

Discussion paper for public consultation

The form of the food (as prepared) rules for the HSR system

Introduction

The Health Star Rating (HSR) Advisory Committee (HSRAC), responsible for overseeing the implementation, monitoring and evaluation of the HSR system, is reappraising the form of the food ('as prepared') rules in The Guide for Industry to the HSR Calculator ([Attachment A](#)). On 28 April 2017 the Australia and New Zealand Ministerial Forum on Food Regulation (Forum) noted suggestions from stakeholders to improve the HSR system, including the 'as prepared' rules, and asked the HSRAC to address these concerns as a matter of priority.

The reappraisal will identify and consider the impact of different options for the rules on 'as prepared' products, to take effect beyond the current five year implementation period. This specific focus will aim to satisfactorily resolve the issue for industry, public health and consumer groups, and provide reassurance to consumers that the HSR is functioning both correctly and appropriately.

Simultaneously, the HSRAC is engaging an independent consultant to conduct a five year review of the HSR system. The five year review of the HSR system will consider if, and how well, the objectives of the HSR system have been met, and identify options for improvements and ongoing implementation of the system. The findings of the review will be provided to the Forum in mid-2019. The HSRAC will also be seeking public submissions for the five year review. This will be available on the Department of Health's Consultation Hub shortly.

It should be noted that, while the reappraisal of the 'as prepared' rules is being undertaken at the same time as the five year review of the HSR system, these are separate and distinct processes with different requirements and governance arrangements. These timeframes allow for the possibility of resolving the 'as prepared' rules issue before the conclusion of the five year review.

The HSR system

The HSR system is a public health and consumer choice intervention designed to encourage people to make healthier dietary choices. The HSR system is a voluntary Front-of-Pack Labelling scheme that rates the overall nutritional profile of packaged food and assigns it a rating from ½ a star to 5 stars. It is not a system that defines what a 'healthy' or 'unhealthy' food is, but rather provides a quick, standardised way to compare similar packaged foods at retail level. The more stars, the healthier the choice. The HSR system is not a complete solution to assist consumers to choose foods in line with dietary guidelines, but should be viewed as a way to assist consumers to make healthier packaged food choices. Other sources of information, such as the Australian Dietary Guidelines and the New Zealand Eating and Activity Guidelines, also assist consumers in their overall food purchasing decisions.

The HSR system aims to:

- Enable direct comparison between individual foods that, within the overall diet, may contribute to the risk factors of various diet related chronic diseases;
- Be readily understandable and meaningful across socio-economic groups, culturally and linguistically diverse groups and low literacy/low numeracy groups; and
- Increase awareness of foods that, within the overall diet, may contribute positively or negatively to the risk factors of diet related chronic diseases.

The HSR system consists of the graphics, including the words ‘Health Star Rating’, the rules identified in the [HSR system Style Guide](#), the algorithm and methodology for calculating the HSR identified in the [Guide for Industry to the HSR Calculator](#), and the education and marketing associated with the HSR implementation.

The HSR system is a joint Australian, state and territory and New Zealand government initiative developed in collaboration with industry, public health and consumer groups. The system is funded by the Australian and New Zealand governments and all Australian jurisdictions during the initial five year implementation period.

From June 2014, food manufacturers started to apply a HSR to the front of food product packaging. Further information on the HSR system is available on the [HSR website](#). The New Zealand [Ministry for Primary Industries \(MPI\) website](#) also provides information on the HSR system in New Zealand.

The ‘as prepared’ rules

The *Guide for Industry to the HSR Calculator* includes provisions for products that may be unfairly compared to other products when based on the form of the food as presented for sale. This covers items such as powdered soup, sauce mixes or drink flavourings, which are not intended to be consumed as sold and must be prepared prior to consumption, and which once prepared can reasonably be compared with similar products.

Current guidance allows these products to display a HSR based on the product ‘as prepared’ according to the instructions on the product packaging. This effectively means that the HSR of these products can be altered by the nutritional components of the assumed added ingredients. For example, the HSR of a recipe base can be improved when calculated on the meal as prepared with meat and vegetables as per the instructions on the pack.

