

# P1049 – Carbohydrate and sugar claims on alcoholic beverages

## Background paper for targeted consultation

5 December 2018

### Introduction

The nutrition content claims that can be made on labels or in advertisements, and the conditions for those claims are set out in Standard 1.2.7 – Nutrition, Health and Related Claims of the Australia New Zealand Food Standards Code (the Code).

Nutrition content claims about foods that contain more than 1.15% alcohol by volume (ABV) are currently prohibited by the Code, other than nutrition content claims about carbohydrate, energy or gluten content. This applies to claims on both labels and advertising for alcoholic beverages.

The Australia and New Zealand Forum on Food Regulation (Forum) considered sugar free claims on alcohol at their meeting in November 2017. Forum Ministers expressed concern that these claims on alcoholic beverages are misleading and that alcohol is being promoted as a healthier choice for consumers when public health advice is to limit alcohol intake.

Following a request by Forum Ministers, FSANZ prepared a technical assessment<sup>1</sup> concerning Standard 1.2.7 with respect to claims about carbohydrate and its components (such as sugar), in relation to foods containing more than 1.15% ABV. This was prepared to determine whether variations or changes to the Code are required.

Forum Ministers considered this assessment in June 2018. The communique from the meeting<sup>2</sup> stated that in addition to original issues noted by the Forum concerning sugar claims there are also issues more broadly concerning carbohydrate claims on foods that contain alcohol. The Forum noted FSANZ has agreed to raise a proposal to clarify Standard 1.2.7 of the Code in line with the original policy intent that prohibits claims on alcoholic beverages in relation to sugar and carbohydrate.

FSANZ has now prepared Proposal P1049 to consider the regulation of carbohydrate and sugar claims about alcoholic beverages in the Code.

### Problem

Claims are currently being made about the carbohydrate and sugar content of a range of alcoholic beverages on the market. Agencies responsible for enforcing the Code in Australia and New Zealand have reported the Code is unclear about whether nutrition content claims about foods containing alcohol that refer directly to sugar are permitted under Standard 1.2.7.

Standard 1.2.7 was developed with regard to the *Policy guidance on nutrition and health claims*<sup>3</sup> provided by Ministers, which includes the overarching principle of excluded

---

<sup>1</sup> The technical assessment is available at [P1049 - Carbohydrate and sugar claims on alcoholic beverages](#)

<sup>2</sup> The communique is available on the Food Regulation website at [Food Regulation - Ministerial Forum communiqués](#)

<sup>3</sup> [Policy Guideline on Nutrition, Health and Related Claims](#)

categories of foods, such as alcohol, from making claims. The prohibition of nutrition content claims about alcoholic beverages was made with regard to this policy, however an exception for claims about carbohydrate was provided at the time.

The technical assessment prepared by FSANZ concludes there is justification for clarifying Standard 1.2.7 to clearly prohibit claims about sugar content in relation to alcoholic beverages, to align with the original policy intent. However it also notes that to regulate claims about sugar differently to claims about 'carbohydrate' could be seen to be inconsistent, particularly in light of the nature of claims currently in the marketplace and the available consumer evidence<sup>4</sup>. This evidence indicates that consumers may make inaccurate assumptions about alcoholic beverages making nutrition content claims about both carbohydrate and sugar. These assumptions relate to the energy content and the perceived healthiness of alcoholic beverages carrying claims. The evidence suggests that the lower perceived kilojoule content of low carb beer for instance, and the perception that it is healthier than other beers may increase consumption among some consumers. It is likely that similar inaccurate assumptions are made in relation to sugar content claims.

Alcohol is a food as well as a drug and is high in energy (kilojoules). Alcohol is classified in the Australian Dietary Guidelines as a discretionary food. Both Australian and New Zealand Dietary Guidelines and various other public health recommendations emphasise the importance of consumers limiting their intake of alcohol. These recommendations are made in the context of reducing the risk of alcohol-related harm.

Therefore, noting recommendations to limit alcohol intake, the problem this proposal seeks to address is the potential for consumers to be misled by carbohydrate and sugar claims about alcoholic beverages. Alcoholic beverages with carbohydrate or sugar claims are often not lower in energy content than other similar products (with some exceptions, in particular ready-to-drink (RTDs)) and consumers could be misled by claims about carbohydrate or sugar content regarding the contribution of energy from alcoholic beverages and that alcoholic beverages are a healthy choice in a consumer's diet. This is inconsistent with advice in Australia and New Zealand to limit alcohol intake.

