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HEALTH STAR RATING FIVE YEAR REVIEW

Response to Five Year Review Report Recommendations

ABOUT US

Set up by consumers for consumers, CHOICE is the consumer advocate that provides Australians with information and advice, free from commercial bias. CHOICE fights to hold industry and government accountable and achieve real change on the issues that matter most.

To find out more about CHOICE's campaign work visit www.choice.com.au/campaigns

57 Carrington Road Marrickville NSW 2204

Phone 02 9577 3333 | Fax 02 9577 3377 | Email campaigns@choice.com.au | www.choice.com.au

The Australian Consumers' Association is a not-for-profit company limited by guarantee. ABN 72 000 281 925 ACN 000 281 925

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Please note that this submission is in a different format to what CHOICE submitted to the consultation.

Recommendation 1

The HSR system be continued

CHOICE supports Recommendation 1, that the HSR system be continued. Since the beginning of the HSR system, CHOICE has advocated for the potential of HSRs as an effective and useful tool to help people make informed, healthy choices. We have also continued to raise anomalies in the HSR system, and highlight the conflicts of interest that exist as a result of industry influence over the design and implementation of this public health initiative. We consider the Health Star Rating system - Five Year Review Report ('the Report')¹ a big step forward, as it contains a number of key recommendations that, if implemented effectively, will strengthen and improve this important food labelling initiative.

The World Health Organisation considers front-of-pack labelling a crucial policy to promoting healthier diets,² and over 30 countries including Australia and New Zealand, have implemented front-of-pack graphic labels in a variety of formats.³ Australia is a global leader in food labelling, as demonstrated by Australia's role co-convening the global action network on nutrition labelling with France.⁴

The HSR system is delivering clear benefits to consumers. As outlined in the Report, the HSR system is widely recognised, understood and used by consumers.⁵ Research released in 2017 found that three out of five Australians who purchased a product with a HSR said that the labelling system influenced the product they chose.⁶ Importantly, the HSR system is also driving change within the food industry, with research showing that 79% of surveyed products in New Zealand have been reformulated, resulting to changes in at least one key nutrient (energy, saturated fat, sugar, sodium, protein or fibre).⁷ Industry studies in Australia show similar trends, with research demonstrating that the average energy density of products displaying the HSR was lower than products not displaying the HSR, after the system was introduced.⁸ It is vital that the HSR system is continued, but is strengthened and expanded for the benefit of consumers.

¹ Department of Health (2019), *Health Star Ratings Five Year Review Report*, Canberra.

² World Health Organization (2013) *Global Action Plan for the Prevention and Control of Noncommunicable Diseases 2013-2020*.

³ World Cancer Research Fund International (2019), *Building momentum: Lessons on implementing a robust front-of-pack food label*, London.

⁴ United Nations (2018), *A global action network on Nutrition labelling: taking action for better informed consumers' choices in the Decade of Action on Nutrition*, p.3.

⁵ Department of Health (2019), *Health Star Ratings Five Year Review Report*, Canberra, p.22.

⁶ *Ibid.* p.22.

⁷ *Ibid.* p.28.

⁸ Mantilla Herrera, A, Crino, M, Erskin, H, Sacks, G, Anathapavan, J, Ni Mhurchu, C & Lee, Y (2018), 'Cost-effectiveness of product reformulation in response to the Health Star Rating food labelling system in Australia', *Nutrients*, vol. 10, no. 614, pp. 2-16.

The positive recommendations in this report must be fully implemented rather than watered down as a result of industry pressure. In particular, immediate steps must be taken to reduce industry influence over the HSR algorithm and stronger measures must be put in place to improve the system for consumers. In particular, HSRs must be made mandatory. This is discussed in detail in CHOICE's response to Recommendation 9.

As nutritional advice and best practice in public health continues to evolve across international markets, it is crucial that the HSR system is able to be updated quickly and effectively.

Recommendation 2

Option 5, the energy icon be removed from the HSR graphic options

CHOICE supports Recommendation 2, to remove Option 5, the energy icon, from the HSR graphic options.

