

SURVEY REPORT



Government
of South Australia

Department of Health

FOOD STANDARDS SNAPSHOTS FOOD STANDARDS SNAPSHOTS

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% Fat-free' and 'Low Fat' claims for yoghurt

A survey to investigate the accuracy of ' % Fat-free' and 'Low Fat' claims for yoghurt

Background to the survey

The purpose of the survey is to compare claims about the fat content in yoghurt to actual fat content and to the guidelines in 'Code of Practice on Nutrient Claims in Food Labels and in Advertisements' (CoPoNC).

CoPoNC was prepared in 1995 by the National Food Authority (now FSANZ) in consultation with industry and other stakeholders. The Code defines how information about the nutrient content of foods should be provided to consumers where food suppliers choose to make claims about specific nutrient content. This included rules related to the use of terms such as ' % fat free' or 'low fat. Compliance with CoPoNC is not mandated under the Food Standards Code.

The South Australian Government strategic plan has a target to reduce the percentage of South Australians who are overweight or obese by 10% within 10 years. To assist in achieving this objective the consumer must be provided with clear and truthful nutrition information about the food they buy.

The last eighteen months has seen the opening of an increasing number of Greek style yoghurt bars that advertise varying %fat free claims. Prior to this change the majority of fat claims found were on pre-packaged yoghurt produced by major dairy manufacturers and met the 3g/100g limit for such claims defined in CoPoNC.

The Code of Practice for Nutrient Claims fat claims

The Code of Practice for Nutrient Claims guidelines for making fat claims are set out in Appendix 1 of the Code of Practice as follows -

- “Low fat or Low in fat - The food must not contain more than 3 g total fat per 100 g of food, or 1.5 g total fat per 100 g of liquid food.
- Fat free - The food must not contain more than 0.15 g total fat per 100 g of food.
- x% fat free - The food must meet the requirements specified for the claim 'low fat', and must carry a statement of the actual total fat content (expressed as a percentage of the food) in close proximity to the claim.”

The Code can be viewed at www.foodstandards.gov.au

Standards

Clause 4 of Standard 1.2.8 (Nutritional Information Requirements) of the Food Standards Code states that, where nutrition claims are made in relation to food, any fat content claims made must be substantiated and a nutrition information panel (NIP) displayed on the package.

The main exception to this requirement for the NIP in regard to this survey is where the food is packaged in the presence of the purchaser. Where this exception applies the nutrition information must be provided to the purchaser on request.

Following new policy guidelines by the Australia and New Zealand Food Regulation Ministerial Council a new standard on nutrition, health and related claims is being developed (Standard 1.2.7). Consideration is being given to including the current requirements in CoPoNC for ‘% fat free’ and ‘low-fat’ claims into the new Standard 1.2.7

What foods were tested?

In order to determine ongoing compliance of the over all low fat yoghurt market, pre-packaged low fat and diet yoghurts for which claims were made were purchased from supermarkets. 14 different brands were sampled. Differing numbers of samples were taken depending on the number of flavours available for a total of 37 samples.

At the time of the survey there were three separate companies selling Greek style yoghurt packaged at point of sale and making %fat free claims. From each of these companies five different flavours were purchased in order to determine variation in fat content due to different flavour additions and if significant whether this is reflected in labelling and or advertising.

What did we test for?

All samples were sent to the National Measurement Institute (NMI) in Melbourne for analysis. Total fat content was analysed by Mojonnier extraction.

Results

Advertised claims were compared against CoPoNC guidelines and the sample test results.

