



**CODE OF PRACTICE FOR WHOLE GRAIN INGREDIENT CONTENT CLAIMS (“the Code”)
COMMUNIQUE 14.002**

June 2014

REASON FOR COMMUNIQUE: Key Changes to the Code following the Annual Code Review

Background

An annual review was conducted of the Code of Practice for Whole Grain Ingredient Content Claims (2013) (“the Code”) with the Code Review Paper presented to the GLNC Board for approval in May 2014.

The Code requires an annual review be conducted in order to:

- Assess the performance of the Code against its objectives and
- Recommend any amendments to the Code required to address implementation or administration issues identified by stakeholders.

In February 2014, GLNC conducted the annual review of the Code via Consultation 14.002. The Code Steering Committee met on the 20 March 2014 to review submissions and proposed amendments to the Code. The outcomes of the meeting were released for comment from Registered Users of the Code and stakeholders that made submissions to Consultation 14.002. Comments from the second consultation were considered by the Code Steering Committee before finalising the Code Review Paper.

This Communiqué outlines the key changes to the Code as well as additional issues raised through the public consultation that were reviewed and addressed by the Code Steering Committee and approved by the GLNC Board.

The 2014 Code will be binding on GLNC and all Registered Users as of 1 July 2014.

CHANGES TO THE CODE

PART TWO – CODE PROVISIONS

CHANGE 1

2.1 DEFINITIONS

Include the following definitions.

Cereal means the edible seeds of grasses belonging to the Poaceae, or Gramineae, family.

Permissible Synonym means a claim that may be used in place of the whole grain ingredient content claims as listed in Part 4.1.

Pseudo-cereal means seeds of plants other than the Poaceae, or Gramineae, family with an overall nutrient composition similar to cereals. Examples include quinoa, buckwheat and amaranth.

CHANGE 2

2.3 CONFIDENTIALITY AND NONDISCLOSURE

Inclusion of a new subsection, 2.3, with text as below.

2.3 CONFIDENTIALITY AND NON-DISCLOSURE

Registered Users and GLNC are bound by mutual non-disclosure and confidentiality obligations upon acceptance by GLNC of the company as a Registered User of the Code. These obligations apply in respect of any confidential information &/or data which is shared between the parties in relation to the Code including, but not limited to, confidential product packaging and advertising material shared between the Registered User and GLNC for the purpose of the Code of Practice for Whole Grain Ingredient Content Claims. Notwithstanding the foregoing, GLNC or a Registered User may disclose such confidential information to the extent required by applicable law or binding court order.

PART THREE – PRINCIPLES OF DAILY TARGET INTAKE STATEMENTS

CHANGE 3

Part Three is split into two parts to distinguish the use of the Daily Target Intake statements and the whole grain ingredient content claims.

PART THREE – PRINCIPLES OF DAILY TARGET INTAKE STATEMENTS

PART FOUR - PRINCIPLES OF WHOLE GRAIN INGREDIENT CONTENT CLAIMS

CHANGE 4

3.1 WHOLE GRAIN DAILY TARGET INTAKE STATEMENTS

The GLNC whole grain DTI for toddlers is changed from 2 – 3 years to 1 – 3 years. The DTI value of 24 grams is maintained.

Rationale

- The age bracket 1 – 3 years aligns with public health guidelines including:
 - Nutrient Reference Values for Australia and New Zealand. Age ranges are 1 – 3 years and 4 – 8 years.
 - Australian Dietary Guidelines. Toddlers defined as 1 – 2 years and have same grain food serve recommendation as 2 – 3 year olds.
 - Australian New Zealand Food Standards Code. Standard 2.9.3 defines Young Children as 1 – 3 years.

- In the absence of studies reporting the health benefits of whole grains for toddlers, a whole grain DTI for toddlers cannot be based on evidence of a health effect as for the 48 gram DTI for adults.
- A DTI for toddlers is an important tool in encouraging the consumption of whole grains in this age group.
- A number of Nutrient Reference Values for children 1 – 3 years are extrapolated from adult data.
- If scientific evidence becomes available on the dose of whole grain associated with health benefits in the toddler age group GLNC will review the DTI.

