



29 September 2023

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Email: <https://consultations.health.gov.au/chronic-disease-and-food-policy-branch/industrially-produced-trans-fats-in-processed-food/>

Tēnā koe

Attached are the comments that the New Zealand Food and Grocery Council wishes to present on Food Regulation Standing Committee *Policy Options Paper: Improving the composition of the food supply in relation to industrially-produced trans fats*.

Ngā mihi nui

A handwritten signature in blue ink, appearing to be "Raewyn Bleakley". The signature is stylized and fluid.

Raewyn Bleakley
Chief Executive



Policy Options Paper: Improving the composition of the food supply in relation to industrially-produced trans fats

Submission by the New Zealand Food and Grocery Council

29 September 2023

NEW ZEALAND FOOD AND GROCERY COUNCIL

1. The New Zealand Food and Grocery Council (**NZFGC**) welcomes the opportunity to comment on the *Policy Options Paper: Improving the composition of the food supply in relation to industrially-produced trans fats (the Policy Options Paper)*.
2. NZFGC represents the major manufacturers and suppliers of food, beverage and grocery products in New Zealand. This sector generates over \$40 billion in the New Zealand domestic retail food, beverage and grocery products market, and over \$34 billion in export revenue from exports to 195 countries – representing 65% of total good and services exports. Food and beverage manufacturing is the largest manufacturing sector in New Zealand, representing 45% of total manufacturing income. Our members directly or indirectly employ more than 493,000 people – one in five of the workforce.

EXECUTIVE SUMMARY

3. NZFGC supports the World Health Organisation (WHO) view that food manufacturers and retailers should remove industrially-produced trans fat from the food supply. A number of members have published policies for this purpose.
4. Industrially produced trans fats in the packaged food supply have been declining over time and we note the Policy Paper states that trans fats contribute 0.6% of the total burden of disease in New Zealand¹. NZFGC can only speak for the grocery food/packaged food manufacturers in the food supply of New Zealand but consider there are more important factors contributing to heart disease in New Zealand and that almost all those associated with the food supply from manufacturers have been thoroughly considered and reconsidered over time.
5. The population data that is being relied on for New Zealand is between 10-20+ years old and there is a desperate need for more up-to-date data from a New Zealand National Nutrition Survey for both adults and children before a mandatory step is taken. There is no current data on trans fat intake by the New Zealand population or trans fat levels in food to indicate the size of the issue. Until current data are available, the industry is strongly supportive of voluntary efforts to continue to reduce industrially-produced trans fat or partially hydrogenated oils in processed foods.
6. The GS1 data (which identified 234 products containing hydrogenated oils or less than 0.5 per cent of the products listed) suggests the content of industrially produced trans fats in the New Zealand packaged food supply is likely to be very low.
7. On the basis of the foregoing, and our detailed comments on risks and limitations associated with all the options, NZFGC recommends the status quo (encompassing voluntary reformulation) to Ministers summarised as:
 - the composition of industrially-produced trans fats appear to have trended down due to voluntary activity to date
 - there is a lack of up-to-date evidence for composition or consumption of industrially-produced trans fats in New Zealand
 - there appears to be a very low level of industrially-produced trans fats in any case, a majority of which might be attributed to the quick service industry
 - no account has been taken of the additional costs in a regulatory system, especially of test methods or verification in the net benefits calculations.

¹ p13 Policy Options Paper

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8. We would add that reformulation may be more cost-effective than legislative approaches and can be more flexible with the addition of a range of targets if required. In any case, more work might be done in relation to the fast food sector's contribution to the trans fat levels.
 9. NZFGC does not support preferred Option 4, the ban of partially-hydrogenated oils in processed foods. There is no current data on industrially-produced trans fat intake by the New Zealand population or trans fat levels in food to indicate the size of the issue, and whether the issue has changed since last examined some years ago.
 10. NZFGC considers that one of the policy options not pursued, 'Education', should be part of ongoing information campaigns on food consumption and health by regulators. We do not believe any other additional policy options should be considered.
 11. In terms of implementation issues, sound guidelines prepared in partnership by industry and government would be an important addition for any further voluntary reformulation in terms of both expectations and monitoring. It may be that this is best undertaken by the Heart Foundation given its role in voluntary reformulation efforts in other areas of the food supply.

