

Nutrition, Health and Related Claims

A short guide to the new Standard

April 2008

Executive Summary

FSANZ has developed a new Standard for nutrition, health and related claims, that is, claims about nutritional or health benefits of food that may be stated on the label and in advertising.

The new Standard will provide consumers with more information for healthier food choices and industry with greater incentives to develop healthier food products.

Our new Standard seeks to...

Remove ambiguity and uncertainty in the marketplace

Nutrition content claims are currently regulated by the *Australia New Zealand Food Standards Code* and fair trading legislation and, in Australia, managed by a voluntary industry code of practice. At present, we prohibit the use of most health claims on food labels (except by specific approval). This approach constrains innovation by industry, leading to limitations of consumer choice. The new Standard will address these constraints and reduce ambiguity in enforcement.

Provide a comprehensive regulatory approach for nutrition content and health claims on food and in food advertising

We are proposing a new Standard that will allow truthful claims to be made, giving consumers information to make informed choices. Compliance with the new regulations will be mandatory and enforceable.

Protect consumers from misleading or deceptive claims

Statements or designs on a food label, implying or claiming a nutritional or health benefit for that food, must be truthful and supported by adequate scientific evidence. FSANZ has taken explicit steps to prevent misleading or deceptive claims by developing measures aimed at maintaining public confidence in food labels as a source of credible information.

Assist consumers to select foods for a balanced diet

We have built safeguards into the proposed measures to promote informed food choices in line with nationally accepted guidelines for healthy eating to minimise the risk of consumers being misled by marketing and promotional claims.

Provide new opportunities for industry

To justify the costs of developing new food products, manufacturers need to be able to inform consumers about the benefits of these products. We believe an innovative food industry is in the best interests of Australia and New Zealand.

Ensure due regard is given to costs to consumers and industry

We adhere to the principle of minimum effective regulation when setting food standards. Should a food manufacturer wish to make a claim, we will ensure that the regulatory burden on the manufacturer will be the minimum required to achieve the aims of the Standard. In addition, we have recommended a two year lead-in time to allow food businesses to make the necessary adjustments in a cost-effective manner.

Develop support in the community for the new Standard

An integral part of FSANZ's approach to the development of nutrition and health claims regulations has been the unprecedented level of community consultation on the issue. We have engaged individuals and organisations with an interest in the proposed measures, in the knowledge that effective regulation must have broad community support.

The new measures...

Provide a system to manage nutrition and health claims

Statements, information or other references to nutrients, nutrition, diet or health on food labels or in associated advertising must comply with new provisions in the *Australia New Zealand Food Standards Code*. Education materials will support the Standard.

Distinguish between types of claims

The proposed new measures identify three types of claim (see examples on page 8):

Nutrition content claims – describe what's in the food (e.g. the presence of a nutrient, or other substance).

General level health claims – describe the function of a food, nutrient, or other substance in relation to a health effect. These claims do not refer to serious disease or a biomarker of serious disease.

High level health claims – describe the function of a food, nutrient, or other substance in relation to a serious disease (e.g. heart disease) or a biomarker of a serious disease (e.g. blood pressure).

Require mandatory substantiation of nutrition content, general level and high level health claims

All claims must be substantiated. Food suppliers must ensure that claims are truthful and supported by adequate scientific evidence. High level health claims must be based on substantiated food-disease relationships that have undergone pre-market assessment and approval by FSANZ. General level health claims do not need a pre-market assessment and approval, but food suppliers must hold the necessary records for possible review by enforcement agencies.

Set criteria and conditions for foods for which nutrition content, general level and high level health claims can be made

The new Standard will not prescribe the exact wording of claims; however, any health claim must refer to the property of the food, the health effect, and the population group (if applicable), and the health effect must be considered in the context of a healthy and varied diet. For nutrition content claims, specific conditions such as the amount of the claimed nutrient that needs to be present (minimum or maximum) in the food are prescribed for some nutrition content claims.

In addition, to help ensure that foods carrying health claims are unlikely to promote unhealthy food consumption patterns, the new Standard will restrict the ability of some foods to carry claims, even if they contain a significant amount of a nutrient that a claim could be made about. The method of determining which foods can carry a health claim is called the nutrient profiling scoring criteria and is based on the amount of energy, saturated fat, sodium, sugar, fibre, protein and fruit, vegetables, nuts and legumes in the food. All foods carrying general level health claims will have to get a certain score in order to meet the scoring criteria. A web-based calculator to determine the score will be on the FSANZ website. Generally, foods carrying high level health claims will also have to meet the nutrient profiling scoring criteria, but occasionally there might be a compelling reason to grant an exemption if there is evidence that a food provides appropriate benefit for a target population.

And include...

Consolidation of existing conditions into the new Standard

We have revised existing references to nutrition and health claims in the Code and are incorporating further provisions for nutrition content claims which were not previously legally enforceable. These will be consolidated into one Standard to provide a single mandatory system. Refer to page 24 for a summary of the changes to the regulation of nutrition and health claims as a result of Proposal P293 - Nutrition, Health and Related Claims.

Management of endorsements

FSANZ recognises the role that both government and non-government organisations have in educating the public about aspects of health and nutrition using a variety of approaches, including the use of endorsements (e.g. the National Heart Foundation 'Pick the Tick' program, Coeliac Society of Australia endorsement). If the criteria for making health claims were to be applied to endorsements, many organisations would not be able to maintain their endorsement programs.

We propose that designs on food labels that are nutrition content claims or health claims and meet our definition of *endorsement* are not subject to the requirements of the new Standard. In addition we propose that endorsements can only be provided by an organisation that is independent, formed for nutritional or health purposes, and structured in a way that guarantees that suppliers of foods cannot influence the criteria used by the endorsement program. The supplier of the food must have records

Nutrition, health and related claims – A guide to a new standard

demonstrating that the endorsing organisation meets these requirements. Designs on food labels that are nutrition content or health claims that do not meet these requirements are subject to the requirements of the new Standard.

No exemptions or provisions for trade marks will be provided in the new Standard and any issues or conflicts between the use of trade marks and the Code remains subject to existing legislation.

Cause-related marketing

We acknowledge the work of non-profit organisations and recognise that cause-related marketing statements provide a valued source of income to charities and health related groups. We propose that the requirements of the Standard relating to nutrition content claims or health claims will not apply to relevant cause-related marketing statements if accompanied by a disclaimer that the food supplier makes no claims in relation to a nutritional or health benefit for that food.

Dietary Information

FSANZ recognises broad dietary and health information on food labels or in advertisements is of benefit to consumers. We propose that dietary information can be provided on a label or in an advertisement if it relates to an associated nutrition content claim or health claim. The dietary information must not imply benefits beyond the associated claim.

Where dietary information refers to a whole food a related claim is not required, but the dietary information must be directly relevant to that type of food.

Exclusion of certain foods

We propose to continue to prohibit health claims on alcohol and infant formulas, and kava will also be excluded.

A phase-in period

To give industry time to make the required changes to labelling and to alert consumers to the new rules, we are recommending a 24-month transition period for implementation after the Standard becomes law.

Guide to the proposed Standard

Food Standards Australia New Zealand (FSANZ) is an independent bi-national agency responsible for setting food standards for Australia and New Zealand, which appear in the *Australia New Zealand Food Standards Code* (the Code).

This Guide provides individuals and organisations with an interest in nutrition, health and related claims with information on the approach being adopted by FSANZ and our recommendations for the content of the new Standard.