CHANGE 5

3.1 WHOLE GRAIN DAILY TARGET INTAKE STATEMENTS

Include the paragraph below to provide guidance on the calculation of contribution to the DTI for children 4 – 8 years (32 – 40 grams).

The whole grain DTI for children 4 – 8 years ranges from 32 grams to 40 grams. When calculating the percentage contribution towards the DTI for children 4 – 8 years, the contribution to the 40 grams value must be used. For example, a breakfast cereal, Morning Breakfast Cereal, containing 8 grams of whole grain contributes 20% towards the 40 gram DTI (8 grams /40 grams) and may carry the statement below.

‘One cup serve of Morning Breakfast cereal contributes 20% towards the Grains & Legumes Nutrition Council™ Whole Grain Daily Target Intake for children 4 – 8 years.’

CHANGE 6

3.1 WHOLE GRAIN DAILY TARGET INTAKE STATEMENTS

Removal of the sentence below.

Any variation to the statements will be a breach of the Code unless prior written approval of variation from the Code Manager has been provided.

Rationale

Statements will be monitored via GLNC’s annual audit of products on shelf.

CHANGE 7

In the Code (2013) guidance is not provided on the use of split DTI statements where one part of the statement appears on front of pack and is linked to the remainder of the statement elsewhere on pack. The Steering Committee agreed split DTI statements should be allowed on pack and in promotional material. The Committee suggested the claim may only be split on the same label, i.e. the claim may not be split so that one part appears on pack and the second part appears on promotional material. The inclusion of the following text is proposed to provide guidance in the Code.

3.2 SPLIT WHOLE GRAIN DAILY TARGET INTAKE STATEMENTS

The DTI statement may be split with one part of the statement on one area of the label with the remainder of the statement elsewhere on the label.

For example

*Front of pack: 65% of the Whole Grain Daily Target**

Side of pack:

**Contribution of two slices of Sunrise bread towards the Grains & Legumes Nutrition Council™ 48g Whole Grain Daily Target Intake.*

OR

**Contribution of two slices of Sunrise bread towards the 48g Whole Grain Daily Target Intake.*

Guidelines:

- *Split claims for children and toddler DTI must clearly state ‘children’ or ‘toddler’ in the most prominent claim, e.g. ‘60% of Daily Target for children’*
- *An asterisks or other symbol must be used to indicate where on the label the remainder of the DTI statement appears.*
- *The positioning of the split claims on a single packing or advertising material is at the discretion of the Registered User.*
- *The word ‘target’ must be used in the DTI statement. Synonyms are not permitted.*
- *The wording ‘as recommended by the Grains & Legumes Nutrition Council™’ may not be used.*
- *Single serve packs do not need to include information about the serve size in the DTI statement. They must include the serve size if packaged as multiple packs or in packs larger than a single serve per pack.*
- *GLNC recommends manufacturers seek legal advice to ensure the use of the split claim adheres to the Australia New Zealand Food Standards Code, the Australian Consumer Law and other relevant legislation at Commonwealth, State or Territory level.*

Rationale

- An allowance for split claims is consistent with food regulations as health claims are allowed to be split according to the Australia New Zealand Food Standards Code.
- This allows the use of the DTI statement on small packaging.
- The use of DTI synonyms such as ‘Target’ may mislead consumers to believe the DTI is a Recommended Daily Intake.

PART FOUR - PRINCIPLES OF WHOLE GRAIN INGREDIENT CONTENT CLAIMS

CHANGE 8

4.1 WHOLE GRAIN INGREDIENT CONTENT CLAIMS

Inclusion of the table below

Claim	Permissible synonyms
Contains whole grain	With whole grain
	Made with whole grain
	Source of whole grain
High in whole grain	Rich in whole grain
	Good source of whole grain
Very high in whole grain	Very good source of whole grain
	Excellent source of whole grain
	Great source of whole grain

CHANGE 9

4.1 WHOLE GRAIN INGREDIENT CONTENT CLAIMS

Inclusion of the following text below existing text in part 4.1.