The widespread use of the energy icon, which predominantly appears on low-rated drinks, has been a major issue in the HSR system. Having both energy icons and HSRs (typically displayed on high-rated products)⁹ has made it difficult for consumers to compare across products and select healthier options. As noted in the Report, only 4% of consumers find that the energy icon provides sufficient information.¹⁰ Further research supports this, showing that the energy icon is rarely noticed and is not considered an important feature of the HSR system.¹¹ This clearly demonstrates that Option 5 does not align with the key objective of the HSR system: 'To provide convenient, relevant and readily understood nutrition information and/or guidance on food packs to assist consumers to make informed food purchases and healthier eating choices'.¹²

While kilojoule labelling has been used by consumers in a range of contexts, for example on menu boards, it is not useful to consumers within the HSR system and must be removed. HSRs should replace energy icons on all products that currently display the energy icon, to make it easier for consumers to compare. With most sugar-sweetened beverages scoring a HSR of 1, displaying this HSRs on these products would send a strong message to Australians that these products are discretionary options.

⁹ Brownbill AL, Braunack-Mayer A, Miller C. (2019), 'Health Star Ratings: What's on the labels of Australian beverages?', *Health Promotion Journal of Australia*, vol. 30, pp.114-8.

¹⁰ Department of Health (2019), *Health Star Ratings Five Year Review Report*, Canberra, p.21.

¹¹ Talati Z, Pettigrew S, Kelly B, Ball K, Dixon H, Shilton T. (2016), 'Consumers' responses to front-of-pack labels that vary by interpretive content', *Appetite*. 2016; vol.101, pp205-13.

¹² Department of Health (2019), *Health Star Ratings Five Year Review Report*, Canberra, p.32.

Recommendation 3

Governments, industry, public health and consumer bodies continue to promote the HSR system. Government promotion over the next two years should:

- **communicate the reason for the changes to the HSR system**
- **target specific areas of consumer misunderstanding or gaps in awareness**
- **highlight government endorsement of the HSR system**
- **position the HSR system in the context of broader healthy eating messages**

CHOICE supports Recommendation 3. Further steps should be taken to promote the HSR system.

Australian and New Zealand Governments should continue to invest in the promotion of the HSR system. Government communications should be positioned in the context of broader healthy eating messages that emphasise the importance of consuming the Five Food Group foods.

More thought should be given to how consumer trust in Health Stars can be improved. A 2018 nationally representative CHOICE survey on Health Stars showed that while 92% of respondents were aware of HSRs, just over half (57%) trust the HSR system.¹³ CHOICE would like to see messaging developed with a view to improving consumer trust and to emphasising government endorsement of the system. Promotional messaging should also clarify changes to the HSR system that come as a result of the Five Year Review. These changes should be positioned as improvements to the system that have been made to ensure that the system meets people's needs and helps them make healthier choices.

The promotion of the HSR system through public campaigns is important but the impact of educational campaigns must not be overstated. The Report shows that campaign awareness has been low: between 2015-17, Australian campaign evaluations showed that between 18% and 25% of respondents had seen HSR system campaigns.¹⁴ Despite this, the majority of consumers are aware of the HSR system itself, as noted in the CHOICE research above. Government resources should be used not only to educate consumers about how they can use the HSR system but should also be directed at ensuring that the HSR system is used by industry. Without HSRs being displayed on the majority of products, no amount of consumer

¹³ CHOICE (2018), Health Star Rating Survey, n = 1057 (Australia)

¹⁴ Department of Health (2019), *Health Star Ratings Five Year Review Report*, Canberra, p.38.

education will help overcome the challenges that consumers face when comparing products with inconsistent labelling. There is strong consumer appetite for improved HSR uptake: a 2016 CHOICE survey conducted across Australia and New Zealand found that 79% of respondents wanted HSRs to appear on more products.¹⁵ CHOICE believes that the only way that this can be successfully achieved is for the HSR system to be mandatory.

When considering the promotion of HSRs it is also important to look to innovative initiatives around the world. In France, all food media advertisements will be required to display the Nutri-Score of products, despite the fact that it is not currently mandatory to display this front-of-pack labelling system on food.¹⁶ While the impact of this is yet to be seen, CHOICE considers this initiative a very positive step in improving food marketing and broadening the application and impact of France's front-of-pack labelling scheme. Australia should consider adopting this policy as it has the potential to increase awareness of the HSR system as well as its application to specific products. This change may also positively contribute to industry uptake of HSRs and may even positively influence the reformulation of products.

