The Biscuit, Cake, Chocolate and Confectionery Sector Group response

FSA draft recommendations on saturated fat and added sugar reductions, and on portion size availability, for biscuits, cakes, pastries and chocolate confectionery

The Biscuit, Cake, Chocolate and Confectionery Sector Group (BCCC) is part of the Food & Drink Federation (FDF) and is the voice of biscuit, cake, chocolate and confectionery manufacturers in the UK. BCCC members comprise 38 manufacturers, suppliers and marketing companies.

We were pleased to engage with FSA officials throughout 2008 in discussions on the technical challenges of saturated fat reduction, in particular in biscuits, cakes, pastry, chocolate and confectionery and now welcome the opportunity to formally comment on the proposed draft recommendations.

We appreciate the FSA’s acknowledgement of industry’s efforts to reduce saturated fat in biscuits, cakes and confectionery through continued investment to provide healthier options to consumers. The FSA’s consideration of legislative limitations regarding chocolate products and the understanding of the technical difficulties linked to calorie reductions, across all BCCC sector products, are valued and the sector is pleased that some of our comments have been taken on board.

In line with the concerns that we have already discussed with FSA, we would like to raise the following general points regarding the consultation:

- Every product line is different, therefore saturated fat reduction cannot be expected to be the same across all biscuits, cakes and confectionery currently available on the market.

- Individual companies will have to assess what is possible for each of their products, depending on the technical challenges and solutions available. Portion size reduction will also be at the companies’ discretion, as they see appropriate to maintain brand integrity, consumer acceptance and remain competitive.

- The costs associated with reformulation need to be taken into account. Research and development, the implementation of new recipes in a factory environment, sourcing of new ingredients, changes in equipment and processes generate increases in production costs. Furthermore there can be significant costs associated with reduction in portion sizes. We want to note the need to be realistic about what is achievable and affordable, particularly in the current economic climate.

- The FSA should not underestimate the scale of investment required to achieve the proposed recommendations. Many of the companies manufacturing BCCC products are of small or medium size and therefore might find it even more difficult than larger companies to invest in major equipment changes.

- We are concerned about the proposed timescale and do not feel two years is sufficient for manufacturers to successfully reformulate chocolate, biscuits and cake
products, address the recommendations on portion size and reduce calories, to the extent suggested in this document, as it is not technically viable.

- We would also like to mention the reduced incentive for reformulation, presented by the EU Nutrition and Health Claims Regulation (EC) No. 1924/2006, which will restrict opportunities to make claims on pack, in particular with regard to the legality of ‘X% less’ claims. A temporary reformulation claim e.g. “10% less saturated fat”, not linked to a nutrient profile, would provide an incentive to industry to reformulate, whilst also providing consumers with the choice of healthier options. We appreciate and encourage the FSA’s support for amendments to the Regulation.

- A large amount of confectionery, chocolate, biscuits and cakes consumed in the UK are imported. It is important to quantify these products, as these would not necessarily be required to comply with the FSA proposed recommendations.

- We stress the fact that alternative fat blends, to be used in reducing saturated fat content, will still contain gram for gram the same calorific value as the original fat blend used. The recommendation to reduce calories, therefore, should be recognized as an additional challenge which would need to be tackled through a different approach to reformulation.

- In accordance with EU law, newly defined fibre includes an energy conversion factor which may result in an increase in the declared calories for many foods in 2012. Has the Agency considered this in the proposal of these recommendations?

- In respect of the FSA recommendation on portion size, members are currently providing consumers with a large variety of products. We therefore question the need to introduce different product formats, as the research surrounding consumer understanding and the use of portions is limited.

- We are also concerned that there is a lack of research on the threshold size for smaller portions, the cut-off point where consumers will consume two portions instead of one is undefined. We believe the FSA should have some insight on this before finalising its recommendations on portion reductions.

- We believe this is not science based policy making. There is no conclusive evidence showing this proposal provides a workable solution and will not result in commercial losses.

- We also seek clarity with regard to the next steps of this consultation. It is unclear if these recommendations are part of a stepwise approach and most importantly, how these recommendations relate to population intakes in the context of a wider diet.

In brief, we believe that the target to achieve a 10% or 5% saturated fat reduction across the product portfolio is not feasible, due to the costs and resources that will be required. The recommendations should be less prescriptive and allow for flexibility rather than detailing percentages and grams. It is disappointing that the FSA remains committed to setting targets for individual nutrients, rather than focusing on the need for everyone to achieve a balanced diet and healthy lifestyle.

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We would like to address specific recommendations and comment on their suitability:
Recommendation 4: Existing/new Chocolate Blocks, Recommendation 5: Existing/new Chocolate confectionery ‘countlines’

Following constructive discussions with FSA officials we appreciate the fact that the legal limitations of chocolate reformulation, as defined by Directive 2000/36/EC relating to cocoa and chocolate products intended for human consumption, are acknowledged.

We would also like to mention the extremely wide variety of portion sizes currently available to the consumer: individual portions, family packs, multi-bags, duo packs, miniatures, etc. We believe there is ample selection provided for consumers to make a suitable choice for themselves and we have not seen the scientific evidence that demonstrates that the proposed approach to portion size reductions will be effective in encouraging reduced consumption. We are concerned that the Agency has unrealistic objectives to change consumer habits, which are not founded on sound consumer research or substantive evidence.

Recommendations 5,6: Existing/new Chocolate confectionery ‘countlines’
The recommendations for chocolate countlines appear to be ambiguous and not clearly defined.

Since the overall public health aim is to reduce saturated fat, the recommendations should be either to reduce saturated fat through reformulation, or reduce portion size, which would, by default, result in a saturated fat reduction per product unit.