Underpinning this document is a report (the Final Assessment Report) that sets out in detail the reasons why new regulations are needed, options that we considered during the development of the Standard and a draft Standard for incorporating into the Code. You can access this information from the FSANZ website at www.foodstandards.gov.au.

The report also includes the Policy Guideline that we received from the Australia and New Zealand Food Regulation Ministerial Council to be taken into account in developing the Standard.

It also contains our responses to issues raised by the public, industry, government and public health groups during several periods of public consultation. We have carefully considered these views. While it is not possible for us to reconcile opposing opinions, we believe that the proposed regulatory measures described in this Guide will provide consumers with information to assist in making informed food choices.

Background

The *Australia New Zealand Food Standards Code* contains regulations – known as food standards – for the composition, labelling and advertising of foods sold in Australia and New Zealand.

At present, the Code prohibits the use of most claims on food labels that link a food with a health benefit, with the exception of the link between added folic acid and neural tube defects in babies. The Code regulates some types of nutrition content claims. Voluntary codes of practices, developed by industry, provide further guidance to food manufacturers. In addition to the Code, all representations about food are also subject to fair trading legislation.

In December 2003, the Australia and New Zealand Food Regulation Ministerial Council (Ministerial Council) released the Policy Guideline on Nutrition, Health and Related Claims (Policy Guideline). In response to this Guideline, FSANZ has developed a draft Standard for the regulation of nutrition, health and related claims (Standard 1.2.7 – Nutrition, Health and Related Claims). The Policy Guideline sets out the policy principles underpinning the regulation of nutrition content and health claims and aims to permit claims and encourage industry to innovate whilst ensuring consumers are not misled.

The Policy Guideline recommends that manufacturers can make claims if the food is safe and the claims can be scientifically substantiated. They suggest that there must be enough of the active substance in the food to contribute to the claimed benefit. Exclusions of certain foods from making health claims should be considered. And claims must not promote unhealthy food consumption patterns.

Consultation

The new Standard has been developed in conjunction with some of the most extensive consultation ever undertaken by FSANZ. Over its five year history, four notified public consultation documents have been released, three dedicated advisory groups have conducted a combined total of 17 meetings, at least 10 public stakeholder forums have been held throughout Australia and New Zealand, and a considerable number of meetings have been held with interested stakeholders as either groups or individuals. FSANZ has also regularly reported to intergovernmental, parliamentary, jurisdictional and formalised liaison groups, presented on health claims at conferences and other such forums both domestically and internationally, and provided regular written updates and web-based material.

Regulatory options

FSANZ identified **three** alternative regulatory approaches to regulate nutrition, health and related claims on food. We canvassed these options during our first round of public consultation. The options subsequently released for comment in the Draft Assessment Report differed only slightly from the options originally proposed:

1. Maintain the status quo. Specific nutrition content claims would continue to be regulated in the Code. Other nutrition content claims would be regulated by fair trading legislation, supported by voluntary industry practices. Most health claims would be prohibited, unless specifically exempted from this prohibition.
2. A new standard in the Code covering prerequisites for all claims, along with criteria and conditions for high level health claims. The Standard would allow the making of nutrition and health claims, provided they meet specific conditions and are fully substantiated. Pre-market substantiation and approval would be required for high level health claims. A number of pre-approved high level health claims would appear in the Standard. Nutrition criteria for nutrition content and general level health claims, prepared by FSANZ, would be provided in a Guideline document. Use of general level health claims would be monitored by a management committee drawn from the food industry, jurisdictions, consumer groups, public health groups and FSANZ. The Guideline document would not have the legal force of a standard.

3. A new standard for nutrition, health and related claims. The Standard would set the conditions and criteria for the substantiation and approval of both health claims and nutrition content claims. As described in option 2, pre-market substantiation and approval would be required for high level health claims. Compliance with the conditions set out in the Code would be mandatory and legally enforceable by government.

We commissioned a benefit-cost analysis of the three options, specifically looking at the impact of the options on consumer welfare, the credibility of claims in the marketplace, opportunities for industry innovation, enforcement costs and adjustment costs for industry.

On the basis of this we selected **option 3** as the preferred option because we believe the legally enforceable nature of the Standard will create a greater confidence in the claims system for manufacturers, consumers and jurisdictions.

Since then further economic analysis has been carried out on the benefits and cost of the new Standard to industry and consumers and enforcement agencies. This analysis has shown net benefits to suppliers and consumers and positive health related outcomes.

Examples of nutrition and health claims

Nutrition content claims refer to the presence or absence of a component in food.

Description of the claim	Example
Nutrition content claims describe or indicate the presence or absence of a component in food.	<i>this food is high in calcium</i>

General level health claims refer to the presence of a nutrient or substance in a food and to its effect on a health function. They may not refer to a serious disease or condition or to an indicator of a serious disease (e.g. blood cholesterol). Health claims cannot be made on alcohol or infant formula. Manufacturers must hold records to substantiate such claims and produce these records, on request, to enforcement agencies.

Description of the claim	Example
General level health claims refer to... ...maintenance of good health.	<i>helps keep you regular as part of a high fibre diet'</i>
...a component and its function in the body.	<i>calcium is good for strong bones and teeth</i>
...specific benefits for performance and well being in relation to foods.	<i>gives you energy</i>
...how a diet, food or component can modify a function beyond its role in normal growth and development.	<i>exercise and a diet high in calcium helps build stronger bones</i>
...potential for a food or component to assist in reducing the risk of or helping to control a non-serious disease or condition	<i>yoghurt high in X and Y as part of a healthy diet may reduce your risk of stomach upsets</i>

High level health claims refer to the presence of a nutrient or substance in a food and its relationship to a serious disease or condition or to an indicator (i.e. a biomarker) of a serious disease. They cannot be made on alcohol or infant formula. Manufacturers must obtain pre-market approval from FSANZ to make high level health claims and provide scientific evidence to substantiate the claims.

Description of the claim	Example
Claim refers to the potential for a food or component to assist in controlling a serious disease or condition by either reducing risk factors or improving health.	<i>This food is high in calcium. Diets high in calcium may increase bone mineral density.</i>
Claim refers to the potential for a food or component to assist in reducing the risk of a serious disease or condition.	<i>This food is low in sodium. Diets low in sodium may reduce risk of elevated blood pressure.</i>

How the claims system will work

Nutrition, Health and Related Claims Standard

The proposed Standard will appear as Standard 1.2.7 – Nutrition, Health and Related Claims in the *Australia New Zealand Food Standards Code*. Important provisions include:

- ❑ a requirement that all nutrition and health claims be substantiated;
- ❑ specific qualifying criteria for some nutrition content claims. For example, a food that is described as ‘low cholesterol’ must contain no more cholesterol than 20 mg per 100 g for solid food;
- ❑ criteria for foods allowed to make claims. For example, food carrying a general level health claim must meet the nutrient profiling scoring criteria that examine the energy, saturated fat, sodium, sugar, fibre, and amount of fruit etc that is in the food;
- ❑ specific wording conditions for some claims, for example, a weight loss or weight maintenance claim must be considered in the context of the importance of regular exercise;
- ❑ substantiated claims about pre-approved food-disease relationships, for example, a low sodium diet assists in reducing blood pressure;
- ❑ recommendations for endorsements, cause-related marketing and dietary information; and
- ❑ implied claims will not be permitted. A health claim must explicitly state the property of the food and the health effect.

Substantiation

All nutrition and health claims on food will have to be scientifically substantiated. For nutrition content claims, we require suppliers to have proof that the nutrient, substance or property that is the subject of the claim is present at levels referred to in the claim.