COMMENTS

12. NZFGC supports the World Health Organisation (WHO) view that food manufacturers and retailers should remove industrially-produced trans fat from the food supply. A number of members have extant policies on doing this². In addition, the International Food and Beverage Alliance (IFBA – an alliance of some of the world's largest multinational food and non-alcoholic beverage companies including Coca-Cola, Ferrero, General Mills, Kellogg's, Mars, Mondelēz International and PepsiCo) committed, in 2016, to reducing industrially-produced trans-fat in their products worldwide to no more than 1g trans fatty acid per 100g of product by the end of 2018. This commitment has been achieved in an estimated 98.5% of IFBA company products worldwide, through the phase out of partially-hydrogenated oils (PHOs) as food ingredients³.

Trans fat consumption and heart disease

13. The Policy Options Paper (section 4) discusses the health risks of trans fat consumption and the contribution of trans fats to heart disease.

Consultation question 1- Are there any other estimates of the contribution of trans fat consumption to heart disease in Australia or New Zealand? Please provide references for your response.

² See Unilever *Sustainable Living Plan* which achieved its goal of reducing industrially-produced trans-fats from partially-hydrogenated vegetables to less than 1g per 100g in 2012. Specifications for industrially-produced trans-fats have since been sharpened further to find alternative ingredients that meet the WHO threshold to use in product reformulation. Unilever ANZ does not use any partially-hydrogenated vegetable oils as a food ingredient.

Nestlé has a *Trans Fat Policy* which set trans fat reduction targets by 2016. This has resulted in the majority of its products being free of partially hydrogenated oils by the target date.: http://thenest-eur-hq.nestle.com/TP/TP_OPIN

Fonterra has nutrition commitments that include not adding industrially produced trans fats to products fonterra-australia-nutrition-commitments-23-updated.pdf

³ [IFBA Enhanced Commitment to Phase out Industrially Produced Trans-Fatty Acids - IFBA \(ifballiance.org\)](http://ifballiance.org)

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14. NZFGC is not aware of any other estimates of the contribution of trans fat consumption to heart disease in New Zealand. It is notable that trans fats in the food supply have been declining over time and that trans fats contribute 0.6% of the total burden of disease in New Zealand⁴. NZFGC considers there are more important factors contributing to heart disease in New Zealand and that almost all those associated with the food supply from manufacturers have been thoroughly considered and reconsidered over time.

Trans fat consumption

15. The Policy Options Paper discusses the data sources on trans fat consumption referencing FSANZ surveys (2009) and the National Nutrition Surveys (1997 and 2002 – the 2009 survey did not include trans fats) and consumption was below the 2 g/day level.

Consultation question 2- Is there further data on intake of trans fats in Australia or New Zealand, either at the population level, or population groups? Please provide references for your response.

16. NZFGC is not aware of any other data on intake of trans fats in New Zealand, either at the population level, or population groups. A recent thesis⁵ comments on the decreasing presence of trans fat in the food supply and that “Overall, the population’s intake of TFA has gradually decreased during the last two decades in NZ and in countries with similar food environments to NZ.” We have also requested over many years for the conduct of New Zealand National Nutrition Survey for both adults and children.

Trans fat content of foods

17. The Policy Options Paper refers to FSANZ and New Zealand MPI reports to Ministers on industrially produced trans fat levels in imported oils noting “there had been a significant decline in the importation of vegetable fats and oils with the potential to contain industrially produced trans fats” and that “dietary intakes of industrially produced trans fats have continued to reduce over time”⁶.

Consultation question 3- Food manufacturers- Do you have additional data on trans fat content of foods in Australia or New Zealand? Data for individual foods and food companies will not be published.

18. Manufacturers responding to this consultation may have additional data in this area. NZFGC is not aware of such data on content of industrially produced trans fats in foods in New Zealand, either at the population level, or population groups. In the paper by Zhang⁷ focussed mainly on the content of trans fats in fast foods.

Actions in New Zealand to support consumers to limit trans fat consumption

19. The Policy Options Paper discusses labelling and online provision of information on trans fats including voluntary activities.