Factual statements about whole grain ingredient content in grams or as a percentage of the finished food are permitted. The food must contain at least 8 grams of whole grain per manufacturer serve to carry a factual statement about whole grain ingredient content. Examples include but are not limited to:

- *67% whole grain*
- *Made with 67% whole grain*
- *22 grams whole grain per serve*
- *Made with three different whole grains*

Note: Calculation of whole grain content must be in accordance with the Code (Appendix 2). Whole grain content must be calculated as a percentage of the finished food. Percentage whole grain of total grain content is not permissible.

Statements that do not relate to the whole grain ingredient content of a food are outside the scope of the Code. Registered Users wishing to use statements other than the whole grain ingredient content claims and the permissible synonyms listed in Table xx or factual statements of content should do so in accordance with the Australia New Zealand Food Standards Code, applicable Australian consumer laws and other relevant legislation at Commonwealth, State or Territory level.

Adhering to the Code does not preclude the need for Registered Users to assess whole grain claims for each product. GLNC encourages Registered Users to seek legal advice in consideration of the overall impression of the claim, the product composition and all other relevant circumstances. Australian consumer laws should be considered when using claims to avoid misleading or deceptive conduct.

Rationale

In the initial public consultation some manufacturers suggested the claims ‘packed with whole grain’ and ‘full of whole grain’ be included as permissible whole grain ingredient content claims in the Code. However, the Steering Committee decided these claims are subjective rather than factual statements of whole grain content. Such subjective statements must be considered for each different product within the scope of relevant legislation. Listing them as approved within the Code may mislead Registered Users to believe these statements may be used without legal advice on the broader context of the Australia New Zealand Food Standards Code or Australian Consumer Law.

GLNC does not wish to be overly restrictive by providing a list of approved descriptors of content. The statement regarding factual statements of content allows manufacturers scope to use alternative wording to describe the content of whole grain.

CHANGE 10

4.3 WHOLE GRAIN INGREDIENT CONTENT CLAIMS FOR TODDLER FOODS

Currently, the Code states that to carry the claim ‘contains whole grain’, toddler foods must:

1. contain a minimum of 4 grams of whole grain per serve and,
2. an equivalent of 8 grams per 30 grams, and
3. carry the whole grain Daily Target Intake (DTI) statement for children 2-3 years.

Proposed criteria

To carry whole grain ingredient content claims toddler foods must:

1. meet one of the criteria as listed in the table below and,
2. carry the whole grain Daily Target Intake (DTI) statement for children 1-3 years.

Proposed alternative criteria for toddler food whole grain ingredient content claims

Claim	Requirement	
	Serve size up to 30 grams	Serve size greater than 30 grams
Contains whole grain	Minimum equivalent to 4 grams whole grain per 30 grams	Minimum of 4 grams whole grain per serve
High in whole grain	Minimum equivalent to 8 grams whole grain per 30 grams	Minimum of 8 grams whole grain per serve
Very high in whole grain	Minimum equivalent to 12 grams whole grain per 30 grams	Minimum of 12 grams whole grain per serve

Rationale

- The current toddler food criterion of 8 grams per 30 grams aligns with the AACCI characterization of whole grain foods. However, adhering to this criterion would result in a whole grain amount much higher than the DTI for 2 – 3 years of 24 grams for toddler meal products. For example, a 220 gram meal would be required to contain 59 grams of whole grain. The proposed criteria reflects provides the scalable equivalence for small serve sizes under 30 grams while not leading to excess whole grain in larger serve sizes.
- The proposed whole grain levels for toddler food whole grain ingredient content claims are half the requirements for each claim level for adult foods to reflect that the whole grain DTI of toddlers of 24 grams is half the 48 grams adult DTI.
- A review of toddler products on shelf indicates the proposed criteria allows more products to carry the claims but does restrict products very low in whole grain from carrying the claim.