FSANZ has developed a substantiation framework for general level health claims, which should be used by food suppliers before making a claim on a food product.

For general level health claims, suppliers can choose from four different methods of substantiation:

- ❑ Claims can be based on a list of nutrient function statements considered by FSANZ to have been substantiated.
- ❑ The pre-approved food-disease relationship supporting a high level health claim can be used as the basis for a general level health claim.
- ❑ The food-health relationship can be substantiated using a prescribed list of authoritative sources.
- ❑ The food-health relationship can be substantiated by carrying out a systematic review.

Substantiation of high level health claims will involve a case-by-case assessment by FSANZ. Once a food-disease relationship has been substantiated, and the associated conditions for the high level health claim listed in the Standard, any supplier can use that claim on products which meet the conditions. We have already approved eight food-disease relationships and included them in the new Standard. Applications can be made to FSANZ for further food-disease relationships to be approved.

Implementation, compliance and enforcement

In Australia, the proposed Standard will be enforced by state and territory government agencies and by the Australian Quarantine and Inspection Service (AQIS) at the border. In New Zealand, the New Zealand Food Safety Authority is the responsible agency. A Health Claims ‘Watchdog’ established by the governments of Australia and New Zealand will monitor and record complaints received about food-related health claims.

Commonly asked questions

Will consumers have the right information to make healthier choices?

Once the new Standard comes into effect, new products and existing products with new claims may become available to consumers. The intent of the new regulation is to provide consumers with appropriate information to make more informed choices when considering products carrying claims.

How likely are consumers to misunderstand or misinterpret the claims?

This issue has been at the forefront of FSANZ work. We believe that the new Standard provides the framework for the sale of food products with clear, unambiguous claims, made by responsible manufacturers. We will provide guidance on wording for many claims and will also facilitate more information about the contribution of the food to the total daily intake of certain nutrients.

Will all foods be able to carry health claims?

FSANZ has set eligibility criteria for those foods that may carry health claims. This is to ensure that only foods that achieve a certain score based on their nutrition profile may carry health claims. Foods with high levels of ‘risk- increasing’ nutrients like sodium, saturated fats and sugars will not achieve the required scores. Some foods have been excluded from carrying health claims altogether: alcohol and kava.

Will the new Standard apply to dietary information from health professionals?

No. Professional advice provided by dietitians and nutrition professionals, doctors, etc falls outside the nutrition, health and related claims Standard. There are exceptions to this – for example, if a nutritionist were to appear in an advertisement promoting the use of a specific food for a particular health reason. In such a case, the advertisement would be a health claim, not dietary information.

What about claims regarding vitamins and minerals?

All health claims, including those made about vitamins and minerals, are subject to the nutrient profiling scoring criteria.

Foods carrying vitamins and mineral nutrition content claims are no longer subject to the ‘claimable food’ requirement for nutrition content claims about vitamins and minerals. This is consistent with the approach to other nutrition content claims.

What about the diversity of views?

Many interested groups including consumers, industry, public health agencies and jurisdictions have contributed to the development of this Standard. Consumers are driven by the need for appropriate information; industry by the opportunity to innovate and market their products; public health agencies by their objective to protect public health; consumer groups by the objective to provide consumers with useful and truthful information; and enforcement agencies by the enforceability of the Standard. We have taken these different, and sometimes conflicting, perspectives into account. We have attempted to base the Standard on a robust evidence base which has allowed us to strike a balance between the views, while maintaining the integrity of the decisions based on the evidence underpinning the process.

Will the pre-market assessment process protect a company’s intellectual property or market advantage?

The pre-market assessment process, as set out in FSANZ’s statutory procedures, generally involves one or two rounds of public consultation. If an applicant requests that certain material such as scientific data or intellectual property such as a patent, be considered confidential commercial information, then under the FSANZ Act, a decision can be made by FSANZ to treat that material confidentially as part of the application process.

In relation to the assessment of high level health claim applications, recent amendments to the FSANZ Act mean that the applicant can have the application processed without the usual public notification and consultation processes. If this approach is sought, consultation is only undertaken with the Food Regulation Standing Committee and the Expert Advisory Committee. As a consequence of this amended process, if the food-disease relationship is approved, the applicant will obtain a first to market advantage.

How will the new Standard be enforced?

Responsibility for implementation and enforcement of the Code lies with the designated authorities within the states, territories and the Commonwealth of Australia and with the New Zealand Food Safety Authority.

However, in Australia, preventing and remedying misleading and deceptive representations about food and beverages is part of the Australian Competition and Consumer Commission's (ACCC) role. Similarly, in New Zealand, the New Zealand Commerce Commission (NZCC) enforces legislation that prohibits misleading and deceptive conduct by food suppliers.

Will implementation of the new Standard be monitored?

A 'Watchdog' body has been appointed to monitor implementation and direct complaints to the appropriate jurisdiction. FSANZ will also undertake periodic label monitoring.

What will be done to educate consumers, industry and enforcement agencies?

FSANZ is planning an education program and will assist in briefing interested organisations where required. Our website will act as the key means of promoting awareness. In consultation with our regulatory partners, we will explore other awareness programs.

Summary of Recommendations Proposed in the Final Assessment Report for Proposal P293 - Nutrition, Health and Related Claims

New Standard for Nutrition, Health and Related Claims

- ❑ Claims will be classified as nutrition content or health claims. There are two types of health claims: general level and high level health claims.
- ❑ The definition of 'claim' captures implied claims.
- ❑ There will be a 'step-up' in regulation from nutrition content claims to general level health claims to high level health claims:
 - All claims must be substantiated and must refer to the property of the food; the quantity of the property must meet the levels specified.
 - General level and high level health claims must state the health effect.
 - Wording conditions will apply to general level health claims and high level health claims.
 - Foods carrying general level health claims must meet the nutrient profiling scoring criteria; these criteria must also be met by foods carrying high level health claims unless an exemption is granted by FSANZ.
- ❑ Food-disease relationships underpinning high level health claims must be pre-approved by FSANZ.

Regulatory Management for Nutrition, Health, and Related Claims

- ❑ The new Standard for nutrition, health and related claims will specify the criteria and conditions around nutrition content claims and general level and high level health claims.
- ❑ The requirements for substantiating general level health claims are provided in Schedule 2 of the new Standard. This means claims will be legally required to be substantiated accordingly.
- ❑ A User Guide will include advice and examples concerning the requirements of the Standard.
- ❑ The FSANZ *Application Handbook* will identify the requirements for substantiating a high level health claim.

General Regulatory Approach for Nutrition Content Claims

- ❑ Many nutrition content claims previously included in a voluntary code of practice will now be regulated in the Code.
- ❑ General conditions that apply to all nutrition content claims will be included in the Standard.
- ❑ Additional specific conditions will apply to certain nutrition content claims for example, *low fat*, *good source of protein*, and *reduced sugar* claims. These conditions include specific compositional requirements and in some cases, wording conditions.
- ❑ Nutrition content claims will not be subject to the nutrient profiling scoring criteria.
- ❑ Analytical or calculated data can be used to substantiate a nutrition content claim.
- ❑ Analytical methods to substantiate nutrition content claims will not be prescribed, apart from the existing requirements for fibre analysis.
- ❑ FSANZ will not prescribe an exhaustive list of descriptors (*rich in*, *more than*, *fewer* etc) for nutrition content claims but will include examples in a User Guide.

