



Grains &
Legumes
Nutrition
Council[™]

Cultivating Good Health

GRAINS & LEGUMES NUTRITION COUNCIL[™]

**CODE OF PRACTICE
FOR WHOLE GRAIN
INGREDIENT CONTENT
CLAIMS**



CODE OF PRACTICE

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To discuss details about the Code of Practice for Whole Grain Ingredient Content Claims or if you have any questions in relation to it please contact the GLNC Code Manager on:

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INTRODUCTION

The Grains & Legumes Nutrition Council™ (**GLNC**) is the independent authority on the nutrition and health benefits of grains and legumes. It is the mission of GLNC to promote grains and legumes as part of a balanced diet through evidence-based information, cultivating good health. The work of GLNC as a recognised Health Promotion Charity is based on our three core values of integrity, trust and credibility. Contributors to GLNC include organisations from across the entire grains and legumes value chain.

1. PART ONE – PURPOSE OF THE WHOLE GRAIN INGREDIENT CONTENT CLAIMS CODE

The Australia New Zealand Food Standards Code does not provide a standard to regulate the use of whole grain content claims to describe the amount of whole grain in different foods. As a result, food labelled with a whole grain claim can vary considerably in whole grain content, with some foods contributing significantly more than others to the whole grain Daily Target Intake of 48 grams, leading to confusing messaging.

The 2013 Australian Dietary Guidelines recommend Australians eat a variety of grain foods, 'mostly whole grain &/or high cereal fibre varieties'. This emphasis on whole grain makes consistent messages on the whole grain content of foods more important than ever.

In July 2013, GLNC established a voluntary Code of Practice for Whole Grain Ingredient Content Claims (the Code) which is intended to guide the use of whole grain ingredient content claims, on food labels in Australia and New Zealand. The Code provides clear, consistent messaging on the whole grain content of foods. The Code aligns these messages and helps consumers make informed choices. Development of the Code was undertaken by GLNC on behalf of, and with involvement from, grains industry stakeholders and the public health and nutrition research community.

The Code sets out provisions to guide the way the food industry communicates with consumers on food packaging and in advertising. The Code has been developed as a mechanism for the food industry to aid consumers in their decision-making through the provision of consistent and accurate information about whole grain content. The aim is to encourage widespread uptake and compliance across the food industry. A benefit to Registered Users is being able to promote their adherence to the Code to consumers.

The Code is intended to reflect and support existing Commonwealth, State and Territory legislation in Australia and New Zealand, such as the Competition and Consumer Act (CCA) and Australia New Zealand Food Standards Code (FSC), and should be read and used in conjunction with these. The Code has been designed to complement existing food standards and consumer protection regulation and provide additional guidance in areas where the legislation does not apply or does not adequately address matters covered in this Code. Adhering to the Code does not prevent additional steps being taken by individual companies to provide information to consumers, provided they comply with the appropriate legislation and this Code.

Relevant definitions used in this Code are contained in Part 2.

1.1 AIM

The primary aim of the Code is to guide the food industry in providing consumers with clear, consistent messaging on the whole grain content of foods.

1.2 OBJECTIVES

The objectives of the Code are to:

1. Describe provisions for the minimum whole grain content required to make whole grain ingredient content claims.
2. Ensure clear and consistent messaging around whole grain content.
3. Provide a tool to enhance the promotion of more nutritious whole grain foods.
4. Facilitate widespread uptake of, and compliance with, these provisions by industry.
5. Provide an effective complaints resolution procedure for all stakeholders.

1.3 SCOPE

The Code covers the use of whole grain ingredient content claims on food packages and in advertising for both packaged and unpackaged foods in Australia and New Zealand.

The Code does not cover the brand naming of food products.

The scope and components of the Code may be varied or extended from time to time. A review of the Code will be once every three years, and as outlined in Part 6.5 stakeholders can suggest amendments to the Code to be considered by the Code of Practice Steering Committee at any time. Any changes to the Code will be communicated to all Registered Users and the wider food industry.

1.4 COVERAGE

The Code represents industry best practice in the description of whole grain ingredient content claims. GLNC intends that the Code be suitable for all food suppliers in Australia and New Zealand, including manufacturers, importers, wholesalers, distributors, packers and retailers. GLNC encourages all relevant companies to become a signatory to the Code and to comply with the Code's provisions.

Companies can voluntarily become a signatory to the Code by applying to GLNC and becoming registered as a Registered User as set out in this Code.

1.4.1 ADVICE FOR REGISTERED USERS

1. The Code is available on the GLNC website for downloading.
2. Companies (whether or not they are contributors of GLNC) can make a formal application to become a Registered User of the Code (**Registered User**) to the Code administration manager (**Code Manager**). The application includes an undertaking to comply with the Code (template at Appendix 1). If GLNC accepts the application, the applicant will become a Registered User of the Code. If a company wishes to cease being a Registered User, this must also be through a formal letter to the Code Manager.
3. With the formal application, applicants are required to complete a transition plan documenting the timelines for their labels to become compliant with the Code's provisions.
4. Product information will be held on a central confidential database managed and owned by GLNC. Names of Registered Users and registered products will be available on the GLNC website to publicise their participation in the Code.
5. The Code will be reviewed once every three years in consultation with Registered Users and key stakeholders, and stakeholders can suggest amendments to the Code to be considered by the Code of Practice Steering Committee at any time. If the Code is amended, it will be published in its amended form on the GLNC website. Registered Users and the broader food industry will be notified of the changes and will be forwarded a revised copy with details of key changes.

