



# What claims can you make on nut labels now?

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ANIC Conference 2009 Melbourne



## Overview

Progress P293 draft Nutrient, Health and Related Claims  
standard

Health claims in the current Food Standards Code

Nutrient Content Claims

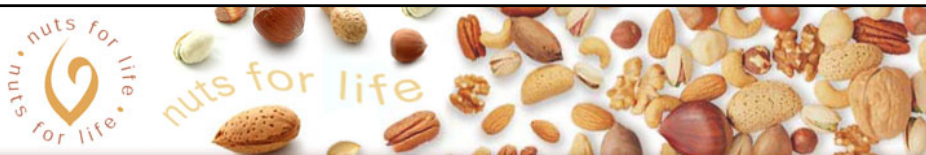
Nutrient Function Claims/ Maintenance claims

Claims for each nut type



## FSANZ P293 update

- Health claims illegal under current food standards code (Standard 1.1A.2)
- FSANZ working for >10yrs
- P293 Nutrient, Health and Related claims draft provide framework to allow health claims
- Three main types of claims being proposed: Nutrient Content Claims, General Level Health Claims (GLHC), High Level Health Claims (HLHC)



## 1. Nutrition content claims

- Nutrients

Contains **vitamin E**



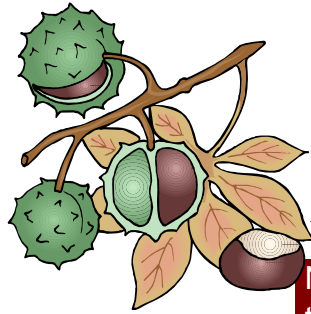
Thanks  
FSANZ!

Criteria apply to the claimed **property (with a reference value)**



## Nutrition content claims

- BAS –biologically active substances



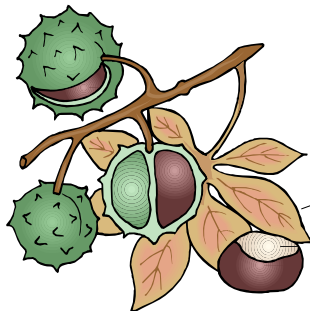
With antioxidants

No criteria applies but some limitations to the wording, no reference value/ RDI  
Std 1.2.7 – claims must be explicit, ACCC - must contain a meaningful amt



## Nutrition content claims

- BAS –biologically active substances



~~Excellent source of antioxidants~~

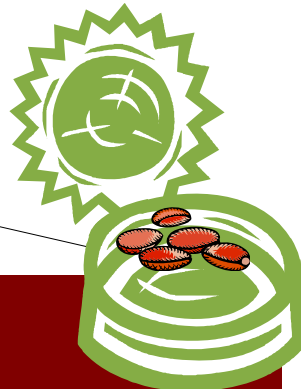
- Can't use descriptors



## 2. General level health claims

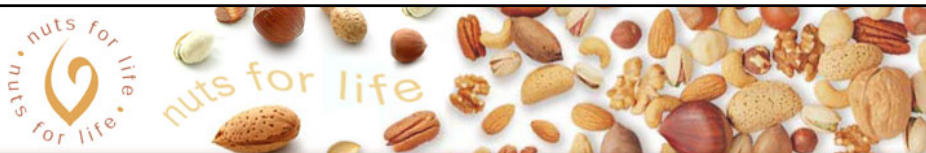
Links to health function, not serious disease

Calcium  
builds strong bones



Criteria apply to the claimed **property**  
and  
the **food vehicle [the nuts]**

Food must pass Nutrient Profile Scoring Calculator  
(Only those GLHC in the current draft code allowed unless application)




## 3. High level health claims

Links to serious disease - risk reduction

Excellent source of calcium  
Reduces risk of osteoporosis



**Case specific** criteria  
apply to the claimed property and\_  
the food vehicle (**FSANZ pre-approval required**)




**Therapeutic claims**  
Links to serious disease - prevention/cure

Super source of calcium  
prevents osteoporosis

**“Newnuts”**

**Not allowed on foods**



The slide features a header with the 'nuts for life' logo and a variety of nuts. The main content is crossed out with a large red 'X'. It includes a green title 'Therapeutic claims', a subtitle 'Links to serious disease - prevention/cure', a dark red oval containing the text 'Super source of calcium prevents osteoporosis', a brown paper bag labeled 'Newnuts', and a dark red box at the bottom with the text 'Not allowed on foods'.