Product	Claim	Flavour	Claim is CoPoNC compliant	Total fat value on pack	Fat test result	compliance to claim & NIP data	average fat result for brand	max variance between flavors
Greek style yoghurt packaged at point of sale								
1	96% fat free	Natural	no	4.0%	5.3%	fail	5.3%	1.6%
		Mango	no	4.0%	5.4%	fail		
		Mixed berry	no	4.0%	4.5%	fail		
		Muesli	no	4.0%	6.1%	fail		
		Strawberry	no	4.0%	5.0%	fail		
2	93% fat free	Natural	no	no nip	6.9%	pass	6.4%	1.0%
		Almond & Apricot	no	no nip	7.0%	pass		
		Mixed berry	no	no nip	6.0%	pass		
		Mango	no	no nip	6.2%	pass		
		Apricot & muesli	no	no nip	6.0%	pass		
3	96% fat free	Natural	no	no nip	4.0%	pass	3.0%	2.1%
		Apricot & muesli	no	no nip	3.7%	pass		
		Cookies & cream	no	no nip	2.8%	pass		
		Mango	no	no nip	2.4%	pass		
		Mixed berry	no	no nip	1.9%	pass		
Pre-packaged low fat yoghurt								
4	98% fat free	Passionfruit	yes	1.8%	1.3%	Pass	1.3%	0.5%
		Mixed berry	yes	1.8%	1.3%	Pass		
		Apricot	yes	1.8%	1.0%	Pass		
		Cherry	yes	1.8%	1.2%	Pass		
		Natural	yes	1.8%	1.5%	Pass		
5	96% fat free	Mango	no	3.6%	5.9%	Fail	6.2%	0.6%
		Apple & Cinnamon	no	3.3%	6.1%	Fail		
		Mixed berry	no	3.6%	6.5%	Fail		
6	99% fat free	Apricot	yes	0.7%	0.7%	Pass	0.8%	0.1%
		Fruit salad	yes	0.7%	0.8%	Pass		
7	low fat	Vanilla	yes	0.1%	0.2%	Pass	0.2%	0.1%
		Strawberry	yes	0.1%	0.1%	Pass		
8	Fat free	Natural	yes	0.1%	0.1%	Pass	0.2%	0.1%
		Apricot *	yes	0.1%	0.2%	Pass		
9	99.7% fat free	Natural	yes	0.1%	0.2%	Pass	0.2%	0.1%
		Raspberry	yes	0.1%	0.1%	Pass		
10	99% fat free	Vanilla & choc	yes	1.0%	0.8%	Pass	0.5%	0.8%
		Mixed berry crumble	yes	0.2%	0.2%	Pass		
11	99.9% fat free	Vanilla	yes	0.1%	0.1%	Pass	0.1%	0.0%
		Raspberry peach	yes	0.1%	0.1%	Pass		
12	99% fat free	Natural	yes	1.0%	0.8%	Pass	0.8%	0.0%
		Cherry	yes	0.8%	0.8%	Pass		
13	99% fat free	Vanilla	yes	0.9%	0.7%	Pass	0.7%	0.1%
		Strawberry	yes	0.9%	0.6%	Pass		
14	low fat	Vanilla	yes	1.3%	1.4%	Pass	1.3%	0.5%
		Passionfruit	yes	1.3%	1.3%	Pass		
		Natural	yes	1.8%	1.6%	Pass		
		Fruit salad	yes	1.2%	1.1%	Pass		
		Strawberry	yes	1.3%	1.1%	Pass		
15	98% fat free	Vanilla & choc	yes	1.1%	0.9%	Pass	1.0%	0.2%
		Passion fruit crumble	yes	1.1%	1.1%	Pass		
16	99% fat free	Vanilla	yes	0.9%	0.9%	Pass	0.9%	0.1%
		Mixed berry	yes	0.9%	0.8%	Pass		
		Cheesecake	yes	0.9%	0.9%	Pass		
17	No fat	Vanilla	should be 'fat free'	0.1%	0.1%	Pass	0.1%	0.0%
		Mango	should be 'fat free'	0.1%	0.1%	Pass		
		Mixed berry	should be 'fat free'	0.1%	0.1%	Pass		

* The Apricot flavoured sample of product 8 was deemed a pass, as the testing method used was only accurate to $\pm 0.1\%$. Thus, a result of 0.2% could indicate a real fat value of 0.15%.

Because the yoghurt products with non-compliant fat results were imported from interstate, the Department of Health notified the relevant jurisdiction of the findings of this survey and requested that the issue be investigated.

Samples were taken at the manufacturers' premises and the results were compliant to the claims made. No further action was taken.

Discussion of results

In the low fat pre-packaged category, there was a good level of compliance with CoPoNC and the Nutritional data was substantiated by the testing. The non-compliant pre-packaged product was actually Greek style yoghurt closer in product type to the yoghurts packaged at point of sale. Retesting in NSW produced compliant results.

None of the yoghurt bar product claims met the CoPoNC requirement for an x% fat free claim, all containing more than 3% fat. Only one of the brands did not meet its claimed fat free level. Retesting in NSW produced compliant results.

In brands that were on average compliant, all variants were compliant and in the case of the two failures, all variants failed. The compliance levels indicate that it is possible to control the yoghurt making process to produce a product with a relatively constant fat content.

Where multiple samples were taken of different flavours, there were varying ranges of fat content difference between flavours. For Greek yoghurts, these ranged as much as 2.1%. In a market place where competitive advantage is perceived to be closely related to a fat content claim, this variation can be important in relation to maintenance of the validity of a claim.

Conclusion

Most products did comply with the claimed fat content with the re-tests on the two that did not initially comply showing compliant results.

The survey found that there was good compliance with nutrition claim guidelines among the manufacturers of the specific low-fat yoghurts (as per CoPoNC), but poor or no compliance in the retailers of Greek style yoghurts.

While not covered in the scope of this survey it was noted that some yoghurt bars could not provide nutrition information to substantiate the claim upon request. Accordingly, the Department of Health has written to all known yoghurt bars and proprietors to advise them of their requirement under Standard 1.2.8 Clause 4 to provide such information.

It would be wise to educate the retailers involved in this growing section of the food marketplace as to their obligations under the Food Standards Code to be able to substantiate claims and provide the information readily to their customers. This will require ongoing effort as the sector continues to grow.

Since the survey samples were taken, the market for Greek style yoghurt has expanded from three yoghurt bar companies to six, from six outlets to at least twenty. In addition, there has been a growth in other businesses such as take-away food businesses and juice bars also selling Greek yoghurt and making x% fat free claims.

If the fat content requirements from CoPoNC are incorporated into the proposed Standard 1.2.7 – Nutrition, Health and Related Claims attention will need to be paid to this sector in terms of implementation and enforcement of the 3% fat content limit for ‘% fat free’ claims.