2. PART TWO – CODE PROVISIONS

2.1 DEFINITIONS

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

claim means an express or implied statement, representation, design or information in relation to a food or property of food which is not mandatory under law.

Code means the GLNC Code of Practice for whole grain ingredient content claims (including its appendices), as amended from time to time.

Code Manager means the employee, officer or other representative of GLNC responsible for the management and administration of the Code.

Complainant means a person, organisation or its representative making a Complaint.

Complaint means an alleged breach of the provisions of the Code, where a response or resolution is explicitly or implicitly expected.

Complaints Committee means the Committee specified in Part 6.1.3 of the Code, which provides guidance on Complaints and breaches of the Code.

Core grain food as described by the Australian Dietary Guidelines refers to the entire class of cereal and pseudo-cereal foods, including whole or partially processed cereal grains, breads, breakfast cereals, rice, pasta, noodles, polenta, couscous, oats, quinoa and barley. It excludes cereal-based products with a significant amount of added sugar, fat and sugar.

label means any tag, brand, mark or statement in writing or any representation or design or descriptive matter on or attached to or used in connection with or accompanying any food or package. This includes promotion by any means whatsoever (including through outdoor, print, television, radio, internet or electronic communication).

permissible synonym means a claim that may be used in place of the whole grain ingredient content claims as listed in Part 4.2.

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.

Registered User means a company that has formally committed to comply with the Code and has been accepted by GLNC as a signatory of the Code.

serve means serve size of the food as listed in nutrition information panel.

Steering Committee means the Committee specified in Part 6.1.2 of the Code, which oversees the management of the Code.

whole grain means the intact grain or the dehulled, ground, milled, cracked or flaked grain where the constituents – endosperm, germ and bran – are present in such proportions that represent the typical ratio of those fractions occurring in the whole cereal, and includes wholemeal.

whole grain food means a food containing whole grain ingredients.

whole grain ingredient content claim means a claim relating to the amount of whole grain in a food.

2.2 CORE OBLIGATIONS

1. Each Registered User must comply with this Code.
2. Without limiting the Registered User's obligations under this Code, the Registered User, in complying with this Code, will:
 - a. not make any whole grain ingredient content claim in a label for a registered product unless in accordance with the Principles of Whole Grain Ingredient Content Claims (see Part 4 below);
 - b. respond to and take reasonable steps to address any matter raised with the Registered User by the Code Manager in relation to a breach of the Code.

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.

3. PART THREE – PRINCIPLES OF WHOLE GRAIN DAILY TARGET INTAKE STATEMENTS

Part 3 sets out principles for making whole grain Daily Target Intake Statements. It should however be read in conjunction with the rest of this Code, including Part 5.

3.1 WHOLE GRAIN DAILY TARGET INTAKE STATEMENTS

GLNC facilitated the development of the whole grain Daily Target Intake (DTI) in 2006 which outlined the 48 grams per day DTI for whole grains for adults and children nine years and older. The whole grain content level of 8 grams per serve is based on the minimum amount in each serve required for adults to achieve the whole grain DTI when following the Australian Dietary Guideline recommendation of six serves of core grain food per day.

GLNC also facilitated the established of DTI values for children. The DTI for children 1-3 years is 24 grams and the DTI for children 4-8 years is 32-40 grams.

Products containing less than 8 grams of whole grains per manufacturer serve must not carry the whole grain DTI statement (or any variation of it) except for food products that are intended to be consumed exclusively or primarily by toddlers 1-3 years old (see Part 4.3).

Table 1. Whole Grain Daily Target Intake Statement Requirements

Description	Requirement	GLNC Governance
Whole grain Daily Target Intake statement only	≥8 grams whole grain per serve	Registered User must: <ul style="list-style-type: none"> • register the product with GLNC

To be eligible to use the whole grain DTI statement a company is required to become a Registered User of the Code outlining all products that carry or will carry the whole grain DTI statement. GLNC will provide receipt confirmation with the Registered User detailing the products notified to carry the whole grain DTI statement on labels. Registered Users are required to notify GLNC of any new products that will carry the whole grain DTI statement prior to launch. No fee will be payable by the Registered User in relation to use of the whole grain DTI statement.

The Code allows Registered Users to use in labels the following GLNC approved statements if the product contains ≥8 grams whole grain per serve:

“One [product serve descriptor] serve/s of [insert registered product name] contributes XX% of the 48g whole grain Daily Target Intake”

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

or

“One [product serve descriptor] serve/s of [insert registered product name] contributes XX% towards the Grains & Legumes Nutrition Council™ 48g whole grain Daily Target Intake”

“One [product serve descriptor] serve/s of [insert registered product name] contributes XX% towards the Grains & Legumes Nutrition Council™ 32-40g whole grain Daily Target Intake for children 4-8 years”

E.g.: “One 45g serve of Sunrise cereal contributes 35% towards the Grains & Legumes Nutrition Council™ 48g whole grain Daily Target Intake”

For the avoidance of doubt, any such reference to the ‘Grains & Legumes Nutrition Council’ must also include the ‘TM’ trademark symbol.

