

Wednesday 1 August 2018

Committee Secretary

Department of the Senate

Via email: obesitycommittee.sen@aph.gov.au

Dear Committee Secretary,

Re: Supplementary Submission into the Obesity Epidemic in Australia

CHOICE welcomes the opportunity to provide a supplementary submission to the Senate Inquiry into Obesity in light of the role the food industry plays in contributing to poor diets and childhood obesity in Australia. Australia's food environment is strongly influenced by the food and beverage industries and increasingly the tactics employed by these companies mimic those used by the tobacco industry. Similar to tobacco, the aims of the food and beverage sector are entirely at odds with public health outcomes.

Industry tactics to influence health policy in Australia result in regulations being delayed, initiatives being watered-down and a failure to improve on the status quo. Confounding the evidence, self-regulatory schemes and offering food science acumen are just some of the examples we have come across. As a result, Australia's food environment limits consumers' ability to make informed choices and to be empowered to live healthy lives.

Food and health policy in Australia should be approached in a similar way to tobacco. Strict guidelines should ensure that public health policies are not influenced by commercial and other vested interests, similar to the World Health Organisation's (WHO) guidelines on tobacco control. We recommend the Federal Government incorporates this as part of a national strategy to address obesity in Australia.

¹ WHO, 2018, Article 5.3 of the WHO convention on tobacco control, http://www.who.int/tobacco/wntd/2012/article_5_3_fctc/en/ and Guidelines for implementation of Article 5.3 of the WHO Framework Convention on Tobacco Control http://www.who.int/fctc/guidelines/article_5_3.pdf



Industry influencing the evidence to support commercial aims

Recent leaked documents from the Australian Breakfast Cereal Manufacturers Forum (ABCMF) - a forum supported by the Food and Grocery Council - on Twitter have exposed tactics by peak bodies to dispute evidence and activity that conflicts with their commercial interests.² Committee meeting documents propose 'active defense' against groups and individuals who threaten their members' products. Listed under this section is a paragraph outlining the means used in an attempt to discredit a statement in a CHOICE report on added sugar.³ ABCMF had contacted CHOICE regarding the statement and despite CHOICE providing the evidence behind the statement (see details in Appendix 1), the document highlights that they continued to attempt to discredit the report by reaching out to media influencers informing them of supposed 'misinformation'. Undermining published evidence and using well-funded lobby groups to achieve this diminishes the genuine attempts to improve health outcomes by public interest groups. The leaked documents also highlight other tactics such as 'neutralising' negative coverage on breakfast cereals by engaging with key influencers. See excerpts in Appendix 2.

Food and beverage companies also directly influence public debate and health policy by funding research to further their commercial aims. As evidenced from the examples below, research funded by industry trends towards supporting their interests. At times, industry players are also able to draw on their networks and relationships to disseminate favourable research and influence public perception on nutrition and health. For example in 2017, the then-Assistant Minister for Health, David Gillespie, issued a press release highlighting the benefits of increasing grain fibre intake based on the results of a new academic paper. The paper was conducted by Nutrition Research Australia and Deloitte Access Economics with funding from Kellogg's Australia.

See below a snapshot of industry funded academic papers and excerpts of the paper's findings.

| Research | Authors | Findings | Funding |
|--|---|---|--|
| Breakfast and Breakfast Cereal Choice and Its Impact on Nutrient and Sugar Intakes and Anthropometric Measures among a Nationally Representative Sample of Australian Children and Adolescents | Flavia Fayet- Moore, Andrew McConnell, Kate Tuck and Peter Petocz | Breakfast cereal consumers had a superior micronutrient profile and dietary fibre intake compared with skippers and non-cereal breakfast consumers. | Australian Breakfast Cereal Manufacturers Forum of the Australian Food and Grocery Council |

² Crisdale, R. 2018, July 17, available at; https://twitter.com/rob_omgwtf/status/1019135388609200128

³ CHOICE, 2017, End the Sugar-Coating https://aaf1a18515da0e792f78-c27fdabe952dfc357fe25ebf5c8897ee.ssl.cf5.rackcdn.com/1965/Added-sugar-report-Final-lowres.pdf?v=1492740564000