Consultation question 4a- Is there any data available on the number or proportion of products that declare trans fat content in the Nutrition Information Panel for Australia and/or New Zealand?

⁴ p13 Policy Options Paper

⁵ p50. Zhang J. (2022) *New Zealand Food Supply in Recent Years (2015-2020): Examination of Trans Fatty Acids (TFA) Amounts and the Presence/Potential Presence of Industrially Produced TFA*

⁶ p15, Policy Options Paper

⁷ Zhang J. (2022) *New Zealand Food Supply in Recent Years (2015-2020): Examination of Trans Fatty Acids (TFA) Amounts and the Presence/Potential Presence of Industrially Produced TFA*

Consultation question 4b- Is there any data available on the number or proportion of products that declare hydrogenated oils in the Statement of Ingredients for Australia and/or New Zealand?

Consultation question 4c- Food manufacturers- what information do you provide to consumers about the trans fat content of your food products?

20. NZFGC is aware of the GS1 On-pack Database as a good source of information on the number of products containing trans fats. This was drawn on by the Food Regulation Standing Committee (**FRSC**) for the Policy Options Paper. This database contains 50,000+ entries for packaged food, representing over 90% of the pre-packaged food retail sales from the grocery sector.
21. The GS1 data identified 234 products containing hydrogenated oils or less than 0.5 per cent of the products listed and therefore a very low number of products overall containing trans fats from oils. Since coconut and related oils are one of the main sources of industrialised trans fats, this suggests the content of industrially produced trans fats in the New Zealand packaged food supply is likely to also be very low.

Reformulation activities to reduce trans fat in foods

22. As the main source of trans fats in the New Zealand (and Australia) food supply, the quick service industry has been targeted for both surveys and measures to reduce trans fats. A decline over time is noted in the Policy Options Paper⁸.

Consultation question 5a- Food manufacturers- what reformulation activities have you undertaken in the last 10 years to reduce the use of trans fats/partially-hydrogenated vegetable or fish oils?

23. The Policy Options Paper states that it was not clear whether industry efforts over 2007-2009 to reduce trans fats has been sustained. Reductions by the packaged food manufacturing sector have been sustained over time as reflected in responses to previous questions.
24. NZFGC participated in the Chip Group in its formative period around the time identified. The Chip Group⁹ remains a group of companies, including Potatoes New Zealand, which are involved in the chip industry. They, along with the Heart Foundation, established a set of [Standards](#) for deep fried chips to help improve their nutritional value and quality, while still retaining a delicious flavour and texture. The Standards were developed specifically for the food service and hospitality sector, do address oils and industrially produced trans fat levels and appear to remain current.

Consultation question 5b- Food manufacturers- What has been the impact of cooking oil price increases and supply shortages on your products? What alternate oils are being used?

25. Manufacturers responding to this consultation may have additional data in this area. NZFGC is aware that while the cost of oils for manufacturing has increased due to supply chain issues associated with both Covid and the events in Ukraine, equally significant are the costs of reformulating a product using different ingredients in terms of performance and taste of the product.

⁸ p20 Policy Options Paper

⁹ [Chip Group Standards - Potatoes New Zealand \(potatoesnz.co.nz\)](http://potatoesnz.co.nz)

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26. NZFGC understands that canola and soya oils were favoured replacements for sunflower oil and that both have relatively low industrially produced trans fat levels.

Objective of the work

Consultation question 6- Do you agree with the proposed objective of this work? If not, what is your proposed alternative?

27. NZFGC agrees with the objective of the FRSC work (“...that industrially-produced trans fats have been eliminated or reduced as much as possible from the food supply in Australia and New Zealand...” with the qualification that we can only speak for the grocery food/package food manufacturers in the food supply of New Zealand. We also do not consider the evidence sustains a case for changing the current labelling requirements for trans fat in the ingredients used in food in New Zealand.

Consultation question 7 - Are there additional policy options that should be considered? Please provide rationale and the benefits and risks of your suggested option.