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 containing 8 grams of whole grain per serve contributes 20% towards the 40 gram whole grain DTI (8 grams/40 grams) and may carry the statement below.

'One ½ cup serve of Morning Breakfast cereal contributes 20% towards the Grains & Legumes Nutrition Council™ 32-40g whole grain Daily Target Intake for children 4-8 years.'

3.2 SPLIT WHOLE GRAIN DAILY TARGET INTAKE STATEMENTS

The whole grain 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 whole grain 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 whole grain 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 whole grain 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 whole grain 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.

4. PART FOUR – PRINCIPLES OF WHOLE GRAIN INGREDIENT CONTENT CLAIMS

Part 4 sets out principles for making whole grain ingredient content claims. It should however be read in conjunction with the rest of this Code, including Part 5.

4.1 WHOLE GRAIN INGREDIENT CONTENT CLAIMS

GLNC has developed whole grain ingredient content claims based on industry endorsed minimum whole grain content levels of 8 grams, 16 grams and 24 grams of whole grain per manufacturer defined serve.

In line with this, the Code outlines the whole grain ingredient content claims which may be used by Registered Users in labels.

As outlined in Table 2, the following whole grain ingredient content claims are permissible:

- Minimum 8 grams of whole grain per serve = “contains whole grain”
- Minimum 16 grams of whole grain per serve = “high in whole grain”
- Minimum 24 grams of whole grain per serve = “very high in whole grain”

A Registered User must not make a whole grain ingredient content claim in a label unless it is in the form specified in Table 2 below.

To be eligible to use the whole grain ingredient content claim a company is required to apply to become a Registered User of the Code with GLNC outlining all products that carry or will carry the whole grain ingredient content claim(s). GLNC will provide receipt confirmation with the Registered User detailing the products notified to carry a whole grain ingredient content claim on labels. Registered Users are required to notify GLNC of any new products that will carry the whole grain ingredient content claim prior to launch. No fee will be payable by the Registered User in relation to use of the whole grain ingredient content claim.

Table 2. Whole Grain Ingredient Content Claims Requirements

Description	Requirement	GLNC Governance
<i>“Contains Whole Grain”</i> claim	Must contain a minimum of 8 grams whole grain per serve	Registered User must register the product with GLNC Use of the claim does not incur a fee
<i>“High in Whole Grain”</i> claim	Must contain a minimum of 16 grams whole grain per serve	Registered User must register the product with GLNC Use of the claim does not incur a fee
<i>“Very High in Whole Grain”</i> claim	Must contain a minimum of 24 grams whole grain per serve	Registered User must register the product with GLNC Use of the claim does not incur a fee

4.2 SYNONYMS TO WHOLE GRAIN INGREDIENT CONTENT CLAIMS

The Code permits the synonyms for whole grain ingredient content claims as listed in Table 3.

Table 3. Permissible Whole Grain Ingredient Content Claims

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

NOTE: In the use of ingredient content claims, whole grain as two words is encouraged in alignment with international use of the term by the AACC International.

NOTE: GLNC conducts regular audits of grain foods on shelf to monitor the use of whole grain ingredient content claims. Manufacturers using whole grain ingredient content claims that are in breach of the Code will be notified by GLNC.

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

Note: GLNC recommends manufacturers calculate whole grain content according to the Food Standards Code and use the guidance provided in the document 'Food Standards Australia New Zealand Percentage Labelling of Foods User Guide – Characterising Ingredients and Components of Food (see Appendix 2 for more information). GLNC has published examples of the calculation of whole grain content as guidance only.

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 3 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.

4.3 TODDLER FOODS

To encourage the inclusion of whole grain foods in the diet from a young age, the Code allows the use of whole grain ingredient content claims on foods intended to be consumed exclusively or primarily by toddlers 1-3 years old. To carry a toddler whole grain ingredient content claim the food must:

1. be a food intended to be consumed exclusively or primarily by toddlers 1-3 years old, and,
2. meet one of the requirements listed in Table 4, and,
3. carry the whole grain DTI statement for toddlers 1-3 years (Part 3.1).

Products for toddlers that do not meet the criteria for a “contains whole grain” claim must not carry the whole grain DTI statement or whole grain ingredient content claims.

Registered Users must use the whole grain DTI statement for toddlers:

“One [insert product serve descriptor] serve/s of [insert registered product name] contributes XX% of the 24g whole grain Daily Target Intake for 1-3 year olds”

or

“One [insert product serve descriptor] serve/s of [insert registered product name] contributes XX% towards the 24g Grains & Legumes Nutrition Council™ whole grain Daily Target Intake for 1-3 year olds”

E.g.: “One Grainy Bubble Bar contributes 20% towards the 24g Grains & Legumes Nutrition Council™ whole grain Daily Target Intake for 1-3 year olds”

For the avoidance of doubt, any such reference to the ‘Grains & Legumes Nutrition Council’ must also include the ‘™’ trademark symbol.