Integrating the HSR system within state-based health initiatives such as the NSW Government Health School Canteens Strategy¹⁷ may also improve the visibility and application of the HSR system.

Recommendation 4

A package of changes be made to the way the HSR is calculated for foods to better align with Dietary Guidelines; reflect emerging evidence; address consumer concerns and encourage positive reformulation

CHOICE supports changes to the way the HSR is calculated for foods to better align with Dietary Guidelines, reflect emerging evidence, address consumer concerns and encourage positive reformulation. We are supportive of many of the proposed changes, but offer some suggestions for further improvements. In particular, we would like to see added sugar incorporated into the HSR algorithm.

¹⁵ CHOICE (2016), Health Star Rating Survey, n = 1540 (Australia and NZ)

¹⁶ All food adverts must show health score, France votes' (2019), *The Connexion*, Article, 24 February, viewed 21 March 2019, <<https://www.connexionfrance.com/French-news/All-food-adverts-must-now-show-Nutri-Score-health-level-French-Assemblee-Nationale-votes>>

¹⁷ Healthy School Canteens (2018), *Healthy School Canteens: The Food and Drink Criteria*, viewed 21 March 2019 <<https://healthyschoolcanteens.nsw.gov.au/canteen-managers/the-food-and-drink-criteria>>

4A: Fruits and vegetables that are fresh, frozen or canned (with no additions of sugar, salt or fat) should automatically receive an HSR of 5

CHOICE supports that all minimally processed fruits and vegetables should score 5 stars as this would help to encourage the consumption of fruits and vegetables. This will increase alignment between the Australian Dietary Guidelines (ADGs) and the HSR system. This change will also help to resolve current inconsistencies within the system where a juice can score higher than its whole fruit or vegetable equivalent.

In implementing this change, a robust definition of ‘fruits and vegetables that are fresh, frozen or canned (with no additions of sugar, salt or fat)’ should be developed to prevent misuse. The definition of ‘vegetables’ should include legumes, as per the Australian Guide to Healthy Eating.¹⁸ Products that have been processed in a way that has altered their nutrient content or other properties, such as dried fruit, juice, and pickled vegetables should continue to be excluded.

While the primary purpose of the HSR system is to help consumers make choices between packaged products with a Nutritional Information Panel (as opposed to fresh produce), retailers should be able to promote unpackaged fruits and vegetables with posters, labels, or other advertising that displays HSRs. The HSR system should not require fruit and vegetables to be packaged in order to display HSRs.

4B: Total sugars be more strongly penalised by revising the sugars table for Categories 1, 1D, 2 and 2D to a maximum of 25 points for > 99g/100g

The HSR Five Year Review is intended to ensure that the HSR system is accurate, useful for consumers, and reflects the most up-to-date dietary advice and evidence base.¹⁹ Australian dietary advice is to reduce added sugar intake, which is consistent with the World Health Organisation’s recommendation that no more than 10% of total daily energy intake should come from free sugars.²⁰ A 2017 nationally representative survey conducted by CHOICE found that 72% of people support listing added sugars in the Nutritional Information Panel (NIP).²¹

CHOICE is concerned that added sugars have not been incorporated into the HSR algorithm. Right now, products that are high in added sugar aren’t easily identifiable for consumers, or

¹⁸ ‘Australian Guide to Healthy Eating’ (2019), Eat For Health, viewed 21 March 2019
<<https://www.eatforhealth.gov.au/guidelines/australian-guide-healthy-eating>>

¹⁹ Department of Health (2019), *Health Star Ratings Five Year Review Report*, Canberra, pp.19-20.

²⁰ World Health Organisation (2015), Guideline: Sugar intake for adults and children, viewed 21 March 2019,
<https://www.who.int/nutrition/publications/guidelines/sugars_intake/en/>

²¹ CHOICE (2017), Consumer Pulse Survey, number of respondents 1006 (Australia)

properly penalised by the HSR algorithm. A study by the George Institute in 2017 found that the assessment of added sugars is more effective in differentiating between the five food groups and discretionary products, compared to an assessment of total sugars as used in the HSR algorithm.²² Incorporating added sugars would reflect the best dietary advice and ensure that HSRs remain relevant to consumers.