Policy Options

28. NZFGC considers that one of the policy options not pursued, ‘Education’, should be part of ongoing information campaigns on food consumption and health by regulators. We do not believe any other additional policy options should be considered.
29. It is important that education information does not confuse consumers, which could lead to a reduction in dairy product consumption, impact nutrient intake, and result in potential negative health outcomes. To prevent consumer misunderstanding, the differences in risk associated between industrially produced trans fat and ruminant trans fat in foods based on consumption and the impact these have on health should be communicated to consumers. Dairy product consumption is associated with health benefits, plays a key role in human nutrition, and is recommended in dietary guidelines globally, regardless of its inherent trans fatty acid content. New Zealand has one of the highest per capita consumption rates of fresh white milk in the world¹⁰ and it is important to maintain this consumption.

Policy Options – Status quo

Consultation question 8a- Are the risks and limitations associated with the status quo described appropriately?

Consultation question 8b- Are there additional risks that have not been identified?

30. The risks and limitations associated with the status quo are not described appropriately because the benefits from past actions have a continuing and ongoing benefit. The statement that these voluntary actions “have not been coordinated or monitored for some time” appears drawn from the Government, not stakeholders’ perspective. Reformulation is a continuing activity in food manufacture which is one reason our Industrially-produced trans fat levels are a lesser health issue than many others. “Time trend data from 20 countries showed substantial declines in industrial trans fat intake since 1995”¹¹.

¹⁰ [New Zealand: milk consumption 2023 | Statista](#)

¹¹ Wanders AJ, Zock PL, Brouwer IA (2017). Trans fat intake and its dietary sources in general populations worldwide: a systematic review. *Nutrients*. 2017;9(8):840. doi: 10.3390/nu9080840 <https://www.mdpi.com/2072-6643/9/8/840>

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31. In relation to risks, the statement that increasing legislative action internationally may see an increase in imports of products containing industrially produced trans fats as manufacturers seek a market to sell their products appears to be a significant overstatement. Since a substantial share of industrially produced trans-fats enter the food supply, albeit still at very low levels, from the quick service sector, then this is not related to imports since the products are generally prepared on-shore. As well, New Zealand and Australia, with a combined population of around 30 million, would hardly feature as an export destination for product unacceptable on other markets because our markets are sophisticated and our distance from off-shore manufacturing bases is generally long. No evidence of this as a risk is presented. NZFGC recommends deleting this risk.
32. There are no additional risks that have not been identified.

Policy Options – Voluntary reformulation

Consultation question 9a- Are the risks and limitations associated with Option 6.2 described appropriately?

Consultation question 9b- Are there additional risks and limitations that have not been identified?

33. The risks identified for voluntary reformulation relating to international examples seem not to reflect reality concerning voluntary reformulation efforts. We note that the “voluntary reformulation efforts in Canada, the United Kingdom and the Netherlands have contributed to reductions in population trans fat consumption. However, certain segments of the population continued to consume trans fat above recommended levels”¹². The supporting evidence for the last statement was for the UK, not all the countries referenced.
34. The Association of UK Dietitians in a *Fact Sheet on Trans Fats*¹³ concludes that “The good news is that in the UK intakes of trans fats are on average lower than guidelines. Results from the Department of Health Summary Report on trans fats (2013) show that levels of trans fat have reduced considerably compared with previous analyses of similar foods carried out over the last 20-30 years.” It also stated there were no mandatory requirements at that time.

Consultation question 9c- Food manufacturers- How likely are you to be involved in this voluntary reformulation program? How many products are likely to be reformulated?

Consultation question 9d- Food manufacturers- how would this option impact you (include cost estimates where available)? What would be a suitable time frame for this option to be implemented in your organisation.

Consultation question 9e- What implementation issues need to be considered for this option?

35. Questions 9c and 9d are for manufacturers responding to this consultation to comment on.
36. However, in terms of implementation issues, sound guidelines prepared in partnership by industry and government would be an important addition for continued voluntary reformulation in terms of both expectations and monitoring. It may be that this is best

¹² p 24 Policy Options Paper

¹³ [Trans Fats Food Fact Sheet, British Dietetic Association \(sentinelhealthcare.co.uk\)](http://www.sentinelhealthcare.co.uk) Reviewed 2017.

undertaken by the Heart Foundation given its role in voluntary reformulation efforts in other areas of the food supply.