Table 4. Whole Grain Ingredient Content Claim Requirements for Toddler Foods

Description	Requirement		GLNC Governance
	Serve size up to 30 grams	Serve size greater than 30 grams	
“Contains Whole Grain” claim	Minimum equivalent to 4 grams whole grain per 30 grams	Minimum of 4 grams whole grain per serve	Registered User must register the product with GLNC Use of the claim does not incur a fee
“High in Whole Grain” claim	Minimum equivalent to 8 grams whole grain per 30 grams	Minimum of 8 grams whole grain per serve	Registered User must register the product with GLNC Use of the claim does not incur a fee
“Very High in Whole Grain” claim	Minimum equivalent to 12 grams whole grain per 30 grams	Minimum of 12 grams whole grain per serve	Registered User must register the product with GLNC Use of the claim does not incur a fee

4.4 INFANT FOODS

GLNC recommends the inclusion of some whole grain foods in to the diet of infants to promote healthy habits from a young age. While the Code does allow the use of whole grain ingredient content claims on foods intended to be consumed exclusively or primarily by toddlers 1-3 years old (see Part 4.3), the Code does not include provisions for specific whole grain ingredient content claims or recommendations for infants (7 – 12 months).

4.5 USE OF WHOLE GRAIN CLAIMS FOR RECIPES

A whole grain claim made about a recipe should reflect the whole grain content of one serve of the recipe, based on all whole grain ingredients as listed in the Code. The serve size should be the serve size recommended with the recipe. For recipes appearing on packaging the claim level must not be higher than the level of claim for the food product. For recipes appearing off pack, GLNC encourages Registered Users to seek legal advice in consideration of the overall impression of the claim within the context of the promotional device to avoid misleading or deceptive conduct.

4.6 GLNC CERTIFICATION AND USE OF GLNC LOGO

GLNC certification and use of the GLNC logo is available for use in labels for products that are healthier choices within the relevant category and are either high or very high in whole grain, high in cereal fibre or provide a serve of legumes. For more information in regards to GLNC certification and use of the GLNC Logo, including product requirements and fees contact the Code Manager via codemanager@glnc.org.au or 9394 8661.

5. PART FIVE – IMPLEMENTATION PROCESS

The summary below outlines the process that Registered Users should follow to determine if a product label is able to make a permitted whole grain ingredient content claim.

IMPLEMENTATION PROCESS:

1. Determine the whole grain content of the product (Appendix 2)
2. Determine which whole grain ingredient content claim the product is able to make (Part 5 and Table 6)
3. Register the product with GLNC (Appendix 1) providing proof of whole grain content
4. Notify GLNC if the product ceases to make a permitted whole grain ingredient content claim (or changes the claim made).

Table 6. Requirements for whole grain ingredient content claims covered by the Code.

Claim	Contains at least 8 grams whole grain / serve	Contains at least 16 grams whole grain / serve	Contains at least 24 grams whole grain / serve
Whole grain DTI statement &/or Contains whole grain	✓		
High in whole grain		✓	
Very high in whole grain			✓

6. PART SIX – CODE ADMINISTRATION

6.1 CODE ADMINISTRATION ARRANGEMENTS

There are various layers to the administration of the Code. The GLNC Board has ultimate responsibility for the governance of the Code including its purpose, effective management and reporting to stakeholders. The Code Manager coordinates the day to day management of the Code, with the assistance of a Steering Committee and Complaints Committee.

6.1.1 CODE MANAGER

The Code Manager will be an employee or executive of GLNC and will be responsible for coordinating the management of the Code. Specific management duties include:

- developing an annual business plan and budget
- developing and facilitating an implementation strategy, including the creation of consumer and industry awareness
- interacting with industry on matters relating to the Code
- facilitating a complaints resolution procedure
- coordinating the review of uptake and effectiveness of the Code
- coordinating compliance monitoring arrangements
- providing strategic advice to the GLNC Board on the value of the Code to industry
- coordinating Code reviews of the functions and effectiveness of the Code and developing appropriate amendments as required
- supporting the functions of the Steering Committee and Complaints Advisory Committee.

6.1.2 STEERING COMMITTEE

The Steering Committee supports the management of the Code in conjunction with the Code Manager. Steering Committee Terms of Reference are at Appendix 5.

6.1.3 COMPLAINTS ADVISORY COMMITTEE

The Complaints Advisory Committee will provide advice and guidance on an as needed basis in relation to any Complaints or breaches of the Code. If a Complaint is made, or a breach of the Code has occurred, the Code Manager or the GLNC Board may, at any time, refer that matter to the Complaints Advisory Committee for assessment and recommendation of an appropriate course of action to address that Complaint or Code breach.

Any recommendations of the Complaints Advisory Committee will not be binding on GLNC or the affected Registered User. However, the Code Manager or the GLNC Board (as appropriate) will have regard to those recommendations when dealing with the relevant Complaint or Code breach.

The Complaints Advisory Committee Terms of Reference are at Appendix 6.

6.2 LEGAL OBLIGATIONS

Registered Users are bound to comply with their obligations under the Code. A failure to comply with the Code may result in the GLNC taking legal action against that Registered User. Such legal action may include, but is not limited to, seeking injunctive relief or specific performance.