The Report suggests that a lack of added sugars in the NIP is a barrier to incorporating added sugar in the HSR algorithm, and suggests that ‘moving to added sugars in the HSR system would be a significant change and a potential barrier to uptake for industry (in terms of quantifying added sugars rather than total sugars).’²³ The challenge for manufacturers to calculate the added sugar contents of their products is overstated. Manufacturers know what is in their products. Lack of quantified added sugar on the NIP should not be a barrier as companies can currently benefit from fruit, vegetables, nuts and legumes (FVNL) content and fibre points, the details of which are not required on the NIP. Further, manufacturers have shown their ability to successfully modify their packaging according to new labelling requirements, such as country of origin food labelling.

CHOICE notes that any decisions that are made on sugar at this stage of the process must be reviewed in the event that new decisions on added sugar labelling are made in the Ministerial Forum. Added sugar labelling is currently being considered by Ministers and it is crucial that this aspect of the HSR system is reviewed following any decisions made by Ministers.

CHOICE is disappointed to see that the existing 22 point table for weighting sugars has only been brought up to 25, as opposed to 30 points. A 30 point table would promote consistency between nutrients. We do not see any scientific justification for why the sugar point table has only received a slight modification. The Report must provide a satisfactory explanation for why this decision has been made.

The Report notes that the ‘option of moving to a 30 point sugars table was also considered, however this impacted on a range of Five Food Group (FFG) foods, including 43% of the processed fruits in the Technical Advisory Group (TAG) database, 30% of the breakfast cereals and a number of yoghurts and processed vegetables.’²⁴ The number of products affected by an improved algorithm that aligns with leading dietary advice should not influence the design of the HSR calculator. It is worth noting that while cereals are classified as FFG foods, they are also a cause of concern for consumers when it comes to HSRs. When CHOICE asked people which categories need improvements in respect to HSRs, 79% of people said breakfast cereals.²⁵

²² Peters et al. (2017), ‘Incorporating Added Sugar Improves the Performance of the Health Star Rating Front-of-Pack Labelling system in Australia’, *Nutrients*, vol. 9:7.

²³ Department of Health (2019), *Health Star Ratings Five Year Review Report*, Canberra, p.55.

²⁴ *Ibid.* p.54

²⁵ CHOICE (2018), Health Star Rating Survey, number of respondents 1057 (Australia)

Penalising more products on the basis of sugar content is likely to assist consumers, and encourage trust in the HSR system.

4C: Sodium sensitivity should be improved for products high in sodium, reducing the HSR of 1% of products (all with sodium in excess of 900mg/100g)

The Report acknowledges a need for major changes to the way that sodium is assessed by the HSR Calculator. CHOICE has raised concerns about products that are medium or high in sodium (i.e. products with a sodium content <900mg/100g) but were able to obtain a high HSR. The report also notes that approximately 93% of the products in the food supply contain less than 900mg of sodium.²⁶ The HSR system must change the way it calculates sodium to capture a broad range of foods, in particular ready meals, pickled vegetables, processed meats, table sauces, vegetable-based dips and savoury snacks.²⁷

Australia and New Zealand are amongst other WHO member states that have agreed to the WHO's global sodium target of a 30% relative reduction in sodium intake by 2025 in order to prevent premature deaths from noncommunicable diseases.²⁸ To reach these targets people need to be able to correctly identify foods with a lower sodium content.

CHOICE strongly supports the 'Additional option: More strongly penalise sodium by revising the sodium points tables for all HSR categories to align with the 2017 update to the sodium Nutrient Reference Value' as outlined in the Report.²⁹ This option will ensure that more products are captured by changes to the calculation of sodium, and will ensure that the algorithm more accurately classifies unhealthy foods.

4D: Dairy categories should be redefined to increase the HSRs of FFG dairy foods (such as cheeses and yoghurts) and decrease the HSRs of some dairy desserts and other chilled dairy products, improving comparability between dairy products

In the October consultation on HSRs, CHOICE indicated support for the proposed Option B. We support the move to redefine category 2D to include dairy desserts, and rescale to ensure that healthier options receive higher HSRs and comparability is improved between similar dairy products. This will ensure that less healthy dairy dessert products do not receive higher HSRs than yoghurts with additional nutritional value.

