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September 18, 2023

Republic of South Africa
Department: Health
Director: Food Control
Private Bag X828, Pretoria, 0001

Dear Director:

Oldways and its Whole Grains Council would like to thank the Health Department for giving our organization the opportunity to offer feedback on its Draft Regulations Relating to the Labelling and Advertising of Foods (R3337). As our organization has been involved in labeling and regulatory standards not only in the United States but in many other regions and countries, we would like to share our experience and input, in the hope that it's helpful.

About Oldways, the Whole Grains Council, and the Whole Grain Stamp

Oldways is a 501(c)3 educational nutrition nonprofit, founded in 1990 and dedicated to inspiring good health through cultural food traditions. We are perhaps best known worldwide for creating the Mediterranean Diet Pyramid in 1993 with the Harvard School of Public Health and for our work promoting whole grains, and creating the Whole Grain Stamp.

The Oldways Whole Grains Council is an Oldways program, initiated in 2003, with the threefold mission of (1) helping consumers find whole grain foods and understand their health benefits, (2) helping manufacturers and restaurants create delicious whole grain products and meals, and (3) helping the media write accurate, compelling stories about whole grains. We fulfill this mission through our many educational programs, and through our administration of the Whole Grain Stamp program. Our iconic Stamp packaging symbol helps shoppers easily identify products which contain significant amounts of whole grain ingredients.

Although not yet used in South Africa, our Stamp is the most widely adopted whole grain certification globally and is now on more than 13,000 products in 65 countries, including the African nations of Egypt, Ghana, Mauritius, Nigeria, and Tanzania.

Standards for Using the Whole Grain Stamp

The Whole Grain Stamp has three versions: the 100% Stamp (shown on the left), the 50%+ Stamp (shown in the middle), and the Basic Stamp (shown on the right).



100% OF THE GRAIN IS WHOLE GRAIN



50% OR MORE OF THE GRAIN IS WHOLE GRAIN



The 100% Stamp

If a product bears the 100% Stamp, then *all* its grain ingredients are whole grain. There is a minimum requirement of 16 grams of whole grain per labeled serving for products using the 100% Stamp.

The 50%+ Stamp

If a product bears the 50%+ Stamp, then at least half its grain ingredients are whole grain. There is a minimum requirement of 8 grams of whole grain per labeled serving for products using the 50%+ Stamp.

The Basic Stamp

If a product bears the Basic Stamp it contains at least 8 grams of whole grain per serving, but the product contains more refined grain than whole grain.

Companies interested in using the Whole Grain Stamp on their products pay an annual licensing fee, on a sliding scale according to company size. This fee allows them to use the Stamp on qualifying, approved products; surplus fees are used to fund the Oldways Whole Grains Council's educational programs, which target consumers and promote the consumption of whole grain foods. In order to use the Whole Grains Stamp, companies must submit information about the formulation and nutritional profile of each individual product for WGC review and must receive approval before using the Stamp publicly on their products.

The standards for Whole Grain Stamp use are modified to align with local whole grain labeling regulations in specific countries. For example, in Canada local law requires that products labeled "100% whole grain" must have all their ingredients be whole grains (no salt, oil, or any



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other ingredients may be included), so in Canada, products must meet this standard in order to be approved to use the 100% Stamp.

In line with dietary recommendations around the world, our Whole Grain Stamp symbol helps consumers meet recommendations by helping them identify which foods contain whole grains and telling them how many grams of whole grain they are getting per serving so they can easily increase their intake.

Comments on the Draft Regulations Relating to the Labelling and Advertising of Foods (R3337)

1. Front-of-Pack Warning Labeling

We applaud the Health Department's efforts to target public health and address nutrition education through the creation of new guidelines and regulations. Clear, reliable labeling standards can increase consumer trust and confidence and help them to navigate their product options more easily, which is often the first step toward making healthier choices. That said, we fear that the proposed warning labels put forth in the Draft Regulations Relating to the Labelling and Advertising of Foods (R3337) do not give consumers the full story, and could lead to significant confusion.

Foods are not just good or bad

Giving consumers nutrition information on the front-of-pack makes it easy for them to compare products and make quick decisions. We worry, however, that highlighting only those nutrients which are meant to be limited in the diet (saturated fat, sugar, sodium, etc.) does not give consumers the full picture. It is just as important for consumers to understand the beneficial contributions that a product will make to their overall diet as it is to warn them of the more negative nutritional attributes of that product. Most foods are not just good or bad, and often have a mix of both beneficial and detrimental ingredients. These can be great "bridge foods" as people move along their journey to better health. Nutrition change is almost always incremental, and we urge the Health Department not to let the perfect be the enemy of the good.

Consumers respond better to positive nutrition messaging

[Research shows](#) that consumers respond better to health and nutrition messages that are framed in positive ways, rather than messaging that focuses on what consumers shouldn't do and shouldn't eat. The negative messaging of the warning labels and the absence of any positive messaging to balance it, leaves us concerned about the impact this approach will have. Without messaging that guides consumers toward foods and ingredients they *should* eat, it is easy to imagine that consumers will end up overwhelmed and confused by the new labeling standards, without a clear sense of how to make better nutritional choices.