⁴ Gillespie, D. 2017, *Tackle chronic disease by eating more fibre* http://health.gov.au/internet/ministers/publishing.nsf/Content/health-mediarel-yr2017-gillespie056.htm



| Identifying Eating Occasion- Based Opportunities to Improve the Overall Diets of Australian Adolescents | Flavia Fayet- Moore, Andrew McConnell, Jean Kim and Kevin C. Mathias | The key opportunities identified were increasing the number of adolescents consuming breakfast. | Nestle Research Centre, Nestlé Australia Ltd |
|---|---|---|--|
| Healthcare Expenditure and Productivity Cost Savings from Reductions in Cardiovascular Disease and Type 2 Diabetes Associated with Increased Intake of Cereal Fibre among Australian Adults: A Cost of Illness Analysis | Flavia Fayet- Moore, Alice George, Tim Cassettari, Lev Yulin , Kate Tuck and Lynne Pezzullo | Substantial economic savings could be realised if Australian adults use cereal fibre to increase their intake of dietary fibre. These findings make a compelling cause for cereal fibre to be a key component of future policies aimed at improving the health and dietary intake of Australians. | Kellogg Australia |
| Dietary Fibre Intake in Australia. Paper I: Associations with Demographic, Socio- Economic, and Anthropometric Factors | Flavia Fayet- Moore, Tim Cassettari, Kate Tuck, Andrew McConnell and Peter Petocz | Findings strengthen the need for interventions and initiatives that aim to increase fibre intakes in line with the Australian Dietary Guidelines. Further research should focus on the food sources of fibres to help inform dietary recommendations for such initiatives. | Kellogg Australia |
| Impact of Breakfast Skipping and Breakfast Choice on the Nutrient Intake and Body Mass Index of Australian Children | Flavia Fayet- Moore, Jean Kim, Nilani Sritharan and Peter Petocz | Children who had breakfast, and in particular cereal, had better total dietary intake profiles, including intakes of key nutrients, such as fibre, calcium and folate and were more likely to be of normal weight, despite no differences in energy intake, BMI, or physical activity level. | Cereal Partners Worldwide |
| Adult Snacking in Australia Understanding who, what, when and how much | F.F. Fayet- Moore, A.A. McConnell, T.T. Keighley | Snacking behaviour was prominent among adults but contributed less than a quarter of total energy intake. The evening main meal contributed the most discretionary energy and needs further investigation. | Nestle Australia |
| Effect of flavored milk vs plain milk on total milk intake and nutrient provision in children | Flavia Fayet- Moore | Consumers of flavored milk were more likely to meet calcium targets, and overall | Nestle Australia |



| | | their nutrient intake was in line with that of consumers of plain milk. In particular, the nutrient contribution of flavored milk outweighed the contribution of any extra energy and sugar from the flavoring. Flavored milk intake was not associated with body weight measures among normal-weight children. | |
|--|--|--|--|
| Interpreting the Australian Dietary Guideline to "Limit" into Practical and Personalised Advice | Flavia Fayet- Moore and Suzanne Pearson | The aim of this study was to develop a food- based educational toolkit to help translate the guideline recommending "limiting" discretionary foods and beverages. The below image was one of the collateral pieces produced - larger image in Appendix 3; How discretionary foods fit into a healthy diet **Bicarronary foods fit into a heal | Australian Sugar Alliance |
| The Cross-Sectional Association between Consumption of the Recommended Five Food Group "Grain (Cereal)", Dietary Fibre and Anthropometric Measures among Australian Adults | Flavia Fayet- Moore, Peter Petocz , Andrew McConnell, Kate Tuck and Marie Mansour | Australian adults who had higher intakes of core grain foods had significantly greater fibre intake and lower BMI. | Grains and Legumes Nutrition Council |



Self-regulation and voluntary schemes

The food and beverage industry often preempt regulation by committing to voluntary schemes or codes with looser requirements than any potential regulation would impose. There are a number of key examples that highlight that self-regulation fails to produce positive outcomes for consumers:

1. Food and Health Dialogue

The Food and Health Dialogue (the Dialogue) was set up in 2009 to address poor diets through reformulation of products. It had industry representation from the Australian Food and Grocery Council, Woolworths, McDonalds Australia and the Quick Service Restaurant Forum. The Dialogue's primary activity was voluntary reformulation across commonly consumed food products with the aim of reducing levels of saturated fat, added sugar, sodium and energy and increasing fibre, wholegrain, fruit and vegetable content. Forums such as this are commonly quoted as work in progress to address public health concerns. However, an assessment of the effectiveness of this partnership over the six years of operation found that out of a possible 137 areas of action within the Dialogue's mandate, only some activity was identified in just 12 (9%) areas - see Appendix 4 for more detail. The Dialogue has released limited information about the progress or outcomes of reformulated foods, making identifying progress or impact challenging.

Food and beverage industries will often seek to appear as an active part of the solution to poor diets and obesity, but 'collaborative forums' like this take a lot of time, deliver very little, and act as a distraction from genuine reforms to address the food environment in Australia.

2. Junk food marketing to children

The food and advertising industries have developed a number of advertising to children self-regulatory codes to ward off real regulation. Despite these codes, the Obesity Policy Coalition recently found that the food industry continues to market junk food to kids via alternate avenues including:

sport sponsorship (e.g. McDonald's sponsorship of Little Athletics);

⁵ Jones, A., Magnusson, R., Swinburn, B., Webster, J., Wood, A., Sacks, G. & Neal, B. 2017, Designing a Healthy Food Partnership: lessons from the Australian Food and Health Dialogue, *BMC Public Health* ⁶ Australian Government Department of Health and Ageing, 2016, *Food and Health Dialogue*, http://health.gov.au/internet/main/publishing.nsf/Content/fhd.

⁷ Australian Food and Grocery Council, 2017, *Industry seeks collaborative response to obesity*https://www.afgc.org.au/2017/09/industry-seeks-constructive-collaborative-response-to-obesity/
https://www.afgc.org.au/2017/09/industry-seeks-constructive-collaborative-response-to-obesity/
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<a href="https://www

Healthy Food Partnership: lessons from the Australian Food and Health Dialogue, *BMC Public Health*9 Australian Food and Grocery Council, *Advertising to Children*, https://afgc.org.au/our-expertise/health-nutrition-and-scientific-affairs/advertising-to-children/



- packaging, including popular cartoon characters and animations (e.g. Minions, Coco-Pops monkey, or Disney-branded foods);
- in-store promotions;
- free toys and other giveaways (including Happy Meals and Kinder Surprise); and
- competitions.¹⁰

Australian research also shows there was no reduction of unhealthy food marketing to children on TV between 2011 and 2015 – including by the companies who signed onto the codes. ¹¹ Self-regulatory initiatives like these create a facade of responsible behaviour while failing to address the problem and warding off any real and meaningful regulation.

3. Sugar-sweetened beverages

There have been heightened calls for a sugar tax following a number of countries pursuing this measure overseas. The latest example of the beverage industry pre-empting regulation is via the Australian Beverage Council's commitment to reduce sugar use by 20% by 2025. Again this is a measure to distract attention away from real regulation and will not do anything to address the contributing factors to obesity. Some drinks with the highest sugar content such as Coke won't be included and other sugar-sweetened beverages will still contain up to 13 teaspoons of sugar.

Offering nutrition or food science acumen

Often, the food and beverage industry will have nutrition or food science in-house expertise which can be used to ensure that these companies have a seat at the table. An example of this occurring is in relation to Health Star Ratings (HSRs). HSRs are calculated by a complex algorithm that scores foods based on the overall nutritional profile of the food. The algorithm was developed (and is currently being reassessed) by a Technical Advisory Group with oversight from an Advisory Committee. However Sanitarium plays the biggest technical role regarding the algorithm, and many Sanitarium products that are high in risk-nutrients score quite well. For example a 500mL bottle of Banana Flavoured Up & Go scores a 4.5 star rating despite containing almost eight teaspoons of sugar.

