



Health claims on food labels: is there cause for concern?

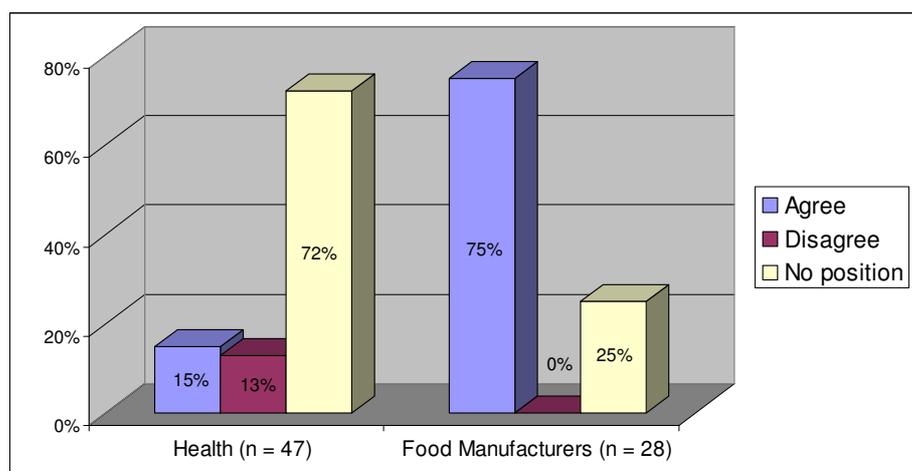
Health claims, with one exception—the exception is for folate and a reduction in the risk of neural tube defects—are not permitted for food sold in New Zealand and Australia.^{1,2} Food manufacturers want this to change. The health sector is divided, with some health organisations strongly opposed to the introduction of health claims, and others supportive.

Health claims are being considered at present as part of the Review of Food Labelling Law and Policy (the Review) being conducted in Canberra. Our aim in this letter is to bring attention to the some of the views about health claims expressed in submissions to the Review, particularly in terms of the implications for public health.

Views of food manufacturers and health organisations on health claims—We have completed a preliminary analysis of what submissions to the Review say about health claims. All 451 submissions available on the Review website³ as at 18 November 2010 were classified by sector (e.g. food industry) and sub-sector (e.g. retail), and coded for direct or implied agreement or disagreement with a number of propositions. The results reported here are for the 28 submissions from food and beverage manufacturers and the 47 from the health sector (excluding submissions concerned only with alcohol labelling).

Food manufacturers were of one view: three-quarters of submitters agreed that health claims that can be objectively supported by evidence should be permitted, with the remaining quarter expressing no view (Figure 1). The health sector, however, was split, with 15% (7 submissions) agreeing, 13% (6 submissions) disagreeing, and the majority (72%) not expressing a position.

Figure 1. Percentage of submissions agreeing and disagreeing that health claims that can be objectively supported by evidence should be permitted, by selected sub-sector



The main reasons given by submitters in support of permitting health claims were that this would:

- Allow consumers to be informed about how particular products may protect and promote good health
- Help consumers to make healthier food choices
- Help educate consumers about, and raise consumer awareness of, the health benefits of particular foods or nutrients
- Encourage the food industry to produce and market products that assist people to achieve healthier eating patterns.

The main reasons given against permitting health claims were that they:

- Are primarily a marketing vehicle for highly processed food products, with no net benefit to public health
- Can confuse consumers, and may mislead them about the contribution to health of individual products

Promote a perception of individual foods as drugs, and this medicalisation of foods distorts public health messages about the importance of balance, variety and moderation in food selection.

Reasons given by those *agreeing* that health claims should be permitted were backed by very little argument, and in no case was supporting evidence cited. Reasons given by those *disagreeing*, on the other hand, were in most cases backed by supporting arguments and citation of evidence.

These results need to be seen in the context of continuing work by Food Standards Australia New Zealand (FSANZ) to develop regulations under which health claims would be permitted. In 2008 the Australia and New Zealand Food Regulation Ministerial Council called for changes to a draft proposal that were about the detail of the process of approving health claims, but which implied support for their eventual introduction.⁴ Final decisions have yet to be made.

It may well be that food manufacturers, in their submissions to the Review, did not bother to provide argument and evidence to back their call for the introduction of health claims because they assumed the battle had already been won.

Evidence from the submissions suggests that a number of health submitters who failed to express a view about the introduction of health claims opposed their introduction. For example, nine health submitters from among the 34 *not* expressing a position on whether health claims should be permitted suggested that permitting health claims would be harmful to consumers from a health perspective. None of the 34 suggested this would be beneficial.

It appears likely, then, that some health submitters opposed to health claims were resigned to their introduction, and focussed their submissions on ways in which harmful effects could be mitigated. As an example, 22 of the 47 of health submitters

(47%) expressed the view that *if* health claims were permitted this should *only* be for products that meet minimum nutrition standards.

Do health claims matter for public health?—Health claims are important for food manufacturers as they continually seek to develop new products with a point of difference from their competitors. Once permitted, we can expect to see health claims proliferate, with foods increasingly marketed on the basis of claimed health benefits. Some health submissions make a strong case that this will work against the public health strategy of encouraging people to improve their diet, and reduce their risk of chronic disease, by consuming less processed food and more fruit and vegetables.

Food manufacturers have been united for years in pushing for the ability to make health claims. The health sector, on the other hand, is divided and to some extent indifferent. It will be an easy decision for governments to permit use of health claims unless effective opposition is organised.

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