## FSANZ P293 update

- Ministerial Council provided feedback to FSANZ on last draft of P293 – 46 page document
- P293 due back to MC at the same time as the independent ministerial review of food labelling law and policy – all are due for May 2010 meeting.
- FSANZ has yet to commence the food labelling review and will more than likely miss the deadline so looking to the Oct 2010 MC meeting. And then possible MC will ask for a 2<sup>nd</sup> review paper.
- Saga continues.....stay tuned!

The slide features a header with the 'nuts for life' logo and a variety of nuts. The main content is a list of bullet points under the heading 'FSANZ P293 update'.



## Standard 1.1A.2 - Transitional Standard for Health Claims

- Clauses
- (2) The label on or attached to a package containing or an advertisement for food shall not contain a claim or statement that the food is a slimming food or has intrinsic weight-reducing properties.
- ***For example can't say: Al's Almonds can help you lose weight.***



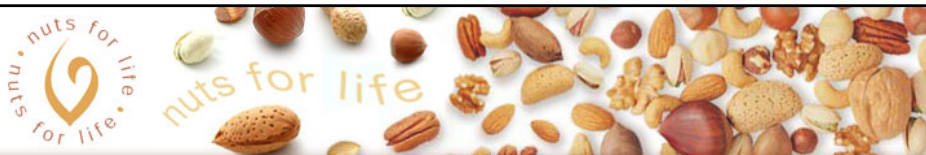
## What about health claims in current FSC

- (3)(a) Save where otherwise expressly prescribed by this Code, any label on or attached to a package containing or any advertisement for food shall not include a claim for therapeutic or prophylactic action or a claim described by words of similar import.
- ***For example can't say: Brighton Brazil nuts will help cure/prevent the common cold.***
- (b) Any label on or attached to a package containing or an advertisement for a food shall not include the word 'health' or any word or words of similar import as a part of or in conjunction with the name of the food.
- ***For example can't say: Cosi Cashews are a health food and should be eaten regularly. ("Health clause" most commonly breached)***



## What about health claims in current FSC

- (c) Save where otherwise expressly prescribed by this Code, any label on or attached to a package containing or any advertisement for food shall not contain any word, statement, claim, express or implied, or design that directly or by implication could be interpreted as advice of a medical nature from any person.
- **For example can't say: *Chesty Chestnuts can help lower your blood cholesterol. (This is considered a high level health claim)***
- (d) Save where otherwise expressly prescribed by this Code, the label on or attached to a package containing or any advertisement for food shall not contain the name of or a reference to any disease or physiological condition.
- **For example can't say : *Mooloolaba Macadamias can reduce your risk of heart disease/ diabetes/ cancer etc. (This is considered a high level health claim)***



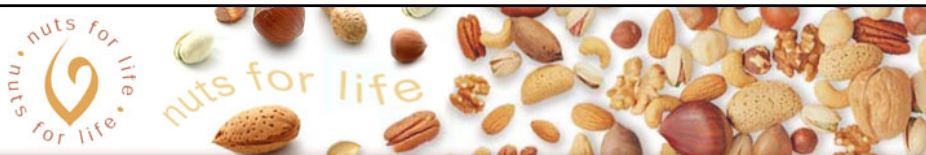
**Just because we have science to prove the positive effect nuts have on diseases, it's not legal to make health claims on labels right now.**

**What can we say on labels?**



## Remember.....

- Claims must comply with FSANZ Food Standards Code
- Breaches are against the Food Act in each jurisdiction or Trade Practices Act (Part V, Clauses 52,53,55)
- Legal tests for misleading and deceptive conduct:
  - Who is your target audience?
  - When does your conduct make a claim - intentionally or unintentionally? (consumer perception)
  - When may your target audience consider any of your claims false or misleading? (consumer expectation/ interpretation)
  - What do you need to do in order to substantiate your claim?