Criteria for General Level Health Claims

- ❑ The Standard will include generic conditions that will apply to all general level health claims.
- ❑ The application of these conditions will depend on the subject of the claim but in general they will include:
 - qualifying criteria;
 - the nutrient profiling scoring criteria;
 - scientific substantiation; and
 - wording conditions.
- ❑ There will also be specific conditions in the new Standard for general level health claims about weight management and weight loss, maternal folic acid consumption, biologically active substances and wholegrain.
- ❑ There will be some specific exemptions for foods carrying health claims about lactose and gluten and for special purpose foods.

Restrictions and ineligibility to make claims

- ❑ Restrictions will be placed around nutrition content claims on alcoholic beverages and foods. Criteria will be defined for claims in relation to *low energy*, *reduced energy* and associated claims.
- ❑ *Light* and similar claims on alcohol can only be made in respect of alcohol levels and energy.
- ❑ Health claims will not be allowed on alcohol or kava.
- ❑ Nutrition content claims and health claims on infant formula will continue to be prohibited unless expressly permitted.
- ❑ Current permissions for use of claims on formulated sports foods and formulated meal replacements will continue.

Criteria for High Level Health Claims

- ❑ Qualifying criteria, determined through the substantiation process, and food eligibility criteria as appropriate, will be used to determine which foods are eligible to bear specific high level health claims.
- ❑ Food-disease relationships underpinning high level health claims must be pre-approved by FSANZ.
- ❑ The criteria and conditions that apply to the high level health claim for folic acid and foetal neural tube defect will also apply to the equivalent general level health claim.

Substantiation of Health Claims

General Level Health Claims

- ❑ All general level health claims are either to be based on a list of nutrient function statements in Schedule 2 (the Scientific Substantiation Framework) to the Standard, a prescribed list of pre-approved food-disease relationships, a prescribed list of authoritative sources or a systematic review.
- ❑ Holding the records that substantiate these claims is the responsibility of the supplier of the food making the claim.
- ❑ Pre-approval by FSANZ of any general level health claims will not be required.

High Level Health Claims

- ❑ FSANZ has pre-approved the following food-disease relationships for use at the time the Standard will come into effect:
 - Calcium, vitamin D status and osteoporosis
 - Calcium and enhanced bone mineral density
 - Folic acid and neural tube defects
 - Saturated fatty acids and LDL-cholesterol
 - Saturated and *trans* fatty acids and LDL-cholesterol
 - Sodium and blood pressure
 - Increased intake of vegetables and fruit and coronary heart disease
 - A high intake of vegetables and fruit and coronary heart disease.
- ❑ Suppliers may use high level health claims based on substantiated relationships, subject to defined specific criteria and conditions.
- ❑ Any new food-disease relationships require pre-approval by FSANZ through the application process to vary the Code, so that they can be used as the basis for a high level health claim.

Conditions around wording of Health Claims

- ❑ Wording conditions for health claims are specified – the claim must state the property of the food and the specific health effect in relation to that property. Health claims must also be made in the context of a healthy diet consisting of a variety of foods as appropriate to the type of food, property of the food and specific health effect claimed.
- ❑ Wording conditions will be placed around health claims where the evidence suggests that the specific health effect cannot be attributed to the general population.
- ❑ The wording of the health claim in its entirety must be presented so that all the elements of the claim are in the one place.
- ❑ Specific wording and labelling conditions for general level health claims regarding biologically active substances are proposed.
- ❑ There will be reduced requirements for small packages.

Transitional Period

- ❑ A 24 month transition period for the Standard implementation will be applied and will include a 24 month transition period for stock in trade.

Conditions for *Reduced* and *Increased* nutrition content claims¹

- ❑ The food must contain at least 25% less/more of the nutrient than the same quantity of reference food.
- ❑ The claim must state the identity of the reference food and the difference between the nutrient content of the food and the reference food.
- ❑ The entire claim must be presented together.

Conditions for *Free* claims¹

- ❑ No provisions except for gluten, lactose, saturated fatty acids, and *trans* fatty acids and cholesterol.
- ❑ *Free* claims are managed through fair trading legislation.

¹ Main recommendations only – refer to the new Standard for full details

Conditions for nutrition content claims about fat, fatty acids and cholesterol²

Claim	Nutrition content claim conditions
All cholesterol claims	<ul style="list-style-type: none"> ❑ The food must also meet the conditions for a nutrition content claim in relation to <i>low</i> saturated fatty acids.
Low cholesterol	<ul style="list-style-type: none"> ❑ The food contains no more cholesterol than 10 mg per 100 ml for liquid food and 20 mg per 100 g for solid food.
% fat free	<ul style="list-style-type: none"> ❑ The food meets the conditions for a nutrition content claim in relation to <i>low</i> fat.
Low fat	<ul style="list-style-type: none"> ❑ The food contains no more fat than 1.5 g per 100 ml for liquid food and 3 g per 100 g for solid food.
All omega fatty acid claims	<ul style="list-style-type: none"> ❑ The type of omega fatty acid is specified immediately after the word 'omega'.
Omega-3 fatty acids	<ul style="list-style-type: none"> ❑ The food contains no less than 200 mg ALA per serving or 30 mg total EPA and DHA per serving. ❑ Other than for fish or fish products with no added saturated fatty acids, the food contains – <ul style="list-style-type: none"> ○ as a proportion of the total fatty acid content, no more than 28% saturated fatty acids and <i>trans</i> fatty acids; or ○ no more saturated fatty acids and <i>trans</i> fatty acids than 5 g per 100 g ❑ The nutrition information panel indicates the source and amount of omega-3 fatty acids.
Good source of omega-3 fatty acids	<ul style="list-style-type: none"> ❑ The food meets the conditions for a nutrition content claim in relation to omega-3 fatty acids ❑ The food contains no less than 60 mg total EPA and DHA per serving.
Omega-6 fatty acids omega-9 fatty acids	<ul style="list-style-type: none"> ❑ The food contains as a proportion of the total fatty acid content no more than 28% saturated fatty acids and <i>trans</i> fatty acids. ❑ The food contains no less than 40% omega-6 or omega-9 fatty acids.
Polyunsaturated/monounsaturated fatty acids	<ul style="list-style-type: none"> ❑ The food contains, as a proportion of the total fatty acid content no more than 28% saturated fatty acids and <i>trans</i> fatty acids and no less than 40% polyunsaturated/monounsaturated fatty acids.
Low saturated and <i>trans</i> fatty acids Low saturated fatty acids	<ul style="list-style-type: none"> ❑ The food contains no more saturated and <i>trans</i> fatty acids than 0.75 g per 100 ml for liquid food and 1.5 g per 100 g for solid food.
Saturated fatty acids/saturated and <i>trans</i> fatty acids as a low proportion of total fatty acid content	<ul style="list-style-type: none"> ❑ The food contains no more than 28% saturated and <i>trans</i> fatty acids as a proportion of the total fatty acid content.
Free saturated fatty acids	<ul style="list-style-type: none"> ❑ The food must be free of saturated fatty acids and <i>trans</i> fatty acids.

² Main recommendations only – refer to the new Standard for full details

Nutrition, health and related claims – A guide to a new standard

Claim	Nutrition content claim conditions
<i>Trans</i> fatty acid free	<ul style="list-style-type: none"><li data-bbox="638 253 1369 383">❑ The food contains no more saturated fatty acids than 0.75 g per 100 ml of liquid and 1.5 g per 100 g of solid food; or the food contains no more than 28% saturated fatty acids as a proportion of the total fatty acid content.<li data-bbox="638 387 1369 414">❑ The food must be free of <i>trans</i> fatty acids.

