Cancer Council Australia

Cancer Council Australia is Australia’s peak national non-government cancer control organisation. Its members are the eight state and territory cancer organisations, working together to undertake and fund cancer research, prevent and control cancer and provide information and support for people affected by cancer.

Cancer Council Australia’s goal is to lead the development and promotion of national cancer control policy in Australia, in order to prevent cancer and reduce the illness, disability and death caused by cancer.

Our organisation is concerned about the way in which false, misleading, deceptive, or simply misunderstood marketing practices can contribute to the development of obesity and therefore the risk of cancer. With high rates of obesity in Australia and obesity a significant risk factor for cancer, these issues are extremely important to Cancer Council Australia. Cancer Council is also concerned about the possibility of food manufacturers making specific health claims in relation to cancer, as well as nutrition claims about the healthiness of foods. We are therefore very pleased to comment on the Consultation Paper for First Review of Proposal P293 Nutrition, Health and Related Claims. Cancer Council Australia has made four previous submissions to FSANZ on Proposal P293 in February 2008, May 2007, March 2006 and November 2004.

Cancer Council acknowledges the extensive work and consultation that FSANZ has done over the last 6 years in developing the standard for nutrition and health claims. Cancer Council is mostly very supportive of the progress that FSANZ has made in developing this standard. We fully appreciate the complexity of developing this standard, especially with the sometimes divergent views of public health organisations and the food industry, and believe that this standard must retain a certain degree of complexity, in order to fulfil its obligations for protecting public health.

Regulation of General Level Health Claims

Cancer Council supports FSANZ’s recommended approach (Option 2) that the regulation of general level health claims be changed from industry self-substantiation, to general level health claims being pre-approved by FSANZ within the standard. Cancer Council agrees that industry self-substantiation of general level health claims does not protect public health and safety.

Cancer Council, like FSANZ, remains committed that these general level health claims must meet the nutrient profiling score criterion, and hopes that the Ministerial Council will shortly ratify the system of nutrient profiling.

The introduction of pre-approved general level health claims has the added advantage of addressing any misleading examples within the marketplace in a
consistent fashion. The transition period provides an excellent opportunity for food industry to cease any misleading examples of these general level health claims. The Cancer Council would also urge FSANZ to consider how to deal with penalties for any general level health claims currently within the marketplace that have not been pre-approved.

In addition, Cancer Council is in agreement with FSANZ that no general level health claim relationships for biologically active substances be pre-approved.

Having reviewed the list of pre-approved general level health claims, the Cancer Council would ask FSANZ to consider if a claim about fruit and vegetables helping to maintain a healthy weight should also be added to the list.

Complexity of Draft Standards 1.2.7

Cancer Council supports FSANZ’s drafting changes to improve clarity and reduce ambiguity within Standard 1.2.7. Although we can understand why FSANZ has been requested to clarify the draft standard, we believe that this standard must retain a certain degree of complexity, in order to fulfil its obligations for protecting public health.

Nutrition Content Claims

Although we understand that considerations about nutrition content claims are outside the scope of this consultation paper, Cancer Council remains concerned about the lack of disqualifying criteria for nutrition content claims, and we look forward to the release of the consumer research commissioned by FSANZ on this issue. We note that the grounds given by the Ministerial Council for first review request included concern that the nutrient profiling criteria were not applied to nutrition content claims, and that this was inconsistent with the policy guideline about promoting healthy food choices.

Cancer Council would also like to make FSANZ aware of a recent publication that is relevant to deliberations about nutrition content claims - Kelly B, Hattersley L, King L, Flood V. Smoke and mirrors: nutrition content claims used to market unhealthy food. *Nutrition and Dietetics* 2009. 66: 62.

This study showed that the majority of foods making nutrition content claims in television advertisements were non-core foods, promoting desirable aspects of the foods composition while ignoring the less desirable components.

Contact details

Cancer Council wishes FSANZ well in finalising this standard and hopes there will be no further delays in introducing this standard, as it is very important that there is effective regulation to protect consumers from any potentially misleading and unsubstantiated health claims.

For further information about this submission from Cancer Council Australia, please contact:

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