37. There is also no current data on trans fat intake by the New Zealand population or trans fat levels in food to indicate the size of the issue, and if the issue has changed since last examined some years ago. Until current data are available, the industry is strongly supportive of voluntary efforts to reduce high levels of trans fat or partially hydrogenated oils in processed foods. A number of member companies have internal policies to reduce trans fat in the manufacture of their products.
38. We would add that reformulation may be more cost-effective than legislative approaches and can be more flexible with the addition of a range of targets if required. In any case, more work might be done in relation to the fast food sector's contribution to the trans fat levels.

Policy Options – Regulatory limits for industrially-produced trans fats in processed foods

39. This Option proposes mandatory limits for industrially-produced trans fats in processed foods.

Consultation question 10a- Are the risks and limitations associated with Option 6.3 described appropriately?

Consultation question 10b- Are there additional risks that have not been identified?

Consultation question 10c- Food manufacturers- how would this option impact you (include cost estimates where available)? How many SKUs would be affected? What would be a suitable time frame for this option to be implemented in your organisation.

Consultation question 10d- What implementation issues need to be considered for this option?

Consultation question 10e- Food manufacturers- what oils you most likely to use in place of partially hydrogenated oils?

40. The risks note the importance of being able to identify industrially-produced and ruminant trans fats. It does not mention that testing for industrially produced trans fats (as against naturally occurring trans fats) could be substantial as would the cost to verify a regulatory limit. We would also point out, as has been noted in the Policy Options Paper, that it is impossible to distinguish ruminant trans fat from industrially produced trans fat by testing, if option 2 or 3 are being pursued.
41. In any case, if there was a test developed to identify industrially-produced and ruminant trans fats, the flow on impact would be to increase consumer costs which are not mentioned. At a time when the cost of living is upper-most for the population, to add to costs for a substance that is currently minimal seems to be unnecessary and unjustifiable.
42. If pursued, the implementation issues would need to consider standardised test methods and verification processes and ensuring a way for ruminant trans fats to be excluded from scope.
43. As well, any change to product composition requires a minimum of 24 months of transition time and 12 months of stock in trade to make changes to both the composition and labelling. Label changes require a company to undertake an audit of all products/SKUs,

identify and make label changes where necessary, order and update new labels (often from overseas), and consider existing labelling stock to minimise packaging waste.

Policy Options – Prohibiting use of partially-hydrogenate oils in processed foods

44. This Option proposes prohibiting the use of partially-hydrogenated oils in processed foods.

Consultation question 11a- Are the risks and limitations associated with Option 6.4 described appropriately?

Consultation question 11b- Are there additional risks that have not been identified?

Consultation question 11c- Food manufacturers- how would this option impact you (include cost estimates where available)? How many SKUs would be affected? What would be a suitable time frame for this option to be implemented in your organisation.

Consultation question 11d- What implementation issues need to be considered for this option?

Consultation question 11e- Food manufacturers- what oils you most likely to use in place of partially hydrogenated oils?

45. For impact and implementation, the testing and verification methods as noted for the previous option also apply to this option as do the costs of such steps. There may be supply-side impacts that manufacturers identify.

46. We assume the basis for stating that a minority of manufacturers would likely be affected by any regulatory action is based on the number of products identified in the GS1 database (234). This is also an argument for a non-regulatory approach when the issues could very well be raised with each of those few manufacturers rather than mandated. There appears to be no other data estimating of the number of manufacturers using trans fats at all, including industrially produced trans fats.

Policy Options considered but not pursued

47. The Policy Paper lists education, import restrictions, fiscal measures and labelling and options considered but not pursued.

Consultation question 12- Do you agree that these options should not be pursued further?

48. NZFGC agrees that all but one of the options should not be pursued. As noted at the outset, education should not be discounted and should always be considered as an important measure to take alongside any of the four options including status quo. As noted above, educational material should clearly differentiate between the risks associated with industrially produced trans fats and ruminant trans fats based upon consumption.

49. As cited in the Policy Options Paper¹⁴, labelling interventions are unlikely to have the intended outcome of reducing inequalities of the vulnerable groups that have high intakes of trans fats in their diet as they are likely to be from a lower socio-economic status, with lower levels of education.

Assessment of how well the proposed policy options achieve the objective of this work

50. The assessment in the Policy Options Paper is based on the following criteria:

¹⁴ p49 Policy Options Paper

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- industrially-produced trans fats minimised or removed (food composition)
 - consumption reduced
 - supports vulnerable populations
 - feasibility considerations.