Products may be prepared in multiple ways, however, despite specific directions or instructions for preparation. As a consequence the HSR, calculated according to current guidance, may not be representative of the way that the product is being prepared and consumed and may be misleading in these instances.

This issue has been raised by public health and consumer organisations and at stakeholder workshops, and the Forum has asked the HSRAC to address these concerns as a matter of priority. Negative media attention has also been drawn to this

matter. There is some concern that consumer confidence in the HSR system as a whole may be undermined by the negative media commentary, particularly if consumer understanding of the ‘as prepared’ rules is lacking.

On 14 February 2017, HSRAC members noted the continuing media and public health interest in the ‘as prepared’ rules. Members acknowledged that there are many products that will need to be considered and that consultation with stakeholders, including specific consultation with manufacturers, will be required before any changes can be made to the guidance material.

HSRAC discussed options for the as prepared rules:

1. Status quo
2. Clarification of existing rules:
 - Product as sold as default option, with as prepared/rehydrated/drained products specific exceptions
3. Restriction of existing rules:
 - Product as sold/rehydrated with water only, with exemptions for specified categories

No decision was agreed by HSRAC. It is to be noted that though these options may be revisited and discussed, they are not exhaustive and the identification of other potential options is valuable.

Reappraising the ‘as prepared’ rules

The reappraisal will determine:

- how potential modifications to the rules will change HSR values for ‘as prepared’ items and categories; and
- the effect this will have on:
 - consumer behaviour, particularly amongst people with low health literacy or who may be more likely to consume these products and/or less likely to follow the stated instructions, e.g. culturally and linguistically diverse groups or people of lower socioeconomic status;
 - overall alignment with dietary guidelines; and
 - industry, both in terms of additional burden and propensity to voluntarily commit to the HSR system.

Extensive consultation with industry, public health and consumer groups and the public will be key to understanding current issues with ‘as prepared’ products under the HSR system. Consultation will also assist with the identification of barriers and facilitators to effective and efficient implementation procedures.

Scope

The reappraisal will consider all products covered by the form of the food rules that must be prepared prior to consumption, including but not limited to:

- Cake mixes/pancake mixes
- Canned soups
- Coffee powder mixes
- Cordial (made with water)
- Dehydrated powdered pasta and rice products
- Gravy (usually mixed with water)
- Hot chocolate mixes
- Mashed potato mix
- Powdered custard
- Powdered soups
- Sauce mixes, including powdered and liquid sauce packs for casseroles/slow cookers
- Spice mixes
- Syrups

A request has been forwarded to food manufacturers seeking assistance with the identification of those products to which the ‘as prepared’ rules apply, validation of available data, and clarification of the methods used to calculate ratings.

Next steps

The themes raised through this initial consultation process will be collated and provided to stakeholders at workshops. Results from this public submission process and the workshops will be analysed to inform the development of an options paper.

The HSR Technical Advisory Group (TAG), with responsibility for assisting in the review of the technical aspects of the HSR Calculator, will model and analyse the prospective changes to HSR values for specific products and categories to highlight the impact of the proposed options.

The options paper will be released to industry, public health and consumer groups and individuals before further workshops are held. These workshops will consider and compare options and will help in assessing their overall effectiveness in meeting the aims of the HSR system.

The HSRAC will consider the results from stakeholder consultations and the advantages and disadvantages of possible options for the ‘as prepared’ rules. It is envisaged that any amendments to the HSR system in relation to ‘as prepared’ would require approval from the Forum via the Food Regulation Standing Committee (FRSC). Should the Forum agree that a change to the ‘as prepared’ rules is required, industry will be notified of the update to the guidelines. Furthermore, following any changes, the HSRAC will need to consider an appropriate communications strategy and recommend to the Forum a transition phase for industry implementation.

A summary timeline for the ‘as prepared’ rules reappraisal is provided below.