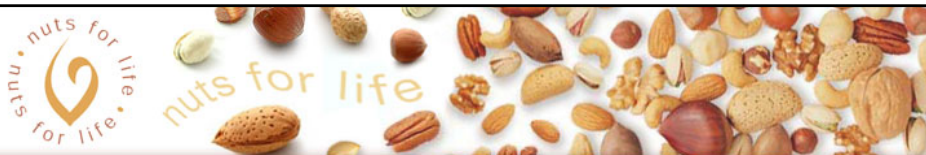
## Nutrient content claims – Vits and Mins

- Standard 1.3.2 Vitamins and Minerals (Clause 6 and 7)
- Can use descriptors but
  - “Contains” X, “a source of X”- must have at least 10% of RDI for that nutrient per serve – must be included in NIP  
Eg **Pecans contain zinc** (1.2mg/30g, 10% RDI Zinc)
  - “Good source” or “rich in” – must have at least 25% of RDI for that nutrient per serve – must be included in NIP  
Eg **Hazelnuts are rich in Vitamin E** (4.5mg/30g 45%RDI Vit E)  
Note serving size can vary to make the 10% and 25%



## Nutrient content claims – other nutrients

- Criteria for other nutrients (energy, fats-types, sugars, fibre, sodium)
- Found in Food Standards Code, rest in Industry based voluntary Code of Practice Nutrient Claims (CoPNC)
- Some nutrients missing - no criteria for carbohydrates, protein in CoPNC
- Criteria around the wording and the amount of the nutrient per serve (CoPNC NFA 1995, FSC Standard 1.2.8 - Division 3 Clause 12-14, 17, %DI clause 7, inclusions in NIPs)
- For example to say "Food X contains/source of fibre" (>1.5g fibre per serve)
- To say high in fibre (>3g fibre per serve)
- For example can't say "walnuts are high in fibre" (2g/30g) but can say "walnuts contain fibre" unless the serving size is increased to 45g.



## *Should we increase the serving size of nuts?*

- Where did the "handful of nuts" message come from?
- Epidemiology studies for nuts and heart disease – one serve = 1 ounce (28g) or a small handful (rounded to 30g)
- Clinical trials for cholesterol lowering effect of nuts – some studies up to 100g (?three handfuls)
- Serving size 30-50g acceptable as a snacking serve



## When making fat claims?

- If making a claim about polys or mono fats need to ensure:
- <28% of total fat is saturated fat
- >40% of total fat is monounsaturated fat if claim about monos or the same if polyunsaturated fat
- Include amounts of all fat types in the NIP
  
- Claims about omega 3s can be made if
  - <28% of total fat is saturated fat
  - More than 200mg alpha linolenic acid (plant omega 3s) per serve
  - Amounts of all fats must be listed in the NIP



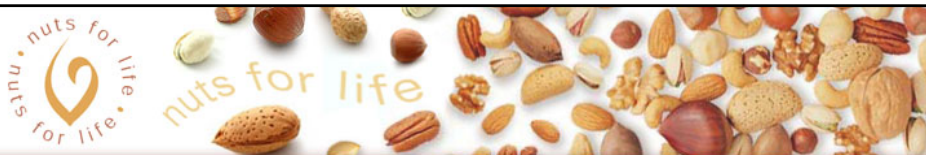
## Nutrient Function Claim

- Nutrient content claim plus describes the function of the nutrient – how it helps to maintain the body's normal function
  
- For example Pistachios contain plant sterols. Plant sterols reduce cholesterol absorption from the gut.
  
- Or Walnuts contain fibre. Fibre helps keep you regular.
  