---

<sup>4</sup> The consumer evidence is referenced in the technical assessment, available at [P1049 - Carbohydrate and sugar claims on alcoholic beverages](#)

## Background

### Development of conditions for claims about alcoholic beverages

Standard 1.2.7 was prepared via Proposal P293 – Nutrition, Health and Related Claims (P293) according to the *Food Standards Australia New Zealand Act 1991* (FSANZ Act). The FSANZ Act requires FSANZ to have regard to a number of matters including any written policy guidelines formulated by the Forum. The Forum (then the Australia and New Zealand Food Regulation Ministerial Council) provided policy guidance to FSANZ in December 2003 (Policy Guideline on Nutrition, Health and Related Claims (Policy Guideline)<sup>5</sup>).

The Policy Guideline includes the claim pre-requisite that ‘the eligibility criteria, including qualifying and/or disqualifying criteria (and any excluded categories of foods, such as alcohol and infant foods) are complied with’. Further, the Claims Classification Criteria section states ‘Consideration should be given during the FSANZ standard development process for including the criteria for making each level of claim and any parameters (e.g. qualifying and disqualifying criteria, or exclusions for certain categories of foods, such as alcohol and baby foods) should be specifically stated in the standard.’ Also, the Regulatory Model section states ‘The standard may also set out ...categories of foods which may be excluded from making claims (e.g. alcohol and baby foods).’

Health claims and most nutrition content claims about foods containing alcohol were prohibited by Standard 1.2.7 at the time of gazettal in accordance with this policy guidance. The Standard was drafted with the intent to permit claims about carbohydrate, primarily because these claims were established in the marketplace at the time of development of the Standard. Claims specifically about components of carbohydrates such as sugar however, were not considered in relation to foods containing alcohol.

### Australia and New Zealand compared to other countries

There is no consistency in the regulation of nutrition content claims about alcoholic beverages across Canada, the United States of America (USA) and Europe.

In Canada claims about sugar are permitted on alcoholic beverages with an alcohol content of more than 0.5% alcohol but claims about carbohydrate are not (claims about carbohydrate are not permitted on other foods either).

In the USA statements about carbohydrate and sugar content on labels of wines and spirits containing 7% or more alcohol by volume and malt beverages are permitted. For beverages containing less than 7% alcohol by volume (other than malt beverages) and beers that are not made from both malted barley and hops or are made without hops, claims about sugar such as sugar-free and reduced sugar are permitted, however claims about carbohydrate are not.

Claims about the carbohydrate or sugar content of alcoholic beverages are not permitted in the European Union.

### The current market

In April 2018 FSANZ visited retail outlets in Canberra to undertake an initial market survey to look for sugar claims on beer, cider and ready-to-drink alcoholic beverages. FSANZ also scanned a major Australian retailer’s website in October 2018 and visited a retailer in Wellington New Zealand to look for sugar claims on beer, cider and ready-to-drink alcoholic

---

<sup>5</sup> [Policy Guideline on Nutrition, Health and Related Claims](#)

beverages. We found over 50 alcoholic beverages with nutrition content claims about either sugar, carbohydrate, or both. The types of claims observed are summarised in Table 1 below and the nutrient content (from nutrition information panels on the product) is in Tables 2 and 3.

**Table 1: Types of claims observed**

Beverage	Type of claim		
Beer	Low carb, lower carb, or statement of the carbohydrate content	Both sugar and carb claims	
Cider	Low, lower, no added sugar x g residual sugar	Low carb, lower carb	Both sugar and carb claims
Ready-to-drink (RTDs)	Sugar free, zero sugar		

We understand the limitations of our market survey and seek assistance from the alcoholic beverage industry to ensure we have accurate data about the number of SKUs with these types of claims. We are also seeking context specific estimates to better inform the likely costs of any labelling changes (refer to questions on page 6).

### Nutrient content of alcoholic beverages

FSANZ notes the majority of kilojoules (energy) in beer, wine and spirits (unmixed) come from the alcohol content, rather than the sugar or carbohydrate content. In contrast, sugar contributes a similar amount of kilojoules to alcohol in some RTDs where alcohol is mixed with sugar-sweetened beverages.

For beer, the range of energy, sugar and carbohydrate content across beers without claims (from NUTTAB) and beers with claims observed in the marketplace is similar, as illustrated in the following table. Variations in the alcohol content of a beer tend to influence the overall energy content of the beer more than the sugar or carbohydrate content, given that alcohol contributes more energy than carbohydrate/sugar.

