2.
- Notably the likelihood of the problem occurring depends on how low the maximum claimable amount is, i.e. it is more likely to occur for claims about vitamins and minerals with a maximum claimable amount of only 10–15% of the RDI, as at this amount, unless the serving size is either the same as the reference quantity (if 10% RDI) or slightly smaller (if 15% RDI), it would not be possible to meet both criteria.
- One of the nutrients most affected by this is Vitamin D, where for the few foods including dairy foods with permissions, the maximum claimable limits have historically been set at 10% of the rNRV for specified reference quantities.
- Vitamin D fortified dairy products make an important contribution to meeting broader nutrient needs, including nutrients identified as under consumed/insufficient for example Vitamin D¹²³, calcium and magnesium⁴. Vitamin D fortified dairy products also provide high quality protein, which combined with calcium, and vitamin D are important for bone and muscle health particularly for the elderly and infirm⁵⁶.

Contact

August 2015

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- In the context of generally limited Vitamin D fortification permissions relative to identified population deficiency and insufficiency, small/snack size serves of nutrient dense foods appropriate for children and vulnerable populations such as, the elderly and infirm can be critical in ensuring nutrient needs are met.
- Whilst fortification permissions for vitamin D in dairy foods continues to be limited relative to population nutrient insufficiency/deficiency, the ability to continue to communicate the fortification of vitamin D for these products supports the ongoing fortification and consumer choice of these products, more broadly making an important contribution to improved nutrition and health outcomes.

Dairy Australia recognises the proposed amendments are generally consistent with the objective of addressing the identified discrepancies with the movement of criteria for nutrient content claims from Standard 1.3.2 to Standard 1.2.7 as part of the implementation of the new Health Claims Standard and the change from per reference quantity to per serving.

As outlined in the proposal, any changes to fortification permissions including maximum claimable quantities are considered a change to the Food Standards Code which requires comprehensive, lengthy requisite processes to implement.

In consideration of this, Dairy Australia supports the proposed amendments as a suitable mechanism to address current discrepancies prior to the end of the Health Claims Standard transition period.

¹ ABS Australian Health Survey (2011 -12)

² NZMOH New Zealand Adult Nutrition Survey (2008-09)

³ NZMOH New Zealand Children's Survey (2002)

⁴ Department of Health and Ageing, Department of Agriculture, Fisheries and Forestry, Australian Food and Grocery Council, University of South Australia, Commonwealth Scientific Industrial and Research Organisation. (2007) National Children's Nutrition and Physical Activity Survey "Kids Eat Kids Play". Australia.

⁵ Bonjour JP et al (2015) Fortification of Yogurts with Vitamin D and Calcium Enhances the Inhibition of Serum Parathyroid Hormone and Bone Resorption Markers: A Double Blind Randomized Controlled Trial in Women over 60 Living in a Community Dwelling Home. *J Nutr Health Aging* 19(5):563-9

⁶ Rizzoli R et al (2014) The role of dietary protein and vitamin D in maintaining musculoskeletal health in postmenopausal women: a consensus statement from the European Society for Clinical and Economic Aspects of Osteoporosis and Osteoarthritis (ESCEO). *Maturitas* 79(1):122-32