- Or Chestnuts have a low glycemic index (GI=54)



## The following claim examples...

- .....are specific to that nut but if you do the calculations for your specific nut and/ or change the serving size they may also apply.
- Calculations based on Nuts for Life Ready Reckoner 2009
- If using these claims remember to include the quantity of the nutrient in question in the nutrition information panel (NIP)
- Any \* means be extra careful how you use the claim
- At the end is a list of generic claims for mixed nuts
  
- If unsure get advise from your legal team or a dietitian who specialises in food claims



## Allowable claims for 30g raw almonds

- Almonds are a rich source of Vitamin E. Vitamin E is a natural antioxidant that protects cells from free radicals.
- **Natural\*** almonds contain fibre. Fibre promotes regular laxation. (Natural = no intervention by man, as from nature)
- Almonds are an excellent source of magnesium. Magnesium is needed for strong teeth and bones.
- If you need protein look to almonds. Protein is needed for bone and muscle formation.
- If you prefer not to consume animal foods 50g of almonds contains 125mg calcium. (can't make a comparison between nuts and dairy)



## Allowable claims for 30g raw cashews

- Cashews are a good source of protein. Protein is needed for development of healthy bones and muscles *or needed for the immune system.*
- Need zinc? Eat cashews! A handful of cashews provides 10% RDI for zinc. Zinc is needed by the skin to keep it healthy.
- Cashews contain a wide variety of nutrients.
- *(Cashews contain iron but need to take into consideration how available plant forms of iron are in the body) (1.5mg/30g yet only 5% available unless add vitamin C)*



## Allowable claims for 30g chestnuts

- Chestnuts have a low glycemic index (GI=54)
- Chestnuts are high in fibre
- Chestnuts are low in fat and high in low GI carbohydrates.
- Chestnuts are **99% fat free\***  
(can only say for 97% and above)



## Allowable claims for 30g raw hazelnuts

- Hazelnuts full of fibre. A handful gives you 3g of fibre and fibre is needed for a healthy bowel function.
- Hazelnuts are a source of folate. 100g of hazelnuts provides 25% the RDI for folate. Folate is needed for normal cell or blood formation.
- Hazelnuts are a source of monounsaturated fats. Monounsaturated fats are healthy fats needed by the body.



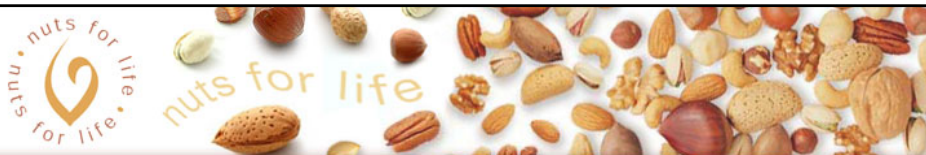
## Allowable claims for 30g raw macadamias

- Macadamias are a rich\* source of monounsaturated fats. Monounsaturated fats are healthy fats needed by the body.  
(nothing in FSC about descriptors for fats)
- Raw macadamias are packed with thiamin a B group vitamin. Thiamin helps release the energy from food.
- Macadamias contain manganese. Manganese protects cells from free radical damage.
- Macadamias are cholesterol free\*
  - (Cholesterol free claim will be deleted in the new FSC)



## Allowable claims for 30g raw pecans

- Pecans contains plant omega 3s – alpha linolenic acid.  
(can't say if 30g serve but can 35g serving)
- Pecans contain polyunsaturated fat. Polyunsaturated fat is one of the healthy fats the body needs. Polyunsaturated fats are an essential part of a balanced diet.
- Pecans with their brown coats contain fibre. Fibre helps satisfy the appetite.
- Pecans are a source of copper. Copper is needed for adequate iron transport.