Healthy diets are about more than single foods or nutrients

People eat foods and nutrients in combination, not in isolation, and it's the total sum of the diet that makes the difference. For that reason, we advocate for a nutrition framework that is focused on food groups and overall diet patterns rather than being strictly nutrient-focused, with a formula for what makes a particular food item a good choice or not. No matter what combination of nutrient criteria regulations might mandate as healthy, it's inevitable that a reductionist approach will result in efforts to "game" the system with fortified manufactured foods, while some whole, natural foods may fail to qualify. The healthfulness of many foods is dependent on both portion size and consumption frequency, as well as the makeup of the rest of the diet. What we consume and what we don't consume both matter in achieving health outcomes. It's the totality of a person's food choices that make up their diet and determine its healthfulness, not a single food or nutrient.

For these reasons, we discourage the adoption of front-of-pack warning labels that are not accompanied by any balancing information about the positive nutritional contributions that a food might make.

2. **Prohibition of the Use of Graphics like the Whole Grain Stamp**

We note that Regulation 9: Prohibited Statements of the Draft Regulations Relating to the Labelling and Advertising of Foods (R3337) prohibits manufacturers from displaying any "Words, pictorial representations, marks, logos, or descriptions which create an impression that such a foodstuff is supported, endorsed, complies with or has been manufactured in accordance with recommendations by [endorsing entities.]" We understand this to mean that the Whole Grain Stamp, and other similar certifications, would not be allowed on products.

Eating whole grains is a simple way to support health and longevity, but intake continues to fall well below recommended levels globally. In fact, [research demonstrated](#) that replacing refined grains with whole grains globally could reduce the burden of chronic disease more than any other change – more than reducing sodium, eliminating trans fats or even cutting sugar-sweetened beverages. We introduced the Whole Grain Stamp in North America in 2005 and in Africa in 2012, in an effort to increase consumer awareness and consumption of whole grain foods, and it continues to provide consumers with critical whole grain content information that is not otherwise available on packaged food labels.

Oldways has diligently worked in nutrition education for almost 30 years, and we know that nutritional change is always incremental. With its three-tiered approach, the Whole Grain Stamp system helps consumers "start on the bottom step of the ladder" (with products bearing the Basic Stamp) and then gradually and easily transition to the fuller, nuttier taste of whole grains (with products using the 50%+ and 100% Stamps). Census-representative [survey data](#) from the 2023 Whole Grains Council's Consumer Insights Survey indicate that 85% of consumers trust the Whole Grain Stamp to be accurate. The Stamp, and the

marketing advantage it offers companies, encourages healthy competition between manufacturers to maximize whole grain content in their formulas leading to better products.

The Whole Grain Stamp is descriptive, not prescriptive. In other words, it accurately states the gram amount of whole grain in the product, but is not a reductive measure of the overall healthfulness of a particular product. [Data](#) published in August 2023 indicate that at least half of South Africans struggle to identify whole grain foods, and 60% of South Africans are unable to correctly define whole grains. The Whole Grain Stamp was developed to solve this very problem, and will be a valuable tool in helping South Africans increase whole grain intake.

We fear that a move to prohibit Whole Grain Stamp use on a large number of products contributing meaningful amounts of whole grain to the diet would be a huge setback for whole grain momentum in South Africa. Without the Stamp, consumers will be unable to identify products that contain significant amounts of whole grain. Manufacturers may also be less incentivized to create a wide range of whole grain products if they are not able to readily “get credit” for their whole grain content by calling attention to it with the Stamp or other similar package messaging.

We understand that the Health Department’s goal is to create regulations that support healthier consumer choices, but we fear that the unintended consequences of this particular proposal could be quite detrimental to achieving that goal. Even whole grain products that contain sugar or sodium can contribute significantly to increasing overall whole grain consumption in the diet. Recognizing that the Whole Grain Stamp program helps consumers increase their whole grain intake, highlighting a food group for which most diets fall short of recommendations, we urge the Health Department to reconsider the prohibition of graphics like the Whole Grain Stamp on products that bear a warning label.

3. **Wholegrain Claim Thresholds Inconsistent with Nutrition Research and Global Consensus**

We note that in Regulation 65: Ingredient Claims, the draft regulations outline three levels of wholegrain claims. Generally speaking, we support a stepwise approach, as products with varying amounts of whole grain are needed to reach consumers at every step in their whole grain journey. However, we are concerned about inconsistencies in the draft regulations as written.

Wholegrain flours not eligible for the 100% whole grain claim

Whole grain flours, including recombined flours, which include all of the grains original bran, germ, and endosperm in their original proportions are an important contributor of whole grain intake. Restricting whole grain flours from the use of a 100% wholegrain claim is not only unsupported by the literature, it is also misleading to consumers, as

wholegrain flours consisting of all of their bran, germ, and endosperm are nothing if not completely whole grain.