Recommendation 6: Existing chocolate confectionery ‘countlines’, Recommendation 7: For existing plain sweet and savoury biscuits, Recommendation 8: For all non-plain biscuits on the market, Recommendation 9: For existing cakes

The Agency had previously indicated that the core of the saturated fat proposal would focus on switching fats to low saturated fat blends, as necessary to reduce the saturated fat content, which is justified by data on cardiovascular disease.

The recommendation to incorporate a calorie reduction in the process of reformulating fat ingredients implies the use of sweeteners and fat replacers as alternative tools to achieve reformulation targets. This means that manufacturers would need additional time and resources to address the sourcing of replacement ingredients, recipe design, NPD and shelflife testing. We feel this would be unrealistic in the proposed timescale. We would also like to stress that the potential use of such ingredients, particularly artificial sweeteners, might not be a desirable approach for some manufacturers as this may affect consumer acceptance of products and would impact the current ‘clean label’ trends.

In addition, it is important to note that the use of sweeteners is currently regulated by Directive 94/35/EC on sweeteners for use in foodstuffs and changes would need to be made to ensure that manufacturers have the opportunity to use intense sweeteners as part of their reformulation strategies, if they decide to do so.

However, recent engagement with FSA officials on a proposed extension of the use of sweeteners in bakery and chocolate confectionery did not result in the support we require. We would like to know if the FSA would readdress this subject and support the extension of use of sweeteners in light of this consultation.

Recommendation 7: For plain biscuits

In plain biscuits, the type and amount of fat is a critical factor in maintaining biscuit quality and avoiding checking, the formation of small hairline cracks which leads to decreased consumer acceptance, broken biscuits and potentially greater food waste. Thus a straight percentage reduction may not be feasible for these products.
We would like to note the structural functions that fat and salt contribute to the texture of a biscuit product. Reducing saturated fat by using an alternative fat blend may lead to an undesirable softer biscuit texture and in some cases, in order to maintain the biscuit quality and prevent breakages, it may not be possible to reduce salt further.

Additionally, the recommendations assume that plain biscuits are composed of 100% dough, but this is not always the case e.g. some biscuits include an oilspray, reducing the percentage dough component.

**Recommendation 8: For all non-plain biscuits on the market**

We appreciate the recognition that cream fillings, chocolate coatings and other ingredients such as nuts and choc chips, provide reformulation limitations and the key ingredient to achieve saturated fat reduction will be biscuit dough.

The recommendation to reduce saturated fat by 5% implies that no less then half a non-plain biscuit product should be dough and that this dough can achieve the recommended 10% saturated fat reduction for plain biscuits.

For chocolate coated biscuits and biscuits with creams and inclusions, it is important to acknowledge that there is great variation between different types of biscuits, with a large difference in amounts of chocolate coating between economy products and luxury and ‘special occasion’ biscuits, and where chocolate biscuits compete with chocolate confectionery products.

The amount of chocolate on a biscuit will depend on the manufacturing method. Enrobed products will typically contain less chocolate than moulded products. Therefore, the assumption that half a non-plain biscuit is biscuit dough is unrealistic and raises limitations in achieving saturated fat reductions.

Additionally, changes in the dough or cream fat component may result in chocolate fat bloom in chocolate coatings, an undesirable quality defect. It is crucial that sufficient shelf life testing is carried out to monitor any adverse effects from reformulation and we believe the two year time frame may not allow for this.

We remain sceptical about the need for specific recommendations, when each product needs to be considered individually.

**Recommendation 9: For existing cakes:**

For multi component cakes containing cream/jam/chocolate/icing fillings and or coatings, the use of such ingredients limits the potential for saturated fat and calorie reductions. Every product is different and reductions should be evaluated on a case by case basis.

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In addressing specific questions that we have not covered in the above comments, we would like to add the following:

**Question 7,10: Is there a practical alternative to basing the recommendation on actual weight?**

In order to define a practical approach to address portion size, the consumer’s perception of portion size needs to be understood. Further consumer research in this area is needed.

In addition, it would be against consumer interest if value for money options could not continue to be available to consumers as a result of the proposed recommendations.
**Question 15, 17, 20, 23 : Do you agree that the Recommendation can be achieved without raising sugar or trans fat levels?**

Members have successfully invested in removing artificial trans fats from products as much as possible, whilst not increasing saturated fat levels. **It is not in members’ interests to reformulate products as to reintroduce trans fats.** This would result in negative health implications, reduced consumer acceptance and would affect trust in the industry.

With regard to raising sugar levels in the reformulation processes, if a portion of the fat component is removed from a product, the remaining nutrients need to compensate the deficit and this may result in increased sugar and carbohydrate levels.

**Question 19 : What are your views on how this recommendation sits alongside existing legislative requirements and current best practice?**

As previously mentioned, we appreciate that the legal limitations of chocolate reformulation, due to current legislation, are acknowledged.

Changes would need to be made to Directive 94/35/EC on sweeteners for use in foodstuffs, to ensure that manufacturers have the opportunity to use intense sweeteners as part of their reformulation strategies, if they decide to do so.

The Nutrition and Health Claims Regulation (EC) No. 1924/2006 presents reduced incentive for reformulation due to restricted opportunities to make temporary claims, such as ‘X% less’, on pack, as well as permanent ‘reduced’ claims.

**Question 21: Is there an alternative to developing recommendations for the pastry component of pastry products that will encourage and guide businesses on saturated fat reductions in pastry products – including sweet and savoury products?**

We believe that saturated fat reductions for pastry are possible. Members will continue successful work on pastry reformulation that has been in progress.

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In concluding this response, we would like to add the following thought:

Industry will be stimulated to manufacture healthier products and smaller portions, by consumer demand. The FSA can encourage such demand, with well focused campaigns and consumer education, developing awareness and understanding of saturated fat and calorie intake, and nutrition information.