Appendix 4 sets out additional information in relation to legal matters which Registered Users of the Code will be bound by.

6.3 COMPLIANCE MONITORING

Registered Users will take steps to meet the Code requirements by incorporating the Code into existing in-house compliance monitoring programs. Standards Australia provides guidance on compliance programs through the Australian Standard AS 3806—2006. The Standard outlines compliance principles in the areas of:

1. Commitment: the top level of management is committed to the program and it is endorsed by the governing body; appropriate resources are allocated
2. Implementation: a compliance manager/representative is in place; training programs are available to employees
3. Monitoring and measuring: the compliance program is monitored, measured and reported on a regular basis
4. Continual improvement: the program is reviewed and updated if required.

The Code Manager will monitor the performance of the Code, including levels of use and compliance, on an annual basis through various means which may include a survey with industry. The Code Manager may also require an annual renewal of product registration by Registered Users. The Code Manager will deal with all non-compliant cases (see Part 7).

6.4 IMPLEMENTATION

6.4.1 INDUSTRY AWARENESS

A communication strategy guides the promotion of the Code to industry, the management of which is the responsibility of the Code Manager. A key component is informing industry of the benefits of the Code, the Code rules, administrative arrangements and the complaints handling process.

Particular mechanisms of promotion include education programs to ensure companies are aware of the Code and how it operates, and the provision of educational material. The Code Manager will provide assistance to companies in complying with the Code. The aim is to encourage widespread uptake and compliance across the food industry.

A benefit to Registered Users is being able to promote their adherence to the Code to consumers.

Where a company (whether or not a Registered User) is found to be undertaking activities that are not consistent with the Code, the Code Manager will inform them of the Code and advise them of the rights of GLNC to take further action, including legal.

6.4.2 CONSUMER AWARENESS

A key benefit of the Code is promoting awareness in the community. A communication strategy guides the promotion of the Code to industry and consumers, the management of which is the responsibility of the Code Manager. The strategy will include informing consumers of the details of the Code and the complaints process through mechanisms such as fact sheets and through Registered Users promoting the Code on their websites and other advertisements.

Consumers will be invited to contact the Code Manager to discuss the details of the Code if required.

6.4.3 IMPLEMENTATION PERIOD

The Code provisions will be applicable from 1 July 2016; however, a transition period will apply for labels to be updated within normal business cycles. This transition period will cease on 31 December 2018 and will be taken into account in the compliance monitoring and complaints handling process.

An appropriate transition period may also apply to future amendments to the Code.

6.5 REVIEW AND AMENDMENT

A review of the Code of Practice will be coordinated by the Code Manager, in consultation with Registered Users once every three years. The objectives will be to:

- assess the performance of the Code of Practice against its objectives; and
- recommend any amendments to the Code of Practice required to address problems or issues identified during the review process.

The information obtained through the compliance monitoring and complaints handling procedures will be an important contributor to the review process. Data collected can assist with identifying ways to improve the performance of the Code of Practice.

In addition to the Code of Practice review undertaken every three years, stakeholders can suggest amendments to the Code of Practice to be considered by the Code of Practice Steering Committee at any time. Suggested amendments to the Code of Practice made outside of the three yearly Code of Practice review are to be raised directly with the Code Manager. The Code Manager will take the suggested amendment to the Code of Practice Steering Committee for advice and any changes will be taken to public consultation. Within six months of being raised an outcome will be determined which will include either the rejection of the suggested amendment, further information being requested or submission of the proposed amended to the GLNC Board for approval. The final decision will remain with GLNC Board.

On approval of proposed amendments by the GLNC Board, the amendments will form part of the Code and will be binding on GLNC and all Registered Users. A copy of the amended Code will be made available on the GLNC website and will be sent to each Registered User.

6.6 ACCOUNTABILITY

The Code Manager will prepare an annual report on the operation of the Code, which will be available to all stakeholders and interested parties on the GLNC website (www.glnc.org.au). Components of the review will be captured in the annual report.

6.7 WITHDRAWAL FROM CODE

A Registered User may at any time, by notice in writing to the Code Manager, withdraw from the Code (unless at that time compliance with the Code is, by regulation or other means, compulsory across the industry).

On withdrawal from the Code, the Registered User will cease to have any rights or obligations under the Code and must immediately cease any promotion of its association with the Code, including any reference to it being a member, signatory or Registered User of the Code. However, the Registered User will remain liable for any breaches of the Code which it committed prior to withdrawing from the Code.

On withdrawal from the Code, the Registered User will be allowed a period of 6 months (or such longer period as the Code Manager and the Registered User may agree) following its withdrawal to update its labels to remove all references to the Code. Where the Registered User's participation in the Code has been terminated by GLNC following a breach of the Code by the Registered User, GLNC may determine that a lesser period (to be not less than 1 month following the termination of the Registered User's participation in the Code) will apply for the Registered User to update its labels to remove all references to the Code.

7. PART SEVEN – COMPLAINT LODGEMENT AND COMPLAINT HANDLING

7.1 COMPLAINT LODGEMENT AND HANDLING PROCESS

Complaints of alleged breaches of the Code will be addressed in an equitable, objective and unbiased manner through the complaint lodgement and handling process.