Conditions for various nutrition content claims including fibre, protein, sugar and sodium³

Claim	Nutrition content claim conditions
Dietary fibre	<input type="checkbox"/> A serving of the food contains at least 2 g of dietary fibre.
Good source of dietary fibre	<input type="checkbox"/> A serving of the food contains at least 4 g of dietary fibre
Excellent source of dietary fibre	<input type="checkbox"/> A serving of the food contains at least 7 g of dietary fibre.
Low energy	<input type="checkbox"/> The average energy content of the food is no more than 80 kJ per 100 ml for liquid food and 170 kJ per 100 g for solid food.
Gluten	<input type="checkbox"/> Only <i>gluten free</i> or <i>low gluten</i> nutrition content claims are permitted.
Gluten free	<input type="checkbox"/> The food must not contain detectable gluten or oats or their products or cereals containing gluten that have been malted, or their products.
Low gluten	<input type="checkbox"/> The food contains no more than 20 mg gluten per 100 g of the food.
Lactose	<input type="checkbox"/> Only <i>lactose free</i> or <i>low lactose</i> nutrition content claims are permitted.
Lactose free	<input type="checkbox"/> The food contains no detectable lactose and the nutrition information panel indicates the lactose and galactose content.
Low lactose	<input type="checkbox"/> The food contains no more than 2 g of lactose per 100 g of the food and the nutrition information panel indicates the lactose and galactose content.
Potassium	<input type="checkbox"/> The nutrition information panel indicates the sodium and potassium content.
Protein	<input type="checkbox"/> The food contains at least 5 g of protein per serving.
Good source of protein	<input type="checkbox"/> The food contains at least 10 g of protein per serving.
All salt and sodium claims	<input type="checkbox"/> The nutrition information panel indicates the potassium content.
Low salt or sodium	<input type="checkbox"/> The food contains no more sodium than 120 mg per 100 ml for liquid food and 120 mg per 100 g for solid food.
No added salt or sodium Unsalted	<input type="checkbox"/> The food contains no added sodium compound including no added salt. <input type="checkbox"/> The ingredients of the food contain no added sodium compound including no added salt.
% sugar free	<input type="checkbox"/> The food meets the conditions for a nutrition content claim in relation to low sugar.
Low sugar	<input type="checkbox"/> The food contains no more sugars than 2.5 g per 100 ml for liquid food and 5 g per 100 g for solid food.
No added sugar	<input type="checkbox"/> The food contains no added sugars, honey, malt, malt extracts. <input type="checkbox"/> The food contains no added concentrated fruit juice or deionised fruit juice.
Unsweetened	<input type="checkbox"/> The food meets the conditions for a nutrition content claim in relation to no added sugar. <input type="checkbox"/> The food contains no intense sweeteners, sorbitol, mannitol, glycerol, xylitol, isomalt, maltitol syrup or lactitol.

³ Main recommendations only – refer to the new Standard for full details

Endorsements

- ❑ Designs on food labels that are nutrition content claims or health claims and meet the definition of *endorsement* made by an *endorsing organisation* are not subject to the requirements of the new Standard.
- ❑ Designs on food labels that are nutrition content claims or health claims that do not meet the definition of *endorsement* will be subject to the new Standard.
- ❑ The supplier of the food must have records demonstrating that the *endorsing organisation* is independent, formed for nutritional or health purposes, and structured in a way that guarantees that the suppliers cannot influence the criteria used by the endorsement program.
- ❑ Upon request, the supplier of the food must make these records available to the relevant authority.

Cause-Related Marketing

- ❑ The requirements of the new Standard relating to nutrition content claims or health claims will not apply to cause-related marketing statements, if accompanied by a disclaimer that the supplier makes no claims that the food contains the property of the food mentioned in the cause-related marketing statement, or that the food is beneficial for managing a health effect (that is associated with the cause-related marketing statement).
- ❑ If the food also carries a separate nutrition content claim or health claim that meets the conditions of the new Standard, about the same property of the food or health effect as the cause-related marketing statement, the disclaimer is not required.

Biologically Active Substance Claims

- ❑ The amount of biologically active substance present in the food will have to be disclosed in the nutrition information panel.
- ❑ Claims must not include any descriptors in relation to the level of the substance in the food, e.g. that a food is a *good source*, *high in*, *rich in*, and synonyms thereof.
- ❑ General level health claims for biologically active substances are subject to the nutrient profiling scoring criteria and must meet any other conditions that apply to general level health claims regarding nutrients.
- ❑ The amount of substance necessary to achieve the health effect and the amount contained in a serve of the food must be stated in the general level health claim.
- ❑ At least 10% of the amount of biologically active substance that is required to be consumed per day to achieve the desired health effect will have to be present in a serve of food.
- ❑ All claims will have to be fully substantiated.

Weight Loss and Maintenance Claims

- ❑ Weight loss and maintenance claims will be allowed.
- ❑ Foods with weight loss and maintenance claims will be required to meet the qualifying criteria for *low energy* claims or contain at least 40% less energy than a reference food, and are subject to the nutrient profiling scoring criteria.
- ❑ The claim will be required to state the importance of exercise.

Dietary Information

- ❑ Dietary information means general diet-related information that does not refer to health effect.
- ❑ Dietary information can be provided on a label or in an advertisement if it relates to an associated nutrition content claim or health claim. The dietary information must not imply benefits beyond the associated claim.
- ❑ Where dietary information refers to a food rather than a property of the food, a related claim is not required, but the dietary information must be directly relevant to the type of food carrying the dietary information.

Glycemic Index (GI)

- ❑ GI claims will have to be substantiated.
- ❑ The claim itself or the nutrition information panel must include the numerical value of the GI.
- ❑ A food carrying a GI claim will have to meet the nutrient profiling scoring criteria.
- ❑ Claims may include the descriptors *low*, *medium* or *high* as specified in the Standard.
- ❑ The preferred method for determining GI is described in a Standards Australia Standard.
- ❑ If the claim refers to a health effect then it will be regulated appropriately as either a general level health claim or a high level health claim.

Whole Food Claims

- ❑ Health claims in relation to whole foods must state the food itself and the specific health effect that is claimed.
- ❑ To be eligible to carry a general level health claim about a whole food, the food must meet the nutrient profiling scoring criteria and any other generic conditions for making a health claim.
- ❑ The claim must be substantiated according to the Scientific Substantiation Framework.
- ❑ The evidence must point towards the health effect being attributed to the whole food.

Summary of changes to the regulation of nutrition, health and related claims as a result of Proposal P293 - Nutrition, Health and Related Claims⁴

Note: the specific conditions prescribed in Part 2.9 relating to claims on Special Purpose Foods have not been amended under Proposal P293 and are therefore not included in this table.