	2017			2018				2019	
	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2
Call out to industry for data	■	■							
Public submissions – discussion paper	■								
Stakeholder workshops – discussion paper		■							
Analysis of submissions and feedback from workshops		■	■						
Results provided to TAG for modelling; HSRAC paper with options developed			■						
Stakeholder workshops – options paper				■					
Recommendations to HSRAC; FRSC and Forum approval					■	■			
Industry notification							■	■	■

Making a submission

The HSRAC is seeking submissions on the 'as prepared' rules for the HSR system, particularly in response to the specific consultation questions. The aim of the questions is to assist respondents in providing relevant commentary. Please provide evidence or examples to support comments. Comments on technical issues should be based on scientific evidence and/or supported by research where appropriate. Where possible, please provide citations to published studies or other sources.

Enquiries specifically relating to this submission process can be made via email to frontofpack@health.gov.au. Please DO NOT provide submissions by email.

- A [PDF of the consultation survey](#) is attached for your convenience.

After the consultation period closes, the HSRAC will consider the submissions received and will prepare a summary table of the issues raised in the submissions which will be published on the HSR website. All information within the summary table will be de-identifiable and will not contain any confidential material.

HSRAC will treat information of a confidential nature as such. Please ensure that material supplied in confidence is clearly marked 'IN CONFIDENCE' and is provided in a separate attachment to non-confidential material. Information provided in the submissions will only be used for the purpose of the reappraisal of the ‘as prepared’ rules and will not be used for any other purpose without explicit permission.

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For further information about the HSR system, including its resources and governance structure, please refer to the [Australian HSR website](#) and the [New Zealand MPI website](#).

Consultation questions

This discussion paper is the first stage of public submissions for the reappraisal of the 'as prepared' provision. It is primarily intended to provide a stimulus to stakeholders to support:

- the validation or rejection of the issues raised; and
- the identification of potential options for the 'as prepared' rules.

- 1. Please identify your background/interest group.**
- 2. The Health Star Rating system has been implemented in both Australia and New Zealand. Please advise which country your submission is in relation to.**
- 3. Does the current application of the 'as prepared' rules in the Guide for Industry to the HSR Calculator pose any problems for consumers, industry, or alignment with the Australian Dietary Guidelines and the New Zealand Eating and Activity Guidelines?**
- 4. Please provide your views on the options previously discussed by the HSRAC.**
- 5. Please provide other relevant information and insight, including other potential options for the 'as prepared' rules.**

**Extract from Guide for Industry to the Health Star Rating Calculator
(Version 5, June 2016)****Page 7****Step 2: Determine the form of the food for the HSR**

The HSR and hence nutrient content values used to determine it should apply to the form of the food as determined in accordance with the following:

- the food as sold if the food can be either prepared with other foods or consumed as sold
- the food as prepared if the food is required to be prepared and consumed according to directions on the label
- the food after it is reconstituted with water and ready for consumption if the food requires reconstituting with water
- the food after it is drained and ready for consumption if the food requires draining before consuming.

In all cases the HSR should be based on the form of food for which the NIP information has been displayed¹. If the HSR is based on food 'as consumed', the label should clearly specify elsewhere on the pack the directions for preparation or cooking.

Standard 1.2.7-7 provides information on requirements on the form of food if a nutrition content claim or health claim is made in addition to displaying a HSR.

For breakfast cereals, the NIP and HSR should be for the cereal *as sold*. For products that can be used in a number of ways by the purchaser, such as breadcrumbs, the HSR should apply to the product as sold.

Standard 1.2.8-13 (3) provides additional NIP requirements where nutrient content is based on food that is intended to be prepared or consumed with another food.

¹ In some cases the NIP information for the form of the food may be displayed per serve, whilst the information in the HSR label for the same form of the food, may be displayed per 100g. E.g. A condensed soup is intended to be prepared (and consumed) in accordance with specific directions. Information in the NIP and the HSR label should reflect the nutritional values in the prepared product. In the NIP, information is presented per serve and per 100g as sold and per serve as prepared. In the HSR system label, the information is presented per 100g as prepared.