## Allowable claims for 30g pistachios

- Pistachios are rich in plant proteins. Protein is needed for development of healthy bones and muscles or immune system.
- Pistachios contain plant sterols. Plant sterols reduce cholesterol absorption from the gut.\* (need 1-3g plant sterols/day) eg plant sterol margarines 0.8g per 1 tb, pistachios contain 0.2g/ 100g)
- The purple coat of pistachios is a form of fibre. Fibre is need for a healthy bowel function.
- Pistachios are superfoods\* (no real definition, implies antioxidant quality)



## Allowable claims for 30g raw walnuts

- Walnuts contain fibre. Fibre helps keep you regular.
- Walnuts are a source of plant omega 3s – alpha linoleic acid. (can't use descriptors "rich/ good source" for ALA unless marine omega 3s (DHA and EPA) also present)
- Walnuts contain polyunsaturated fat. Polyunsaturated fats are an essential part of a balanced diet.
- Walnuts contain arginine. Arginine is an amino acid that maintains artery function



## Allowable claims for 30g mixed nuts

- Nuts contain protein. Protein is needed by active growing bodies. Two handfuls of mixed nuts (70g) has as much protein as a small fillet steak. (comparative claim - between foods in the same food group only)
- Nuts are a source of fibre and are high in protein. Fibre and protein in foods can help you feel fuller for longer.
- Research shows eating a handful of nuts five times a week has significant benefits as part of a healthy eating plan.



## Allowable claims for 30g mixed nuts

- Raw nuts are very low in sodium.
- Nuts contains monounsaturated and polyunsaturated fats. These fats are a necessary part of a balanced diet.
- 30g of mixed nuts including Brazil nuts can provide over 90% of the RDI for selenium. Selenium an important antioxidant needed for metabolism



## Summary

- Lots of ideas
- Showcases navigating the food standards code is tricky but not impossible
- Discuss with your legal teams/ nutrition advisors and discuss what opportunities exist within retailers as well
- We can all play a role in promoting the nutrient benefits of nuts on pack and improving the overall opinion of nuts

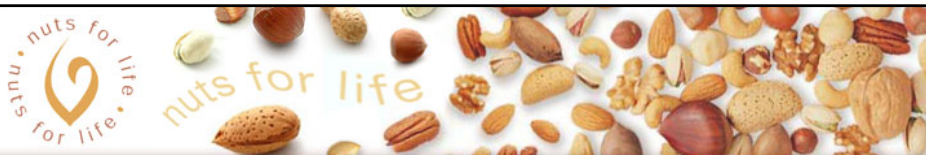


## Any questions or comments?

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For a copy of this presentation go to [www.nutsforlife.com.au](http://www.nutsforlife.com.au)

Or email [admin@nutsforlife.com.au](mailto:admin@nutsforlife.com.au)



## FSANZ FOPL update

MC asked Food Regulation Standing Committee to investigate  
FOPL schemes in Oct 2008

FRSC developed a consultation paper for public comment March  
2009

Their aim is to develop a policy guideline that FSANZ will use to  
develop a FOPL system



If anyone asks about front of pack labelling issues.....



## Why do we need FOPL systems?

- Consumers can't read, understand and interpret nutrition information panels and the product labels in general
- Believed an "at a glance" device on the front of the pack will help consumers choose healthier products and affect their overall diet and health



## Examples of FOPL systems

- Non Interpretative systems
  - AFGCs Daily Intake Guide (%DI)
- Interpretative systems
  - Eg UK Traffic Light model
  - NHF Pick The Tick

ENERGY 870 kJ DI* 10%	PROTEIN 4.5 g DI* 9%	FAT 0.7 g DI* 1%	SAT FAT 0.25 g DI* 1%	CARBS 27.9 g DI* 9%	SUGARS 9.5 g DI* 11%	SODIUM 115 mg DI* 5%
PER 60g SERVE						

## AFGC “Thumb nails” - %Daily Intake

- Non interpretive – relies on consumers to be able to read, understand it and apply it to their diet
- Based on RDIs for average male eg 8700kJ – does not help elderly, women and children
- Nutrients per serve – servings sizes vary between products so will the %DI