Issue	Status Quo	Requirements according to draft STANDARD 1.2.7 (and amendments to related Standards)
High level health claims (HLHCs)	<ul style="list-style-type: none"> • Most HLHCs including claims with a therapeutic or prophylactic nature are prohibited • Folate/neural tube defect claim is permitted on certain products, with criteria and conditions prescribed 	<ul style="list-style-type: none"> • HLHCs still prohibited unless specifically permitted • HLHCs are based on pre-approved food–disease relationships (some HLHCs able to be used by industry after gazettal of the draft Standard) • Applications will need to be made to seek pre-approval of any further food-disease relationships (according to the requirements in the Application Handbook) • Compositional criteria and wording conditions must be met for individual claims • Folate/neural tube defect claims to continue but with different criteria and conditions
General level health claims (GLHCs)	<ul style="list-style-type: none"> • Most GLHCs not specifically permitted or prohibited by Code. 	<ul style="list-style-type: none"> • GLHCs are specifically permitted but must meet a range of requirements • The food must meet specified conditions for the particular nutrition content claim the claim is based on • The food must meet the generic nutrient profiling scoring criteria, specified conditions for the particular GLHC, if applicable, and wording conditions • The claim must be substantiated according to the Scientific Substantiation Framework
Nutrition content claims	<ul style="list-style-type: none"> • Some nutrition content claims regulated by Standard 1.2.8, including nutrition information panel declaration for all nutrition claims, and Part 2.9. Others have recommendations in CoPoNC. • Need for substantiation is implicated under fair trading legislation 	<ul style="list-style-type: none"> • General conditions applying to all nutrition content claims are in the draft Standard including the use of descriptors in the claim, wording of claims about nutrients that are naturally present or absent in a food, voluntary declaration of percentage daily intake labelling, and the form of the food to which conditions for making the claim must be applied • Specific conditions for some nutrition content claims are prescribed in the draft Standard • The claim must be substantiated by analysing or calculating the value of the nutrient content of the food

⁴ Note that this table is a summary of the key components of the draft Standard and so does not include all aspects of the regulatory requirements

Nutrition, health and related claims – A guide to a new standard

Issue	Status Quo	Requirements according to draft STANDARD 1.2.7 (and amendments to related Standards)
Ineligible foods	<ul style="list-style-type: none"> • There are no specific prohibitions on making nutrition content claims about kava and alcohol in the Code • Standard 1.1A.2 – Transitional Standard for Health Claims prohibits HLHCs on foods that are standardised in Part 2.7 of the Code (Alcoholic Beverages). 	<ul style="list-style-type: none"> • Kava and kava containing products are prohibited from making nutrition content and health claims • Foods and alcoholic beverages containing more than 1.15% alcohol are prohibited from making nutrition content claims, GLHCs and HLHCs, except for nutrition content claims about energy and carbohydrate. • Claims about alcohol content are not considered to be a nutrition content claim and therefore are not subject to the requirements of such claims
Implied Claims	<ul style="list-style-type: none"> • <i>Claim</i> is defined in the Code but it does not explicitly include reference to <i>implied claims</i> • Standard 1.1A.2 Transitional Standard – Health Claims currently prohibits implied words, statements or claims that could be interpreted as advice of a medical nature, and designs that by implication could be interpreted as advice of a medical nature 	<ul style="list-style-type: none"> • The definition of <i>claim</i> includes reference to <i>implied claims</i>, therefore the definitions of nutrition content claim and health claim capture <i>implied claims</i> • <i>Implied claims</i> are required to meet the same conditions as equivalent express claims, for example substantiation of the claim and reference to a specific property of the food and health effect (as appropriate).
Endorsements	<ul style="list-style-type: none"> • The Code does not specifically define or prescribe criteria for <i>endorsements</i>. However, designs (including <i>endorsements</i>) relating to a health claim need to comply with Standard 1.1A.2 Transitional Standard – Health claims. 	<ul style="list-style-type: none"> • All <i>endorsements</i> made by <i>endorsing organisations</i> as defined in the draft Standard are exempted from the regulatory requirements of the draft Standard
Dietary information	<ul style="list-style-type: none"> • Not specifically regulated by the Code 	<ul style="list-style-type: none"> • Dietary information is defined in the draft Standard and there are certain conditions to restrict its use on food labels and in the advertising of food. • Dietary information is required to relate to an associated nutrition content claim or health claim, to not exceed the associated nutrition content claim or health claim, and to relate directly to the food if dietary information relates to the whole food. • These provisions only apply to dietary information that appears on food labels or in advertisements for food.

Nutrition, health and related claims – A guide to a new standard

Issue	Status Quo	Requirements according to draft STANDARD 1.2.7 (and amendments to related Standards)
Cause-related marketing statements	<ul style="list-style-type: none"> Standard 1.1A.2 Transitional Standard – Health Claims prohibits food labels from mentioning the name of any disease or physiological condition (except in relation to maternal folate consumption and neural tube defects). Therefore cause-related marketing statements that reference a disease or physiological condition are currently prohibited by the Code. 	<ul style="list-style-type: none"> <i>Cause-related marketing statement for a food</i> is defined in the draft Standard <i>Cause-related marketing statements</i> are exempt from the conditions of the draft Standard if accompanied by a disclaimer. If the food also carries a nutrition content claim or a health claim (that meets the conditions of the draft Standard) about the same property of the food or health effect respectively as the cause-related marketing statement, the disclaimer is not required.
Percentage Daily Intake (%DI) labelling	<ul style="list-style-type: none"> Voluntary use of %DI in nutrition information panel is regulated in Standard 1.2.8 - Nutrition Information Requirements %DI labelling outside the nutrition information panel is not specifically regulated by the Code %DI labelling outside the nutrition information panel is considered to be a claim 	<ul style="list-style-type: none"> Continue to permit voluntary %DI labelling in the nutrition information panel Permit voluntary %DI labelling for energy alone or together with protein, fat, saturated fatty acids, carbohydrate, sugars and sodium outside the nutrition information panel without the information being considered a claim. Other specific requirements must be met.
%RDI	<ul style="list-style-type: none"> When claims are made relating to vitamin or mineral content, the %RDI of the vitamin or mineral contributed by one serve, must be declared on the label 	<ul style="list-style-type: none"> %RDI declarations must be displayed in the nutrition information panel and can continue to be also displayed anywhere else on the label. Other specific conditions apply.
Comparative claims	<ul style="list-style-type: none"> Not specifically regulated in the Code except for the prohibition on comparing the vitamin or mineral content of a food with that of any other food CoPoNC provides recommendations for some comparative claims 	<ul style="list-style-type: none"> <i>Reference food</i> and <i>food group</i> are defined in the draft Standard. Conditions are prescribed in the draft Standard for <i>increased</i> and <i>reduced</i> claims relating to certain nutrients Comparative claims about vitamins and minerals and substances without a reference value in the Code, including biologically active substances, are not permitted

