

Health Star Rating System Policy Context – What is an anomaly?

Background

The development of the Health Star Rating (HSR) system was guided by the Australia and New Zealand Food Regulation Ministerial Council's (now the Food Ministers' Meeting (FMM)) *Front of Pack Labelling Policy Statement (2009)* and the Front-of-Pack Labelling (FoPL) Project Committee's *Objectives and Principles for the Development of a front of pack labelling system*. These documents together with FMM policy decisions made during the development of the HSR system provide the basis for assessing potential anomalies.

Context

- The purpose of the HSR system is 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.
- The priority focus of the HSR system is packaged food products presented for retail sale through supermarkets and similar retail outlets.
- The HSR system enables valid comparisons between foods based on agreed and consistent measures. Comparisons are enabled in the first instance between packaged foods within a category, and as a second order between food categories.
- HSR's for foods in most categories are calculated using the HSR Calculator, which analyses agreed the agreed food components: energy, saturated fat, total sugars, sodium, protein, dietary fibre, and fruit/vegetable/nut/legume (FVNL) content in order to calculate a star rating.
- Category 1 – *Non-Dairy Beverages* are the exception, these are calculated under a separate calculator which only considers: energy, total sugars and FVNL content.
- The HSR is intended to interpret the balance of agreed food components and guide consumer choice based on the product's nutritional qualities. It is not intended to guide the portions or volumes consumed.
- Some foods are eligible for an automatic rating these include plain water, unsweetened flavored water and fresh and minimally processed fruit and vegetables.
- Following an independent review of the HSR system in 2019, several changes were implemented in relation to the HSR Governance, HSR Calculators and display requirements. A two-year transition period for all food manufacturers and retailers to make the required changes finished on 14 November 2022. A further 12-month stock-in-trade provision was agreed for long shelf-life products, through to 14 November 2023.

Anomalies

The HSR system should:

- be consistent with the Australian Dietary Guidelines (ADGs)/New Zealand Eating and Activity Guidelines (NZEAGs);

- enable valid comparisons between foods based on agreed food components (energy, saturated fat, total sugars, sodium, protein, dietary fibre and FVNL); and
- be consistent with changes implemented following the five-year review of the HSR system.

For the purposes of the HSR system, an anomaly occurs when:

- a star rating is inconsistent with the ADGs or NZEAGs; or
- when used to make comparisons within a food category or across comparable food categories would mislead consumers; and
- the matter has not been substantially considered during the five-year review of the HSR system *or* the matter was considered but if new information or developments have occurred it can be revisited.

The HSR Advisory Committee will take all factors into account as part of its considerations.

Overview of process for consideration of anomalies with the Health Star Rating Calculator

All applications

Step	Description
1	Applicant makes submission, via the FoPL Secretariat, using agreed form available from HSR website.
2	Secretariat conducts application pre-screen to confirm the form is correctly completed and supporting documents have been provided.
3	Receipt of submission acknowledged in writing by FoPL Secretariat within 10 working days (form letter).
4	Web based register of submissions updated with a summary of the application (details from application form).
5	Submissions considered by the Health Star Rating Advisory Committee (HSRAC) either at its next scheduled meeting or out-of-session (via email/video or teleconference) where there is more than 30 working days before the next scheduled meeting. Factual cover paper developed by the FoPL Secretariat to facilitate HSRAC consideration of submission. The FoPL Secretariat requires fifteen working days to prepare the factual cover paper for HSRAC consideration.
6	Applicant notified of HSRAC's consideration (email) – e.g. Application closed, application referred for technical advice / consideration by the Food Regulation Standing Committee (FRSC)/FMM.
7	Web based register of submissions updated with details of HSRAC's consideration and next steps.
8	Close application or refer for technical advice.

Applications referred for technical advice

Step	Description
8a	Provide application to technical expert (FSANZ or other technical specialists relevant to the potential anomaly), outlining HSRAC's deliberations and request for technical advice on all or part of the application.
8b	Technical expert/s to consider and provide written advice to HSRAC.
8c	Technical advice provided to HSRAC for consideration either at next scheduled meeting or out-of-session (via email/teleconference).
8d	Applicant notified of HSRAC's consideration and next steps (form letter).
8e	Website register updated.
8f	Close application.

All applications

Step	Description
9	Provide overview of submissions received and HSRAC's responses at meetings of the FRSC (via HSRAC Chair who is a member of the FRSC) and the FMM (via the FRSC).
10	If it is agreed that there is an anomaly, HSRAC to make a recommendation to the FRSC/FMM for how to address this.
11	Applicants advised of FRSC / FMM's decision.
12	HSRAC to action FRSC / FMM's decision.

Decision Review

Step	Description
1	Requests for a decision review presenting new information or evidence must be provided to HSRAC in writing within 20 working days of receipt of HSRAC's consideration.
2	Receipt of request for decision review acknowledged in writing by FoPL Secretariat within 10 working days.
3	Requests for a decision review will be considered by the HSRAC either at its next scheduled meeting or out-of-session (via email/teleconference) where there is more than 30 working days before the next scheduled meeting. Factual cover paper developed by the FoPL Secretariat to facilitate HSRAC consideration of submission. The FoPL Secretariat requires fifteen working days to prepare the factual cover paper for HSRAC consideration.
4	Applicant notified of HSRAC's consideration (email) – e.g. application closed, application referred for technical advice / consideration by the FRSC / FMM.
5	Web based register of submissions updated.
6	Close application or refer for technical advice / FRSC / FMM.