**Table 2: Nutrient content of beers**

Product	Claim	ABV	Quantity per 100 mL		
			Energy (kJ)	Sugar (g)	Carbohydrate (g)
Beer, no claims*	Nil	Approx. 3.9-5%	138-153	0-0.3	1.4-2.2
Beer, carbohydrate claims	Ultra low, low, less	4.2-4.6%	100-136	0.07-0.1	<0.1-1.5
Beer, sugar and carbohydrate claims	Various including statement of carbohydrate content	3.5-4.6%	99-196	0.1-0.5	0.7-3.8

\* Source: [NUTTAB 2010](#)

A comparison of the energy, sugar and carbohydrate content of ciders with and without carbohydrate and sugar claims is in Table 3. There is some variation in both the sugar and carbohydrate content across all of these types of ciders and can be influenced by the style of cider (dry or sweet).

**Table 3: Nutrient content of ciders**

Product	Claim	ABV	Quantity per 100 mL		
			Energy (kJ)	Sugar (g)	Carbohydrate (g)
Cider, dry, no claims*	N/A	Approx. 4%	162	3.1	3.1
Cider, sweet style, no claims*	NA	Approx. 4%	223	7	7
Cider, sugar claims (1 product)	Lower sugar 97% sugar free	5%	170	2.8	2.9
Cider, sugar and carb claims (3 products)	x% less sugar x% less carbohydrates than xx cider	4-5%	155-212	2.0-2.5	2.8-3.7
Cider, sugar and carb claims (1 product)	Lower carb, 30% less carbs, 30% less sugar than x brand original cider	4%	195	5.3	6

\* Source: [NUTTAB 2010](#)

**Options**

The draft regulatory options currently being considered for inclusion in the CRIS are outlined below.

**Option 1 – Maintain the status quo**

The Code would not be amended and conditions for nutrition content claims about alcoholic beverages would remain the same, i.e. nutrition content claims and health claims about foods that contain more than 1.15% alcohol by volume (ABV) would be prohibited, other than nutrition content claims about carbohydrate, energy or gluten content. This option would not address the lack of clarity regarding sugar claims noted by agencies responsible for enforcing the Code.

**Option 2 – Amend the Code**

**a) Amend the Code to include an express prohibition on nutrition content claims about sugar in relation to alcoholic beverages**

The Code would be amended to clarify that nutrition content claims about sugar must not be made about alcoholic beverages. Nutrition content claims about carbohydrate content (not including components of carbohydrate) would continue to be permitted.

**b) Amend the Code to remove permission for nutrition content claims about carbohydrate (including sugar) in relation to alcoholic beverages**

The Code would be amended to remove permission for nutrition content claims about carbohydrate in relation to alcoholic beverages. This would also clarify that nutrition content claims about sugar must not be made about alcoholic beverages.

**Questions for alcohol beverage industry (see link provided to online survey)**

1. What company do you represent?
2. What type of business are you? (e.g. manufacturer, importer)
3. What type of alcoholic beverage(s) do you produce? (e.g. beer, wine, cider)
4. What is the size of your company? (Small with employment less than 20 persons, Medium with between 20 and 200 persons, or Large with more than 200 persons).
5. How many stock keeping units (SKUs) of alcoholic beverages produced by your business carry sugar related nutrition content claims?
6. How many SKUs of alcoholic beverages produced by your business carry carbohydrate related nutrition content claims?
7. How many SKUs of alcoholic beverages produced by your business carry nutrition content claims about both sugar and carbohydrate?
8. What is your best estimate of the cost to change a single label (single SKU) by removing a claim(s)? If possible please disaggregate this cost to the various activities and specific costs that make up this estimate. (e.g. Administrative labour costs, Graphic design and prepress labour and materials costs, Recordkeeping costs, Printing plate costs, Discarded inventory costs)
9. What is the average time between the production of your product and its retail sale?
10. How many months stock of your current labels do you typically keep?
11. In the last 24 months, how often did you make changes to labels for voluntary reasons such as for marketing or promotional purposes and/or to meet other regulatory requirements for the class of products you have provided a cost estimate for?
12. Are there any other costs that you think should be taken into account if the removal of sugar and carbohydrate nutrition content claims is required? Please provide quantified estimates if you are able to.
13. Is there any consumer research you are aware of relating to consumer responses to claims about carbohydrate or sugar on alcoholic beverages? If yes, please provide references to this research.
14. In general do you have any comments about any of the options listed above?
15. Please describe any other options you think should be considered and justify your suggestions.