Nutrition, health and related claims – A guide to a new standard

Issue	Status Quo	Requirements according to draft STANDARD 1.2.7 (and amendments to related Standards)
Basis for claims – as sold or as prepared	<ul style="list-style-type: none"> • Only specified for certain claims in the Code. e.g. <i>low joule</i> claims in Standard 1.2.8 – Nutrition Information Requirements. • CoPoNC stipulates that the conditions for making claims apply to the food in the form in which it is intended to be consumed. 	<ul style="list-style-type: none"> • Requirements are prescribed in the draft Standard as the basis of all nutrition content and health claims • For foods requiring reconstituting with water or draining prior to consumption, the claim must be based on the food after reconstitution/draining • For foods that are required to be prepared with other foods according to specific directions, the claim must be based on the food as prepared according to those directions and the claim must indicate the form of the food to which the claim applies • For foods that can be either prepared/consumed with other food or consumed in the same state as sold, claim must be based on the food in the state in which it is sold
Biologically active substances	<ul style="list-style-type: none"> • Biologically active substance is defined in the Code • Claims about biologically active substances can be made subject to Standard 1.1A.2 Transitional Standard – Health Claims. • The biologically active substance must be declared in the nutrition information panel if a claim is made 	<ul style="list-style-type: none"> • <i>Biologically active substance</i> is defined in the draft Standard • Nutrition content claims and health claims are permitted for biologically active substances, with conditions prescribed in the draft Standard • In addition to meeting the general conditions for GLHCs, the supplier must have records substantiating the amount of biologically active substance that is required to be consumed per day to achieve the claimed health effect, the supplier must declare this amount as part of the claim, and a serve of the food must contain at least 10% of the amount required to be consumed per day to achieve the claimed health effect
Glycemic Index (GI) -	<ul style="list-style-type: none"> • Not regulated by the Code, but widely used in the market place 	<ul style="list-style-type: none"> • Conditions for making GI claims are prescribed in the draft Standard • The conditions include: the supplier must have records for substantiation of the claim; the claim itself or the nutrition information panel must include the numerical value of the GI of the food; a food carrying a GI claim must meet the nutrient profiling scoring criteria; the claim may include the descriptors <i>low</i>, <i>medium</i> or <i>high</i>; and an editorial note describes the preferred method for determining GI
Weight loss/maintenance	<ul style="list-style-type: none"> • Claims that a food has intrinsic weight reducing properties are prohibited 	<ul style="list-style-type: none"> • Weight loss/maintenance claims are permitted and are considered general level health claims. • Weight loss/maintenance claims must meet substantiation requirements, the nutrient profiling scoring criteria and wording conditions for such claims; the food must a) meet the conditions for <i>low energy</i> claims; or b) contain at least 40% less energy compared to the same quantity of the reference food. Additional specific conditions apply.

Nutrition, health and related claims – A guide to a new standard

Issue	Status Quo	Requirements according to draft STANDARD 1.2.7 (and amendments to related Standards)
Whole food claims	<ul style="list-style-type: none"> • Claims about whole foods are not specifically addressed by the Code, or by CoPoNC 	<ul style="list-style-type: none"> • Whole foods are not specifically defined. • GLHCs about whole foods must meet the general requirements for GLHCs; state the food itself and the specific health effect that is claimed for the food; and the evidence must point towards the health effect being attributed to the whole food.
GLHCs about wholegrain	<ul style="list-style-type: none"> • <i>Wholegrain</i> is defined in Standard 2.1.1 – Cereals and Cereal Products. • Health claims about wholegrain currently need to comply with Standard 1.1A.2 Transitional Standard – Health Claims. 	<ul style="list-style-type: none"> • The definition of <i>wholegrain</i> in Standard 2.1.1 – Cereals and Cereal Products is retained. • GLHCs about <i>wholegrain</i> must meet the general requirements for GLHCs; the claim must state the level of the wholegrain ingredient in the food; the amount of wholegrain that is required to achieve the claimed health effect must be stated in the claim and a serve of the food must contain at least 10% of that amount; and the supplier of the food must have records substantiating the basis for the amount of wholegrain that is recommended to be consumed to achieve the claimed health effect

Specific Nutrition Content Claims

Issue	Status Quo	Requirements according to draft STANDARD 1.2.7 (and amendments to related Standards)
Biologically active substances	<ul style="list-style-type: none"> No specific qualifying criteria for claims in the Code or in CoPoNC 	<ul style="list-style-type: none"> Nutrition content claims are permitted. Descriptors that describe a certain level of the substance is present are not permitted as part of the claim. General requirements for nutrition content claims apply.
Carbohydrate	<ul style="list-style-type: none"> No specific qualifying criteria for claims about carbohydrate in the Code or in CoPoNC 	<ul style="list-style-type: none"> Nutrition content claims about carbohydrate are permitted but there are no specific qualifying criteria for such claims. General requirements for nutrition content claims apply.
Cholesterol (free, low, reduced)	<ul style="list-style-type: none"> Not regulated in the Code, but conditions provided in CoPoNC 	<ul style="list-style-type: none"> CoPoNC conditions have been modified and included in the draft Standard. e.g. For all cholesterol claims, food must comply with conditions for <i>low</i> saturated fat claim Cholesterol content of products with <i>cholesterol free</i> claims are regulated by fair trading legislation
Dietary fibre (source, good source, excellent source)	<ul style="list-style-type: none"> Not regulated in the Code, but conditions provided in CoPoNC for <i>source, good source and excellent source of fibre</i> claims 	<ul style="list-style-type: none"> Conditions are prescribed in the draft Standard for these claims. Qualifying levels of fibre are higher than under CoPoNC
Dietary fibre (increased)	<ul style="list-style-type: none"> Not regulated in the Code, but conditions provided in CoPoNC 	<ul style="list-style-type: none"> Conditions are prescribed in the draft Standard for these claims The reference food must contain at least 2g of dietary fibre per serve
Diet	<ul style="list-style-type: none"> Not explicitly regulated in the Code. Conditions for <i>diet</i> claims provided in CoPoNC (meet conditions for a <i>low energy</i> claim or meet the criteria relating to 40% energy reduction compared with a reference food including requirement for a minimum absolute reduction of energy) 	<ul style="list-style-type: none"> Conditions are prescribed in the draft Standard. Foods carrying a <i>diet</i> claim need to meet conditions for a <i>low energy</i> claim or meet the criteria relating to 40% energy reduction compared with a reference food (but will not require a minimum absolute reduction in energy under this option) Nutrient profiling scoring criteria apply
Energy (low, reduced)	<ul style="list-style-type: none"> Claims relating to <i>low energy</i> regulated in Standard 1.2.8. Other types of energy claims not regulated in the Code. CoPoNC includes conditions for <i>reduced energy</i> claims. 	<ul style="list-style-type: none"> Conditions are prescribed in the draft Standard. Conditions for <i>low energy</i> claims as in Standard 1.2.8 retained and moved to the draft Standard Conditions for <i>reduced energy</i> claims are similar to the conditions in CoPoNC, but will not require a minimum absolute reduction in energy.

Nutrition, health and related claims – A guide to a new standard

Issue	Status Quo	Requirements according to draft STANDARD 1.2.7 (and amendments to related Standards)
Free claims	<ul style="list-style-type: none"> • <i>Free</i> claims in relation to gluten and lactose only, are regulated in the Code. • Fair trading legislation is relied upon • CoPoNC includes conditions for <i>free</i> claims in relation to fat, cholesterol, sodium and sugar. 	<ul style="list-style-type: none"> • Specific condition for <i>gluten free, lactose free, saturated fatty acid free and trans fatty acid free</i> are included in the draft Standard. • <i>Free</i> claims must comply with fair trading legislation (no detectable amount of the particular nutrient).
Gluten	<ul style="list-style-type: none"> • Conditions are prescribed in Standard 1.2.8 – Nutrition Information Requirements for <i>low</i> and <i>free</i> claims. 	<ul style="list-style-type: none"> • Conditions in Standard 1.2.8 – Nutrition Information Requirements for <i>low</i> and <i>free</i> have been retained and moved to the draft Standard. • Only <i>low gluten</i> and <i>gluten free</i> claims are permitted.
Lactose	<ul style="list-style-type: none"> • Conditions are prescribed in Standard 1.2.8 – Nutrition Information Requirements for <i>low lactose, lactose free, and reduced lactose</i> claims 	<ul style="list-style-type: none"> • Conditions are prescribed in the draft Standard. • Only <i>low lactose</i> and <i>lactose free</i> claims are permitted (<i>lactose reduced</i> claims are prohibited). • The conditions for <i>low lactose</i> claims have been changed from those in Standard 1.2.8 (0.3 g/100 g) compared to those in the draft Standard (2 g/100 g)
Light or lite	<ul style="list-style-type: none"> • Not regulated in the Code. Fair trading laws are relied upon. CoPoNC states that to make a <i>light/lite claim</i>, the food must comply with the conditions for the corresponding <i>reduced or low</i> claim. 	<ul style="list-style-type: none"> • Conditions are prescribed in the draft Standard and are different to those in CoPoNC – <i>light</i> claims will only be permitted when the conditions for a <i>reduced</i> claim are met • <i>Light</i> claims about flavour, texture or colour etc of food are not regulated in the Code.
Potassium	<ul style="list-style-type: none"> • Conditions are prescribed in Standard 1.2.8 – Nutrition Information Requirements. 	<ul style="list-style-type: none"> • Conditions in Standard 1.2.8 – Nutrition Information Requirements have been retained and moved to the draft Standard. • Both sodium and potassium are declared in the nutrition information panel if a claim is made about potassium.
Protein (source, good source, increased)	<ul style="list-style-type: none"> • Not regulated by the Code and no conditions in CoPoNC 	<ul style="list-style-type: none"> • New claims and conditions are prescribed in the draft Standard. For <i>source</i> and <i>good source</i> claims the food must contain at least 5 and 10 g protein per serving respectively. • For <i>increased</i> protein claims the reference food must contain at least 5 g protein per serving and there must be a minimum increase of 25% in protein compared with the reference food