¹⁰ Obesity Policy Coalition, 2018, *Overbranded Underprotected*, http://www.opc.org.au/downloads/overbranded/overbranded-underprotected.pdf

¹¹ Watson, W L et al, 'Advertising to children initiatives have not reduced unhealthy food advertising on Australian television', *Journal of Public Health* (2017), 1-6

¹² Australian Beverage Council, 2018, *Australian Beverage Council Pledge* http://www.australianbeverages.org/wp-content/uploads/2018/06/ABC-fact-sheet_v3.pdf

¹³ McLlroy, T. 2018, Pepsi, Coke, Asahi, Frucor to cut sugar by 20% by 2025, *Australian Financial Review* https://www.afr.com/news/pepsi-coke-asahi-frucor-to-cut-sugar-by-20pc-by-2025-20180625-h11tkl

¹⁴ Health Star Rating System, 2018, About Health Star Ratings

http://healthstarrating.gov.au/internet/healthstarrating/publishing.nsf/content/about-health-stars

¹⁵ Food Legal, 2017 https://www.foodlegal.com.au/events/details/health_star_rating_symposium/1/

¹⁶ Sanitarium, 2018, *Up & Go Banana Flavour* https://upandgo.com.au/products/banana-flavour-bottle/



To achieve a reduction in overweight and obesity, we need a strong food regulatory environment that allows Australians to make decisions that are free from undue influence. As evidenced by tobacco, if conflicted industries aren't removed from policy decisions that impact their products, then we can't achieve real progress.

CHOICE supports strict guidelines, similar to the WHO's guidelines on tobacco control, that ensures public health policies are not influenced by commercial and other vested interests. ¹⁷ We recommend the Federal Government incorporates this as part of a national strategy to address obesity in Australia.

CHOICE would be happy to further explain our position. Please contact Campaigns and Policy Team Lead, kday@choice.com.au or at 02 9557 3307.

Yours sincerely,

Katinka Day

Campaigns and Policy Team Lead

¹⁷ WHO, 2018, Article 5.3 of the WHO convention on tobacco control, http://www.who.int/tobacco/wntd/2012/article_5_3_fctc/en/ and Guidelines for implementation of Article 5.3 of the WHO Framework Convention on Tobacco Control http://www.who.int/fctc/guidelines/article_5_3.pdf



Appendix 1 - Evidence behind CHOICE added sugar report statement

CHOICE's report; End the Sugar-Coating contained the following statement 'Products such as sugar-sweetened beverages, breakfast cereal, spreads, cakes, biscuits, muesli bars and readymade sauces and meals were the primary contributors to added sugar in their diets'. This was drawn from the following academic paper;

Lei, L., Rangan, A., Flood, V. & Louie, J. 2016, 'Dietary intake and food sources of added sugar in the Australian population', *British Journal of Nutrition*. See below snapshot highlighting bread and cereals' contribution to added sugar intakes in Australia.

Table 3. Per capita percentage contribution of added sugar from major added sugar-contributing food groups, stratified by age* (Mean values and standard deviations)