²⁶ Department of Health (2019), *Health Star Ratings Five Year Review Report*, Canberra, p.57.

²⁷ Jones, A. et al. (2018), 'Defining 'Unhealthy': A systematic Analysis of Alignment between the Australian Dietary Guidelines and the Health Star Rating system.

²⁸ Webster, J. et al. (2014), 'Target Salt 2025: A Global Overview of National Programs to Encourage the Food Industry to Reduce Salt in Foods', *Nutrients*, vol. 6:8, pp.3274-3287.

²⁹ Department of Health (2019), *Health Star Ratings Five Year Review Report*, Canberra, p.57.

4E: The HSRs for healthier oils and oil-based spreads should be increased and range narrowed to enable better discernment from products higher in saturated fats

CHOICE supports changes that will allow healthy oils and spreads to receive a higher HSR. We are still concerned that the proposed option will see canola oil scoring higher than olive oil. This is potentially misleading for consumers as it suggests that canola oil is a healthier option compared to olive oil.

Recommended changes to oils and spreads still require improvement in order to ensure that HSRs in this category are useful for consumers.

4F: Jellies and water-based ice confections should be recategorised to decrease their HSRs

CHOICE supports this recommendation as it would more appropriately score jellies and water-based ice confections, and help consumers better understand the discretionary nature of many products in this category.

Recommendation 5

Changes be made to the way the HSR is calculated for non-dairy beverages, based on adjusted sugars, energy and FVNL points, to better discern water (and drinks similar in nutritional profile to water) from high energy drinks

As stated in the Report, '52% of free sugars in Australian diets comes (sic) from non-dairy beverages, with the leading contributors being soft drinks, electrolyte and energy drinks (19%), fruit and vegetable juices and drinks (13%) and cordial (5%)'.³⁰ Free sugar content must be at the core in the HSR algorithm for non-dairy beverages.

In our response to the October consultation on the HSR system we raised concerns about fruit juice scoring 5 stars. CHOICE completed a nationally representative survey in 2018 in which 78% of people said that fruit juice is a category that needs improvement.³¹ In our previous submission we drew attention to France's Nutri-Score model.³² The Nutri-Score model has proven effective in discriminating non-dairy beverages, as the algorithm it employs does not

³⁰ Department of Health (2019), *Health Star Ratings Five Year Review Report*, Canberra, p.64.

³¹ CHOICE (2018), *Consumer Pulse Survey*, number of respondents 1057 (Australia)

³² Santé publique France (2019), 'Nutri-Score', viewed 21 March 2019, <<https://www.santepubliquefrance.fr/Sante-publique-France/Nutri-Score>>

disproportionately reward fruit, vegetables, nuts and legumes (FVNL) in the non-dairy beverage category. We would like to see the score calculation of non-dairy beverages more closely aligned with the French Nutri-Score system than the proposed option.

The Department must supply more information to explain why the recommended option was chosen. CHOICE is concerned that if the current recommendation is adopted the HSR system will continue to disproportionately reward FVNL in non-dairy beverages. Further work is required to ensure that the calculation of non-dairy beverages is helpful for consumers.

Recommendation 6

HSR system implementation continue to be jointly funded by Australian, State and Territory and New Zealand governments for a further four years

The HSR system should continue to be independent and administered by government. Early research on front-of-pack labels found that credibility and trust by consumers would only be developed if the system is not beholden to industry.³³ Continued government funding of HSRs will also help to reinforce consumer confidence in the system.

Recommendation 7

Minor changes be made to the governance of the HSR system to:

- **support greater consumer confidence in the system by transferring the management of the HSR Calculator and TAG database to FSANZ**
- **clarify the role of governance committees**
- **increase the transparency of the system**
- **improve monitoring, enabling the system to be more responsive**

In order to increase consumer confidence in the HSR system, HSR policies must not be compromised to accommodate industry preferences.

CHOICE believes that food companies like Nestle, Mars, Sanitarium and other food manufacturers should not play an active role in policy decision making. Many of these companies' interests are represented by the Australian Food and Grocery Council and the

³³ Hall & Partners Open Mind (2013), 'Proposed front-of-pack food labelling designs; qualitative research outcomes', Department of Health, Australian Government.