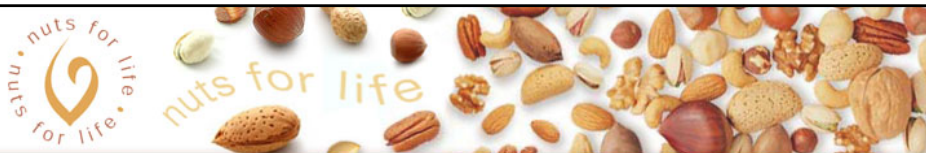


## Issues for Nuts

- AGFC doesn't represent fresh produce - Aust Nut Industry not a member of AFGC – we had no say in this system
- Voluntary use
- Focus' on energy, total fat, sat fat, sugar and sodium – “negative nutrients”
- In one sense too simplistic for nuts - no information on health benefits of foods gives the wrong impression
- Which is healthier nuts or chips based on.....

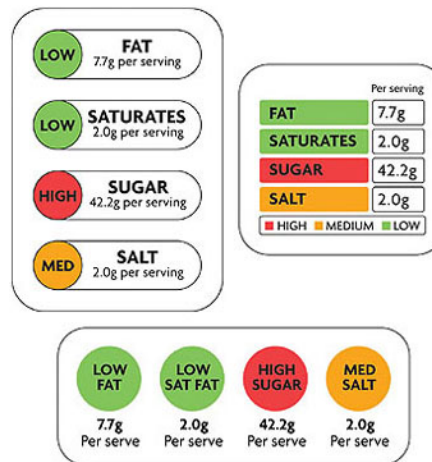
<b>Food</b>	<b>Serving size</b>	<b>Energy content</b>	<b>%DI</b>
• Raw mixed nuts	50g	1268	15
• Roasted mixed nuts	50g	1294	15
• Potato crisps	50g	1104	13

• Source: NUTTAB 2006, Foodworks Software, Xyris Software



## UK Traffic Light Model

- Not mandatory as UK part of the EU
- Use on some processed manufactured foods and ready made meals
- One nutrient criteria fits all food groups
- Only for “negative nutrients” total fat, saturated fat, sugar and salt (note not sodium)
- Includes colour coding and total nutrient content in one device
- Nutrients per serve

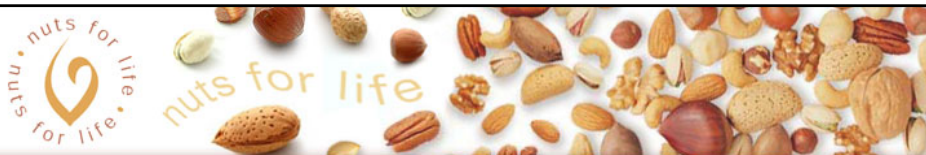




## Issues for nuts

### Nutrient criteria

- | Green (low)          | Red (high)  | Amber in middle |
|----------------------|-------------|-----------------|
| • Fat <3.0g/100g     | >20g/100g   |                 |
| • Sat fat <1.5g/100g | >5g/100g    |                 |
| • Sugars <5g/100g    | >12.5g/100g |                 |
| • Salt <0.3g/100g    | >1.5g/100g  |                 |
- All raw nuts would get red for fat, 50% of nuts red for sat fat, all would get green for sugars and salt
  - No information on health benefits for heart and weight so gives the wrong impression for nuts



## In our submission...

- Agreed it should be mandatory otherwise too many different FOPL systems all creating confusion
- Includes an interpretative element (?colour coded) and nutrients per 100g/mL so nutrients can be compared between products
- Based on nutrient criteria for individual foods groups or
- Utilise the FSANZ Nutrient Profile calculator which determines which foods can make health claims
- Need a system that continues to promote plant foods: fruit, vege, nuts, mushrooms, legumes despite higher levels of natural fats and sugars
- Especially for fresh produce with no packaging
- Need an overall education and evaluation system built in
- Development based on other public health nutrition policies and current food consumption patterns