| | 2-3 y | ears | 4–8 y | ears | 9–13 | years | 14–18 | years | 19–30 | years | 31–50 | years | 51–70 | years | 71+ y | years |
|---|-------|------|-------|------|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| Food groups† | Mean | SD | Mean | SD | Mean | SD | Mean | SD | Mean | SD | Mean | SD | Mean | SD | Mean | SD |
| Sugar-sweetened beverages | 18.0 | 27.3 | 22.5 | 27.7 | 28.1 | 29.1 | 33.9 | 32.9 | 31.8 | 34.1 | 20.3 | 30.0 | 12.7 | 24.9 | 10.2 | 20.8 |
| Cakes, biscuits, pastries and batter-based products | 20.3 | 26.5 | 17.9 | 23.7 | 18-6 | 24.7 | 14.0 | 22.9 | 12.1 | 23.0 | 14.6 | 24.0 | 17.0 | 25.8 | 19.5 | 24.3 |
| Sugar and sweet spreads | 13.1 | 25.0 | 10.6 | 17.5 | 7.8 | 14.1 | 7.6 | 14.9 | 12.3 | 22.0 | 18-4 | 25.3 | 20.8 | 27.6 | 25.8 | 28-6 |
| Chocolate and confectionery | 10.3 | 18-6 | 9.5 | 17.6 | 9.7 | 17.8 | 9.3 | 17.8 | 8.1 | 18.8 | 9.1 | 19.8 | 9.3 | 20.3 | 7.7 | 17.0 |
| Sweetened dairy products | 13.5 | 21.6 | 10.3 | 20.9 | 7.9 | 16.9 | 7.0 | 15.2 | 6⋅1 | 15.6 | 6.4 | 17.1 | 6.4 | 16.8 | 5.8 | 15.5 |
| Bread and cereals | 8.4 | 16.5 | 9.9 | 17.1 | 9.6 | 17.8 | 8.3 | 17.4 | 7.3 | 16.8 | 7.8 | 17.4 | 8.5 | 17.9 | 8.6 | 17.0 |
| Ice cream and ice confection | 5.6 | 15-1 | 10.1 | 18.7 | 8-8 | 16.3 | 5.3 | 13.2 | 3.4 | 11.6 | 3.8 | 13.4 | 5.0 | 14.1 | 6.0 | 15.2 |
| Other food sources | 10.0 | 18-0 | 9.0 | 15.2 | 9.4 | 15.1 | 14.6 | 21.8 | 18.5 | 25.8 | 19.2 | 27.3 | 19.6 | 28.0 | 16.1 | 23.2 |

^{*} Data were weighted to account for over- or under-sampling to enable representation of the general Australian population. P<0.01 was considered to indicate marginal statistical significance, and P<0.001 was significant to minimise type I error.

† Food groups considered likely to contain added sugar include the following: sugar-sweetened beverages (fruit drinks, cordial/mixer, soft drinks, energy drinks and other sweetened beverages); cakes, biscuits, par

[†] Food groups considered likely to contain added sugar include the following: sugar-sweetened beverages (fruit drinks, cordial/mixer, soft drinks, energy drinks and other sweetened beverages); cakes, biscuits, par products (sweet and savoury biscuits, cakes, buns, muffins and scones); sugar and sweet spreads (sugar, honey, jam, syrup and other sweet spreads); chocolate and confectionery (chocolate, chocolate, chocolate, beased c confectionery); sweetened dairy products (flavoured or condensed milk, yoghurt, frozen yoghurt and custard); bread and cereals (bread, breakfast cereal and bars); ice cream and ice confection (ice cream, fi confection). All other food groups were grouped into 'other food sources'.

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† Pfor trend across age group calculated by linear regression with age (years; continuous) as the independent variable.

[§] P values for difference between children and adolescents (2–18 years) v. adults (19+ years), tested by one-way ANOVA.



Appendix 2 - Excerpts from Australian Breakfast Cereal Manufacturers Alliance

AGENDA

ABOMF OPERATIONAL COMMITTEE 13.06.2017

5.2 Proactive communications (continued)

For discussion - Retailer cheat sheet

Minutes from the last Executive Committee meeting:

- Work with the Operational committee to develop a 'cheat sheet' resource of killer facts and myth busters for members to use with buyers.
- Incorporate infographics (e.g. from campaigns) and reference studies/sources (balance infographics, with authoritative/credible presentation.) Repurpose materials to limit the budgetary impact.

Members to advise ABCMF of best formats and priority information relevant to buvers:

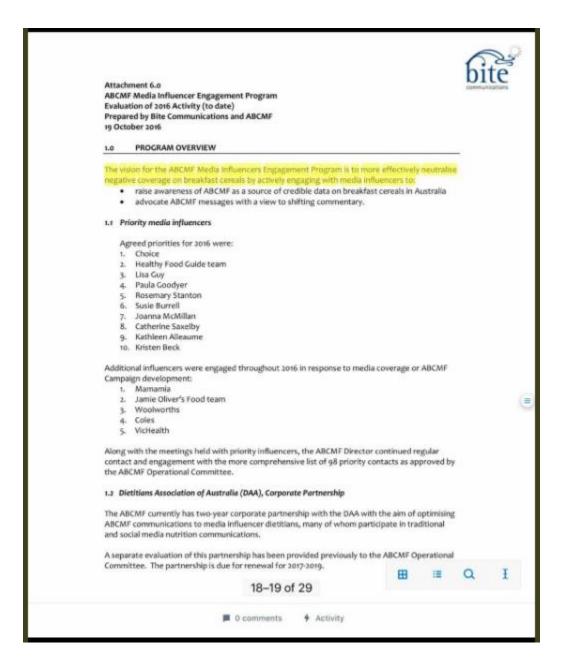
- popularity; how many Australian consume breakfast cereals (AHS)
- health/nutrition benefits (Peter Williams/AHS reports) e.g. better health, better nutrition, better weight (adults)
- nutritional profile of the category (GLNC data) e.g. % of products that are whole grain
- issues (e.g. sugars)
- · value (cereal and milk around 50c/under \$1)
- · convenience 5 mins a day)
- other

5.3 Active defence

- Choice added sugars labelling report.
 ABCMF formally requested a correction regarding breakfast cereals by
 Choice of the error in the recent Choice report advocating for added
 sugars labelling. Choice defended their position. ABCMF also contacted
 the Australian Dental Association Victorian Branch (ADAVB) who also
 defended their own materials. ABCMF will Provide ADAVB with further
 information on breakfast cereals and dental caries.
 Outreach to media influencers informing them of the misinformation was
 generally well received. One detailed response defending Choice was
 received.
- World Salt Awareness Week.
 Breakfast cereals were not been headlined in media releases or media, nor incorrectly mentioned as a major source of sodium in Australia, ABCMF has been actively combatting this misinformation for several years and provided data to key commentators and a news.com feature.
- In preparation for anti-sugars campaigner Prof Robert Lustig's Australian visit, ABCMF provided sugars-related tacts to key nutrition commentators.
 There was no significant mention of breakfast cereals in media coverage.
- ABCMF has also responded to Huffington Post, Daily Mail and Nutrition Australia regarding misinformation.

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Appendix 3 - Excerpt from academic paper 'Interpreting the Australian Dietary Guideline to "Limit" into Practical and Personalised Advice'





Appendix 4 - Progress of activities by the Food and Health Dialogue

| | Food reformulation area for action | | | | | | | |
|------------------------------------|------------------------------------|---------------|-------------|--------|-------|-------------|----------------------------|--------------|
| | Sodium | Saturated fat | Added sugar | Energy | Fibre | Wholegrains | Fruit/vegetable content | Portion Size |
| Breads | PA | X | X | X | X | X | - | X |
| Other bakery products | X | x | X | X | × | x | - | X |
| Ready-to-eat breakfast cereals | PA | х | X | X | x | X | X | X |
| Other cereal products | | X | × | X | × | X | X | X |
| Simmer sauces | PA | x | X | X | - | - | - | - |
| Other sauces and spreads | X | X | X | X | _ | _ | _ | 1000 |
| Processed meats | PA | T | | - | - | | - | X |
| Other meat products | X | X | x | × | - | - | - | X |
| Soups | T | x | x | X | - | | X | x |
| Savoury Pies | T | X | x | X | x | X | X | T |
| Potato/corn/extruded snacks | T | X | X | X | X | X | - | T |
| Savoury crackers | T | X | X | X | X | X | - | X |
| Other snack foods | | X | X | X | X | X | - | X |
| Confectionary | | X | X | X | X | X | _ | X |
| Convenience foods | | X | X | X | X | X | X | X |
| Cheese | T | х | X | X | - | | - | X |
| Other Dairy Products | Х | x | X | X | - | ** | - | X |
| Edible oils and emulsions | X | X | X | X | - | | - | X |
| Eggs | - | _ | - | - | - | | - | 7. |
| Fish and fish products | X | X | X | X | 47 | - | - | X |
| Fruit and vegetable products | X | - | Х | X | _ | - | - | X |
| Non-alcoholic beverages | - | - | X | X | - | | _ | X |
| Sugars, honey and related products | _ | X | X | X | _ | | 2 | |
| Quick Service Restaurant foods | X | X | X | X | X | X | X | X |