Australian Industry Group (representing the confectionery sector) who are both members of the Health Star Rating Advisory Committee (HSRAC). This has allowed them to influence the system so that front-of-pack labelling reform remains voluntary and that the rating calculation has allowed products high in sugar, fat and salt to receive higher HSRs than they should. Companies should be consulted on the specifics of changes to the HSR system but not in a way that allows them to lessen the impact of such changes to their commercial benefit.

The HSR Calculator and the TAG database should be managed by FSANZ, a respected and trusted government organisation with the relevant knowledge and expertise to support the HSR system in this capacity.

CHOICE acknowledges the resourcing constraints that have led to the recommendation that the HSRAC should be downsized from 10 members to eight. If this recommendation is adopted, CHOICE suggests that industry representation on the HSRAC is reduced. The committee is currently made up of members across government, industry and public health from both Australia and New Zealand. CHOICE proposes that these categories are revised slightly to separate 'public health' members and 'consumer groups' into two separate categories, so that both are adequately represented. During the development of the HSR system, these groups were considered separately, and we do not believe it is useful to combine two distinct stakeholder groups with diverse expertise.

CHOICE supports improvements to the transparency of the HSR system. In particular, we suggest that committee meeting minutes and agendas are published in a timely manner. We also suggest that all submissions to consultations are made publicly available, with commercially sensitive information redacted where appropriate.

CHOICE strongly supports improvements that make the HSR system more responsive and to improve monitoring. It is crucial to improve the process for handling anomalies in the HSR. To do this, more transparent processes and clearer guidelines will need to be developed. In particular, a register of complaints lodged by HSRAC and relevant industry responses should be made publicly available. Simple options for consumers to raise concerns or complaints about HSRs should also be assessed.

If the HSRAC is to determine complaints, it is important that conflicts of interest are removed. It is not appropriate for industry representatives to assess anomalies relating to products manufactured by businesses that they represent.

CHOICE strongly supports the establishment of a central, trusted, comprehensive database of food products and HSR status. This will have huge benefits for the evaluation and monitoring of the HSR system, and will be a critical tool for governments, public health researchers and

policymakers in the future. CHOICE suggests that industry must register any products that display a HSR in the database, as well as any inputs that were applied to the HSR calculator in order to generate this rating. Any components that manufacturers are relying on to determine their score that are not listed on the package (for example FVNL values or fibre) must be declared. Any variations to products should require industry to update product details accordingly.

Recommendation 8

Enhance the critical infrastructure to support implementation and evaluation of food and nutrition-related public health initiatives, including the HSR system, through regular updates to Dietary Guidelines and national health and nutrition surveys and the establishment of a comprehensive dataset of branded food products

CHOICE supports Recommendation 8. It is crucial for public health initiatives including the HSR system to be based on up-to-date guidelines and scientific evidence. The effectiveness of public health interventions must be effectively monitored and comprehensively assessed.

In particular, CHOICE strongly supports regular updates to the Dietary Guidelines and broader nutrition strategies.

The development of a central, trusted, comprehensive database of food products and HSR status would not only assist in the monitoring and evaluation of the HSR system, but would also be a useful resource for public health professionals, researchers, governments and policymakers in the design and evaluation of health interventions.

Recommendation 9

HSR system implementation continue to be jointly funded by Australian, State and Territory and New Zealand governments for a further four years

To deliver the best results for consumers, HSRs need to be mandatory. For a front-of-pack labelling scheme to be truly effective, it needs to be displayed on all products in order to help people make meaningful comparisons.

The Report showed a low uptake of HSRs across eligible products: 'in 2018, the HSR was displayed on 31% of eligible foods in Australia and 21% of eligible foods in New Zealand.'³⁴ A Heart Foundation Report concluded that the take-up of the system is maturing and may be approaching its maximum uptake rate.³⁵ The system must be made mandatory so that consumers have HSRs on all products and can genuinely make healthier choices.

The proposed 70% target is not ambitious enough. Many manufacturers choose not to display HSRs on low-scoring products, as there is a commercial driver not to display HSRs on unhealthy products. Currently 75% of products displaying a HSR that display an HSR rate at 3.0 or above.³⁶ The voluntary nature of the HSR system allows manufacturers to pick and choose which products display HSRs, and causes consumer confusion in the process. Some manufacturers will only display HSRs on higher scoring products, but fail to display the ratings on unhealthier options. A voluntary system with a 70% target will only continue to enable this behaviour.