51. Only the prohibition on the use of partially-hydrogenated oils in processed foods meets all the criteria. Regulatory limits are assessed as meeting all but the feasibility criteria.

Consultation question 13- Do you agree with the analysis of how well the proposed options would achieve the proposed objective? If not, please describe why and provide references with your response.

52. NZFGC does not agree with the assessment because the evidence for composition and consumption is poor. We consider that far more robust information is needed in order to justify a prohibition that might not be needed anyway because of the very low and decreasing incidence of industrially-produced trans fats (possibly less than 0.5% of foods) or the very low use of partially-hydrogenated oils in the food supply. This would be contrary to minimum effective regulation when effectiveness concerns form such a very small part of the impact of the food supply.

Consultation question 14a- Do you agree with the description of the possible benefits associated with the proposed options?

Consultation question 14b- Are there additional benefits associated with all or some of the proposed options that have not been captured? Please provide references for your response.

53. We do not agree with “limited benefits” being attributed to the status quo on the basis that data available has shown a decrease in content/consumption of trans fats over time and there is no indication that steps taken to achieve that trend have ceased.

54. Costs have generally not been considered in the assessment of how well the proposed policy options achieve the objective of the work.

Net benefit of the options

Consultation question 15- Are there additional costs associated with all or some of the proposed options that have not been captured? Please explain your rationale and your calculations.

55. NZFGC agrees there are benefits in reducing or eliminating industrially-produced trans fats in the food supply. It is for this reason that food manufacturers worldwide have been voluntarily reformulating products to remove these trans fats. No account has been taken of the additional costs in a regulatory system, whether within the Food Standards Code or outside the Code, for the development of test methods and their application for monitoring or verification in the net benefits calculations.

56. We would point out that if regulatory measures were to sit outside the Food Standards Code so that they applied, for example, to the quick service sector, then arrangements would need to be made for each of New Zealand and Australia to consider the regulation separately rather than jointly and consultation would need to be substantially broadened. The costs of consultation and application outside the *Agreement between the Government of Australia and the Government of New Zealand Concerning a Joint Food Standards System* have not been assessed.

Consultation question 16- What do you consider to be the preferred policy option(s) to recommend to Food Ministers? Please explain your rationale.

57. NZFGC would recommend status quo (encompassing voluntary reformulation) to Ministers on the basis that:
- the composition of industrially-produced trans fats appear to have trended down due to voluntary activity to date
 - there is a lack of up-to-date evidence for composition or consumption of industrially-produced trans fats in New Zealand
 - there appears to be a very low level of industrially-produced trans fats in any case, a majority of which might be attributed to the quick service industry
 - no account has been taken of the additional costs in a regulatory system, especially of test methods or verification in the net benefits calculations.
58. NZFGC does not support preferred Option 4, the ban of partially-hydrogenated oils in processed foods. The regulatory burden in New Zealand should be as low as possible while high levels of protection are maintained. The best protection for the industry against excessive regulatory burden is through adherence of FSANZ to best regulatory practice as set by the New Zealand (and Australian) Government. There is no current data on trans fat intake by the New Zealand population or trans fat levels in food to indicate the size of the issue, and if the issue has changed since last examined some years ago. Until current data are available, the industry supports voluntary efforts to reduce what some believe to be high levels of industrially-produced trans fat or partially-hydrogenated oils in processed foods.

Consultation question 17- Do you have any other comments on this document?

59. NZFGC would be very concerned, as would many public health professionals, if legislative efforts to reduce industrially-produced trans fats in foods resulted in an increase in the saturated fat content through the use of alternatives that were compositionally high in saturated fat but virtually trans fat-free. NZFGC would also be very concerned, as would many consumers, if such efforts increased food prices at a time of unprecedented high food prices.
60. The food items that are listed of concern are based on population consumption survey data that is outdated so the need for up-to-date data is critical to understand if the situation has changed.
61. A guide developed by government in partnership with industry on better or best ways to further the transition from the use of trans fat containing ingredients and partially-hydrogenated oils to healthier alternatives with better compositional nutrient profiles would be very helpful.