Complaints should, in the first instance, be directed to the Code Manager and be made using the Complaints Submission Form available on the GLNC website (an example of which is contained at Appendix 3).

Anonymous Complaints will not be accepted. On request, however, the Code Manager will withhold the name of the Complainant from the Registered User against whom the Complaint is being made. GLNC will not publish the name of a Complainant in any reports on the outcomes of Code complaints.

On receipt of a Complaint, the Code Manager will advise the Registered User against whom the Complaint is made. GLNC will contact the Registered User either via email, fax, letter or telephone to the nominated representative of the Registered User.

Registered Users are encouraged to develop a complaint handling procedure for the Code, which may be integrated into their consumer services. Standards Australia provides guidance on complaint handling through the Australian Standard AS ISO 10002—2006. As a guide, Registered Users should formally report to the Code Manager within ten (10) working days from receipt of the Complaint with a detailed response.

This should detail whether or not the Registered User believes that a breach of the Code has occurred and, if so, any proposed action to address the Complaint or Code breach.

If a breach of the Code has occurred, the Registered User must consult with the Code Manager in relation to any remedial action which is proposed to address that breach.

Complaints against companies who are not Registered Users

Complaints against companies who are not Registered Users may be directed to the Code Manager in the first instance. These cannot be assessed formally for non-compliance against the Code; however, the Code Manager will contact the company and invite them to amend the relevant labels and to become a Registered User.

7.2 COST RECOVERY PROCESS

There is generally no cost to lodge a Complaint. If however, the process of managing the Complaint is beyond the resources of the GLNC, assistance may be sought from the Complainant or the relevant Registered User to fund the resolution of the Complaint. The likely costs involved will be discussed with the Complainant or the Registered User during the complaints process.

7.3 DATA COLLECTION AND REPORTING

The Code Manager will collect data on Complaints handled by GLNC, which will assist with the review and reporting process. Data to be collected include:

- type of complaints and product involved
- frequency of complaints
- complaints upheld or dismissed
- how complaints were resolved
- time taken to handle complaints
- corrective action, including sanctions.

This information will be compiled for inclusion in an annual report. The data will be stored and analysed on a regular basis to identify systemic issues and improve compliance with the Code. A selection of Registered Users will also be asked to provide details of Complaints handled by them.

7.4 RESOLUTION OF BREACHES OF THE CODE

If the Code Manager believes a Registered User has breached the Code (whether that belief arises from a Complaint or the Code Manager's own investigations), the Code Manager will notify the Registered User of the breach.

A breach of the Code will be taken to have occurred if the Registered User:

- has not complied with the Code; or
- has done (or omitted to do) anything which is reasonably likely to damage the reputation of GLNC or the integrity of the Code, or otherwise bring the Code into disrepute.

If the Code Manager believes the breach is minor or technical in nature, the Code Manager will consult with the Registered User and the Registered User must use all reasonable endeavours to agree with the Code Manager appropriate remedial action which is necessary to address the breach. If the breach relates to a non-compliant use of a whole grain ingredient content claim or whole grain DTI statement the Registered User must update or amend its labels as soon as reasonably practical and within 12 months of being notified of the breach, or as negotiated with the Code Manager.

The Code Manager may also at any time consult with the Complaints Advisory Committee as to whether or not there has been a breach of the Code and, if so, appropriate remedies to be implemented (see Part 6.1.3).

If the Code Manager considers the breach to be material, or if the Registered User and the Code Manager cannot agree whether there has been a breach of the Code or, if so, the appropriate remedial action necessary to address that breach, then the issue may at any time be escalated to the GLNC Board (or its delegate) for resolution with the Registered User. If, following consultation with the Registered User, the GLNC Board (or its delegate) believes there has been a breach of the Code and is not satisfied with the remedial action proposed by the Registered User, GLNC may terminate the Registered User's participation in the Code, in which case, the Registered User will be taken to have withdrawn from the Code and Part 6.7 will apply.

Nothing in this Part 7.4 precludes the GLNC from seeking urgent injunctive or other relief if it believes there has been a breach of the Code.

APPENDIX 1: CODE APPLICATION

SAMPLE – Please complete application and product registration online at www.glnc.org.au

Day-to-day Contact for Code

First Name	Last Name
Position	
Company	
Company ABN	
Mailing Address	State Postcode
Email	
Telephone	Fax

COMPANY COMMITMENT

As an applicant to the Grains & Legumes Nutrition Council™ (GLNC) to become a Registered User under the Code of Practice for Whole Grain Ingredient Content Claim (The Code), [Company name] confirms it is responsible or otherwise involved in content and ingredients labelling and promotion of whole grains, fibre and legumes in Australia [&/or New Zealand].

[Company name] hereby accepts and agrees to comply with the Code and the conditions Set out below:

1. Effective in-house compliance procedures are in place to enable the Code to be implemented and fully complied with.
2. All product information provided to GLNC is accurate and correct at time of submission, with notification to be provided to GLNC in the case of any product additions, updates or deletions at a minimum of once per year.
3. Commitment to comply with the Code is communicated to other parties involved in business activities in order to raise awareness of the Code to relevant industry participants.
4. The Code is endorsed in its most up-to-date form.
5. By becoming a Registered User consent is given to being named publicly by GLNC as a Registered User of the Code, including on the GLNC website.
6. Notification in writing is required to withdraw as a Registered User of the Code.