Another issue with the 70% target is that there are few consequences for manufacturers if they do not meet this target. Without appropriate consequences, there is little reason for manufacturers to comply.

If the system remains voluntary, there must be a higher uptake target of at least 90% across every category in the HSR system. This is necessary to ensure that the system works for consumers. If manufacturers do not meet this target within the next two years, this would indicate that a voluntary system is still not working, and this event should trigger the HSR system to become mandatory by default.

Recommendation 10

The existing Guide for Industry to the Health Star Rating Calculator and the Health Star Rating system Style Guide be combined, revised and strengthened, providing greater certainty for stakeholders

CHOICE supports Recommendation 10. It is appropriate that the existing Guide for Industry to the Health Star Rating Calculator and the Health Star Rating System Style Guide be combined, revised and strengthened, especially following the implementation of many new recommendations outlined in the Report.

³⁴ Department of Health (2019), *Health Star Ratings Five Year Review Report*, Canberra, p.64.

³⁵ Heart Foundation (2018), *Report on the monitoring of the implementation of the Health Star Rating system in the first four years of implementation: June 2014 to June 2018*, Commissioned by the Commonwealth Department of Health.

³⁶ Jones, A et al. (2018), 'Uptake of Australia's Health Star Rating System', *Nutrients*, vol. 30:8.

We would like to get clarity as to who will be involved in revising and combining the guides and emphasise that this should not be led by industry. We suggest that this process is led by the HSR Secretariat and government. Consumer groups, public health professionals and other relevant stakeholders should be consulted to ensure that end-user views are taken into account.

The Guides should include additional guidance for the display of HSRs. In particular, it is important to develop clearer guidelines on the positioning and placement of HSRs, as well as specifying a % of the package face that HSRs much occupy.

Other Issues

Protein

CHOICE would like to reiterate our concerns around the protein tipping point. Almost all Australians meet or exceed recommended protein intakes.³⁷ Despite this, many products that are high in risk nutrients are gaming the system by increasing their star rating based on the inclusion of protein. On this basis we strongly support adjusting the threshold at which products can claim modifying protein points. We strongly support the protein threshold be returned from 13 to 11 baseline points, in line with the UK Nutrient Profile Model.

When the protein ‘tipping point’ was set in Australia, it made it easier for products that are less healthy to be eligible for protein points and therefore receive a higher HSR rating. If the protein ‘tipping point’ remains at 13, there must be a sound scientific explanation for this. The decision should not be based on the number of products that would be impacted by a return to a lower point threshold.

Many products that would receive a lower health star as a result of this change have been able to make health claims on the basis of protein content while still being high in risk nutrients. In particular, CHOICE has raised concerns about the influence of cereal manufacturers on the decision to deviate from the UK system in the first place, and have referred to publicly available records relating to this decision which cite a submission by a food company that produces breakfast cereals that would not be able to make health claims if the protein tipping point remained at 11.³⁸

³⁷ Australian Bureau of Statistics(2014), Australia Health Survey: Nutrition First Results - Food and Nutrients 2011-12, viewed 22 March 2019, <<https://www.abs.gov.au/ausstats/abs@.nsf/lookup/4364.0.55.007main+features12011-12>>

³⁸ FSANZ (2013), *Proposal P293 - Nutrition, Health and Related Claims Summary of submissions received in response to the Preliminary Final Assessment Report*, viewed 22 March 2019, p.121 <<http://www.foodstandards.gov.au/code/proposals/documents/P293%20Health%20Claims%20FAR%20Attach%2013%20FINAL.pdf>>

In the interests of helping consumers make healthier choices, CHOICE strongly supports a revision of the protein 'tipping point'.

Salty snacks

CHOICE is concerned that proposed changes do not adequately penalise salty snacks. Salty snacks have been identified as an outlier with many extruded snacks or vegetable crisps receiving a HSR as high as 4 stars. It is important to ensure that the HSR Calculator be adjusted to ensure that discretionary foods such as salty snacks and chips are not scoring high HSR ratings on the basis of FVNL contents. We would like to see the definition of FVNL reconsidered to remove fried vegetables.