Nutrition, health and related claims – A guide to a new standard

Issue	Status Quo	Requirements according to draft STANDARD 1.2.7 (and amendments to related Standards)
Salt or sodium (low)	<ul style="list-style-type: none"> Regulated in Standard 1.2.8 	<ul style="list-style-type: none"> Conditions maintained (except conditions added for liquid foods (per 100 ml not g) but moved to the draft Standard.
Salt or sodium (reduced)	<ul style="list-style-type: none"> Not regulated in the Code, but conditions provided in CoPoNC 	<ul style="list-style-type: none"> Conditions are prescribed in the draft Standard and are similar to those in CoPoNC except minimum absolute reduction in sodium is not required and there is no maximum sodium level for the food.
Salt or sodium (no added)	<ul style="list-style-type: none"> Not regulated in the Code, but conditions provided in CoPoNC 	<ul style="list-style-type: none"> Conditions are prescribed in the draft Standard and are the same as in CoPoNC (food or ingredients of the food must contain no added sodium compound and no added salt)
Fat (reduced, low)	<ul style="list-style-type: none"> Not regulated in the Code, but conditions provided in CoPoNC 	<ul style="list-style-type: none"> Conditions are prescribed in the draft Standard and are similar to those in CoPoNC except <i>reduced</i> claims do not require a minimum absolute reduction in fat.
Saturated and trans fatty acids (low, reduced, low proportion)	<ul style="list-style-type: none"> Not regulated by the Code and no conditions in CoPoNC 	<ul style="list-style-type: none"> New conditions for <i>saturated and trans fatty acid</i> claims combined, are prescribed in the draft Standard. For <i>low</i> claims, food must not contain any more than 0.75 g saturated and <i>trans</i> fatty acids per 100 ml of liquid food and 1.5 g saturated and <i>trans</i> fatty acids per 100 g of solid food. For <i>reduced</i> claims the comparison should be based on a reduction of at least 25% in the saturated and <i>trans</i> fatty acid content compared to a reference food New conditions for <i>low proportion of saturated and trans fatty acids of total fatty acids</i>
Saturated fatty acids (low, reduced, low proportion)	<ul style="list-style-type: none"> Not regulated in the Code, but conditions provided in CoPoNC for <i>low</i> and <i>reduced</i> claims 	<ul style="list-style-type: none"> Conditions are prescribed in the draft Standard For <i>low</i>, conditions are similar to those in CoPoNC and the same as for <i>low saturated and trans fatty acid</i> claims For <i>reduced</i>, conditions are similar to those in CoPoNC (the comparison should be based on a reduction of at least 25% in the saturated fatty acid content compared to a reference food) except minimum absolute reduction in saturated fatty acids is not required New conditions for <i>low proportion of saturated fatty acids of total fatty acids</i>
Trans fatty acids	<ul style="list-style-type: none"> Not regulated by the Code and no conditions in CoPoNC 	<ul style="list-style-type: none"> New conditions for <i>reduced and free in trans fatty acid</i> claims are in the draft Standard. <i>Low</i> and <i>x% free</i> claims about <i>trans</i> fatty acids are prohibited.

Nutrition, health and related claims – A guide to a new standard

Issue	Status Quo	Requirements according to draft STANDARD 1.2.7 (and amendments to related Standards)
Unsaturated fatty acids	<ul style="list-style-type: none"> Regulated in Standard 1.2.8. 	<ul style="list-style-type: none"> Conditions in Standard 1.2.8 are retained but moved to the draft Standard
Sugar or Sugars (low, reduced)	<ul style="list-style-type: none"> Not regulated in the Code, but conditions provided in CoPoNC 	<ul style="list-style-type: none"> Conditions are prescribed in the draft Standard and are similar to those in CoPoNC, but do not require a minimum absolute reduction in sugar for the <i>reduced</i> claim
Sugar or Sugars (% free)	<ul style="list-style-type: none"> Not regulated in the Code, and not permitted under CoPoNC 	<ul style="list-style-type: none"> Conditions for % <i>free</i> claims are prescribed in the draft Standard Products with % <i>free</i> claims must meet conditions for a <i>low</i> sugar claim.
Sugar or Sugars (no added, unsweetened)	<ul style="list-style-type: none"> Not regulated in the Code, but conditions provided in CoPoNC 	<ul style="list-style-type: none"> Conditions are prescribed in the draft Standard and are similar to those in CoPoNC except that <i>no added</i> claims cannot be made if the product contains concentrated fruit juice or deionized fruit juice in addition to ingredients listed in CoPoNC (sugars, honey, malt, malt extracts). As in CoPoNC <i>unsweetened</i> claims are permitted on foods which meet the conditions for <i>no added sugar</i> claims and which do not contain sorbitol, mannitol, glycerol, xylitol, maltitol syrup or lactitol. Isomalt has also been added to this list.
Vitamin or mineral (source, good source)	<ul style="list-style-type: none"> Conditions are prescribed in Standard 1.3.2 for vitamin and mineral nutrition claims on general purpose foods. General purpose foods must meet the definition of ‘claimable food’ to be permitted to carry a claim. 	<ul style="list-style-type: none"> Some conditions for nutrition content claims in relation to vitamins and minerals have been moved to the draft Standard. The basis for the qualifying criteria has been changed from <i>per reference quantity</i> to <i>per serve</i>. The concept of ‘claimable food’ has been removed. Foods carrying health claims about vitamins and minerals must instead meet the nutrient profiling scoring criteria.
Wholegrain	<ul style="list-style-type: none"> <i>Wholegrain</i> is defined in Standard 2.1.1 – Cereals and Cereal Products. Not regulated in the Code but claims are currently permitted. No conditions are included in CoPoNC. 	<ul style="list-style-type: none"> The definition of <i>wholegrain</i> in Standard 2.1.1 – Cereals and Cereal Products is retained. General conditions for nutrition content claims as specified in the draft Standard apply to claims about wholegrain. There are no specific conditions. Descriptors that describe a certain level of wholegrain is present are not permitted as part of the claim.