[Company name] has read and accepts the terms and conditions of the Code of Practice for Whole Grain Ingredient Content Claims and agrees to be bound by it.

The person signing this letter for and on behalf of [Company name] has full authority as a Senior Manager or Head of Department to do so.

[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.

Signed for and on behalf of [Company name] by Senior Manager/Head of Department

Signature: _____ Date: _____

Name (print): _____ Position: _____ Email: _____

ACCEPTANCE OF APPLICATION

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

Signed for and on behalf of **Grains & Legumes Nutrition Council™** by its authorised representative

Signature: _____ Date: _____

Name (print): _____ Position: _____

APPENDIX 2: CALCULATION OF WHOLE GRAIN CONTENT

To carry a whole grain ingredient content claim a food must meet the Food Standards Code definition of whole grain as quoted below.

Whole grain means the intact grain or the dehulled, ground, milled, cracked or flaked grain where the constituents – endosperm, germ and bran – are present in such proportions that represent the typical ratio of those fractions occurring in the whole cereal, and includes wholemeal

Reference (Australia New Zealand Food Standards Code, Standard 2.1.1 – Cereals and Cereal Products. Canberra: Food Standards Australia New Zealand).

GLNC recommends manufacturers calculate whole grain content according to the Food Standards Code and use the guidance provided in the document ‘Food Standards Australia New Zealand Percentage Labelling of Foods User Guide – Characterising Ingredients and Components of Food’.

The following information is provided on GLNC’s website as guidance only.

- Typical ratio fractions of endosperm, germ and bran in common cereal grains
- Worked examples of the calculation of whole grain content in a variety of whole grain products

GLNC encourages Registered Users to seek legal advice to ensure statements of whole grain are made in accordance with the Australia New Zealand Food Standards Code.

Guidance on which grains may be included in the calculation of whole grain content is provided in Table 7. It is recommended that in the case where pre-soaked grains are used, the weight of the grains prior to soaking is used in the calculation of whole grain content and soaking water is included as ‘added water’.

Table 7. Grains that may be included in calculation of whole grain content

Grains that may be included in calculation of whole grain content	Ingredients that may not be included in calculation of whole grain content
Amaranth*	Grains in the left hand column that have been refined so that they do not meet the definition of whole grain e.g. pearled barley
Hull-less barley	Legumes including beans, peas, lupin and lentils and soy
Buckwheat*	Seeds of any kind including linseed and chia**
Corn	Corn grits and degermed corn
Millet	White rice
Oats	Couscous, semolina, and polenta made from refined flour
Quinoa*	
Rice – brown, wild, black, red and other whole grain forms	
Rye	
Sorghum	
Triticale	
Wheat, including burghul, durum, einkorn, emmer (farro), freekeh, Khorasan (kamut), spelt, and other forms of wheat	
Teff	
Canary seed	
Job’s tears	
Fonio, black fonio, Asian millet	
Sprouted whole grains	

This list aligns with the HEALTHGRAIN Forum definition of ‘whole grain’(van der Kamp et al, 2014), *These are pseudo-grains; while not technically part of the Poaceae botanical family, in which true grains belong, they are nutritionally similar and so may be defined as whole grain; **Seeds, including chia, are nutritionally different to grains and so are not considered whole grain. In particular, most seeds have higher oil content than grains.

Providing evidence of whole grain content for product registration

It is not possible to determine the content of whole grain by analysis. Therefore GLNC requires manufacturers to provide assurance from a senior executive of the validity of the percentage whole grain content used to calculate the grams of whole grain per serve.

APPENDIX 3: COMPLAINT SUBMISSION FORM

To lodge a complaint in relation to product labelling or promotion regarding whole grain ingredient content claims please complete this proforma and send it to the GLNC Code Manager.

Mail: Level 1, 40 Mount St, North Sydney, NSW 2060

Fax: 02 9394 8661

Email: codemanager@glnc.org.au

Name of company

Product
details

Please state the basis of your complaint, including where possible, the part of the Code of Practice For Whole Grain Ingredient Content Claims

Please provide details of any communication you have had with the company and their response

If you require any assistance with this section please contact the Code Manager at GLNC on 02 9394 8661 or via email at codemanager@glnc.org.au

COMPLAINANT DETAILS

First Name

Last Name

Company (if applicable)

Suburb

State

Postcode

Email Address

Telephone

Fax

I do not wish to have my name and contact details provided to the Company

APPENDIX 4: LEGAL CONSIDERATIONS AND DISCLAIMER

Use of permitted whole grain ingredient content claims does not negate any legal obligations imposed by the *Australia New Zealand Food Standards Code* (FSC) or other relevant law at the Commonwealth or State or Territory level. Food companies should ensure they are fully aware of the labelling requirements of the FSC and other legislation and seek legal advice.

www.foodstandards.gov.au

This guide and its provisions are intended to provide industry best practice and consistency in utilising the whole grain content claims, fibre and legumes statements and meeting the relevant requirements of the FSC.