APPENDICES

CHANGE 11

APPENDIX 1: CODE APPLICATION

Remove the statement below.

[Company name] accepts that upon signing this letter that it is bound by a Non-Disclosure and Confidentiality Arrangement relating to information &/or data including product packaging and advertising material shared between the Registered User and GLNC for the purpose of the Whole Grain Ingredient Content Claim Code of Practice.

Rationale

The inclusion of part 2.3 NON-DISCLOSURE AND CONFIDENTIALITY (Proposed change 2) captures the intent of a mutually binding agreement.

CHANGE 12

APPENDIX 1: CODE APPLICATION

Remove the sentence below.

GLNC hereby accepts [Company Name] as a Registered user of the Code.

Replace the sentence above with the following sentence.

GLNC hereby accepts [Company Name] as a Registered User of the Code and upon signing accepts and hereby agrees to comply with the Code.

CHANGE 13

APPENDIX 2: CALCULATION OF WHOLE GRAIN CONTENT

Include the text below to provide guidance on the calculation of whole grain content in liquids. Text to be inserted below current text of Appendix 2.

Calculating whole grain content of liquids

The calculation of whole grain ingredient content of liquids must be done on a mass per mass basis. This aligns with the Australia New Zealand Food Standards Code which requires the percent of a charactering ingredient be declared in an ingredients list on a mass per mass basis.

Steps to calculate whole grain content of a liquid product:

Step 1. Use the product formulation to determine the percentage whole grain according to the Australia New Zealand Food Standards Code method of declaration of characterising ingredients.

Step 2. Determine the density of the final liquid product by standardised methods.

Step 3. Use the density to convert the volume of one serve of the liquid product to grams.

Step 4. Calculate the mass of whole grain in one serve of the liquid product.

Example calculation of whole grain content per serve of liquid product

- 1. Grams of whole grain as a percentage of total grams of ingoing ingredients
= 5%*
- 2. Density of product
= 1.05 grams /mL*
- 3. Weight of one serve of finished product
= volume of one serve x density
= 200 mL x 1.05 g/mL = 210 grams*
- 4. Weight of whole grain in finished product
= percentage whole grain/100 x weight of one serve of finished product
= 5/100 x 210 grams
= 10 grams whole grain per serve*

CHANGE 14

Appendix 4: Applicant Transition Plan

Remove the Applicant Transition Plan from the Code and change references within the Code.

Rationale

The transition is covered by entries in the online product registration form.

STEERING COMMITTEE RECOMMENDATIONS

Below outlines additional issues raised through public consultation that were reviewed and addressed by the Steering Committee.

RECOMMENDATION 1

The Code is not changed to include a separate set of whole grain content criteria for foods made for children 4 – 8 years. The Code retains the DTI statement for children 4 – 8 years shown below.

“One [product serve descriptor] serve/s of [insert registered product name] contributes XX% towards the 32-40g Whole Grain Daily Target Intake for children 4-8 years”

Rationale

- The Australian Dietary Guidelines recommend children 4 – 8 years should be eating ‘family foods’ and not foods specifically designed for children.
- The risk to confusion of the message is not outweighed by a significant benefit.
- The foods mentioned in submissions to GLNC in public consultations are snack foods.

RECOMMENDATION 2

The Code is not revised to include criteria for non-core foods as proposed in the public consultation. Recommend GLNC scope the potential for using a scalable whole grain content criterion to make consideration for serve sizes less than 30 grams. GLNC will assemble evidence for the next Code Steering Committee meeting for consideration of a scalable whole grain content criterion.

RECOMMENDATION 3

GLNC consider developing a definition of ancient grains to be included in the next Code review.