Food companies need to apply their own skills and knowledge in determining compliance with the labelling requirements of the FSC. If necessary the user should consider independent legal advice, or undertake appropriate training in labelling requirements.

Companies should specifically refer to *Standard 1.2.7 Nutrition, Health and Related Claims, 1.2.8 Nutrition Information Requirements and Standard 1.3.2 Vitamins and Minerals*. Other standards may also be relevant.

The GLNC logo and the GLNC name, Grains & Legumes Nutrition Council™ are trademarks of the GLNC. It is not the intention of GLNC to formally license its logo or name.

DISCLAIMER

In using this Code, each Registered User acknowledges and agrees that GLNC, its employees, Board, committees and working groups members and agents will have no liability for any loss, injury or damage suffered or incurred by the Registered User or any other person (including as a result of negligence) arising from any label used by a Registered User, whether or not such label complies with this Code or applicable laws, or any act or omission of GLNC, its employees, Board, committees and working groups members and agents in developing or administering this Code.

STAKEHOLDER ISSUES

Consumers can expect to see food companies adhering to the requirements specified here when choosing to label their products with the whole grain ingredient content claims, fibre and legumes statements.

APPENDIX 5: TERMS OF REFERENCE: STEERING COMMITTEE

PURPOSE

The Steering Committee performs an integral role in overseeing the management of the Code.

FUNCTIONS

The core function of the Steering Committee is to support the management of the Code. Specific duties include:

1. Overseeing the review of uptake and effectiveness of the Code.
2. Providing input into the monitoring of compliance with the provisions of the Code. This includes compliance via Registered User reporting and the complaints resolution procedure.
3. Providing strategic advice to GLNC on the value of the Code to industry and any repositioning or initiatives that may improve its effectiveness.
4. Overseeing periodic review of the Code and amendment as required.

MEMBERSHIP

There will be 5 members on the Code Steering Committee, comprising:

- Chair—GLNC Managing Director or delegate
- Food industry representatives (2)
- External stakeholders (2) i.e. academics, industry councils, government &/or regulatory

DURATION OF MEMBERSHIP

Each member is appointed for a period of two (2) years. Upon completion of this period, an individual may nominate for re-appointment or re-election (as the case may be).

APPOINTMENT OF MEMBERS

The Code Manager will coordinate the nomination process for the appointment of the industry representatives and external stakeholders. A recommendation will be made to the GLNC Board who will appoint Committee members.

SECRETARIAT

The Code Manager will provide secretariat support for all activities of the Steering Committee.

MEETING SCHEDULE

Meetings will be scheduled on a half yearly basis and held via teleconference. Additional meetings may be held on an as-needs basis via teleconference or face-to-face.

DECISION MAKING PROCEDURE

In the instance a vote is required; decisions will be made by simple majority of those members present and voting.

APPENDIX 6: TERMS OF REFERENCE: COMPLAINTS ADVISORY COMMITTEE

PURPOSE

The Complaints Advisory Committee performs a consultative role in the management of Complaints and breaches of the Code.

FUNCTIONS

The core function of the Complaints Advisory Committee is to provide advice and guidance on an as needed basis in relation to any Complaints or breaches of the Code. If a Complaint is made, or a breach of the Code has occurred, the Code Manager or the GLNC Board may, at any time, refer to the matter to the Complaints Advisory Committee for assessment and to recommend an appropriate course of action to address that Complaint or Code breach.

The Code Complaints Advisory Committee does not provide strategic advice about the management or positioning of the Code.

Any recommendations of the Complaints Advisory Committee will not be binding on GLNC or the affected Registered User. However, the Code Manager or the GLNC Board (as appropriate) will have regard to those recommendations when dealing with the relevant Complaint or Code breach.

MEMBERSHIP

There will be 5 members on the Complaints Advisory Committee, comprising:

- Chair—a member of the legal profession selected and appointed by GLNC
- Food industry representatives (2)
- External stakeholders (2) i.e. academics, industry councils, government &/or regulatory

DURATION OF MEMBERSHIP

Each member is appointed for a period of two (2) years, with a maximum of two terms. Upon completion of this period, an individual may nominate for re-appointment.

APPOINTMENT OF MEMBERS

The Committee Chair must be independent, and appointed with the approval of the GLNC Board.

The Code Manager will coordinate the nomination process for the appointment of the industry representatives and external stakeholders. A recommendation will be made to the GLNC Board who will appoint Committee members.

SECRETARIAT

The Code Manager from within the GLNC will provide secretariat support for all activities of the Complaints Advisory Committee.

MEETING SCHEDULE

Meetings will be scheduled on an as-needed basis; dependent on the Complaints received and as may be requested by the Code Manager or the GLNC Board. These will be held via teleconference; however, face-to-face meetings will be scheduled as required.

PROVISION OF ADVICE

In the event that consensus cannot be reached, any dissension will be noted. Should the complainant be represented on the Complaints Advisory Committee, their representative will be excluded from the discussion and consensus for the specific complaint.



**Grains &
Legumes
Nutrition
Council**

Grains & Legumes Nutrition Council™

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