Products made from whole grain flours are some of the greatest sources of whole grains [globally](#), and both [epidemiological](#) and [clinical studies](#) indicate that there are well-documented health benefits of consuming whole grain flours. On the other hand, there is a lack of research suggesting that intact whole grains, such as wheat berries or brown rice kernels, are nutritionally superior to milled whole grain flours. For the sake of public health, we recommend regulations that increase whole grain intake in all its forms, and include whole grain flours among the ingredients recognized as 100% whole grain.

Another approach to consider is the [Global Definitions of Whole Grain as a Food Ingredient and of Whole-Grain Foods](#), developed by the Whole Grain Initiative. These definitions were developed by a working group of more than 40 experts from academia, government agencies, health organizations, and industry from Asia, Europe, North and Latin America, Oceania, and Africa. In alignment with the global consensus on what should count as a whole grain ingredient, the Whole Grain Initiative definitions confirm that whole grain flours containing all of their bran, germ, and endosperm are indeed whole grains.

Proposed whole grain thresholds aren't practical on a population level

We agree with the Food-Based Dietary Guidelines for South Africa in that "the real challenge lies in encouraging South Africans to eat more wholegrain foods," and we agree that "a product made from refined flour with a few whole grains sprinkled on top is not a wholegrain product." That said, partially whole grain products with meaningful amounts of whole grain can make a significant impact on national whole grain intake, particularly in South Africa, where whole grain intake is low. However, the whole grain thresholds proposed in this draft regulation are not representative of the products that will be needed to help South Africans gradually add more whole grains to their diet.

[Research](#) consistently demonstrates that repeated exposure to whole grains can shift both food preferences and eating habits in favor of whole grain foods. However, people do not transition from being refined grain consumers to whole grain consumers overnight. Helping people build a taste for whole grain foods in whatever form they are most accessible in is critical to increasing consumption. Nutrition change is incremental, and will require many different products with varying levels of whole grain content to meet consumers where they're at, and encourage them to gradually add more and more whole grain to their diet.

Increasing whole grain intake by even modest amounts (just ¼ ounce-equivalent, or roughly 7.5 grams of whole grain per day) on a population level could [result in billions of dollars of healthcare savings](#) related to cardiovascular disease. We encourage the Health

Department to more closely align their whole grain thresholds with the thresholds outlined in our international Whole Grain Stamp program, described above, in which products with significant amounts of whole grain (8 grams or more per serving) can factually communicate their whole grain content via the Whole Grain Stamp.

Emphasis on low GI grains has limited practical applications

Grain foods are rarely eaten in isolation and are nearly always eaten as a part of a meal or snack. For example, pap and maize meal are eaten alongside meats and sauces, and breads are eaten with meats and vegetables as a part of sandwiches. Glycemic response is impacted by the totality and combination of foods eaten, including processing/cooking methods. Adding a fat like olive oil to a high GI meal can [significantly lower glycemic response](#), while chilled cooked potatoes have a [lower GI](#) than freshly boiled potatoes. Fats, fiber, protein, and vinegar are all components that can reduce the glycemic response of a meal, and are all commonly served alongside high GI grain foods in South Africa. Favoring only low GI whole grains has a very limited practical application given that the glycemic response of a meal is so variable based on other inputs. Therefore, we suggest removing the GI requirement for whole grain claims.

4. **Clarity Needed to Ensure Compliance**

There are a few areas of the draft regulation in which more clarity would be helpful in ensuring compliance from food producers.

- Under Regulation 9, we see that “A (QUID) % wholegrain [name of grain] or partially wholegrain [name of grain] or recombined wholegrain (name of the grain) flour or meal foodstuff: Provided that a logo for the wholegrain concept may only be used if not less than 97% of the product consists of wholegrains. (b) A logo depicting the wholegrain concept is permitted if the end product contains at least 75% whole grains.” It is unclear if the product needs to be 97% wholegrain or 75% wholegrain to use the wholegrain logo.
- Under Regulation 9, we see that foods are prohibited from displaying any “endorsement logos representing a particular industry, categorised according to the South African Food Based Dietary Guidelines and its accompanying Food Guide where applicable, for the promotion of the products of such an industry, unless the message in terms of the recommended number of portion/servings per day complies with the guidelines of the Food Based Dietary Guideline technical report of the Department and may include the wording of the applicable Food Based Dietary Guideline.” Given that the South African Food Based Dietary Guidelines do not detail a specific recommendation for whole grain intake, it is unclear how whole grains fit into this regulation, if at all.
- Under Regulation 65, we see that partially wholegrain foods must be “at least 50% wholegrain (or recombined wholegrain flour) of the total flour weight and at least 25% wholegrains or oilseeds or legumes or dried fruit as part of total flour weight.”



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Given that a product that is at least 50% wholegrain would also already be at least 25% wholegrain, it is unclear if a product that is 50% whole grain by total flour weight would need additional whole grain, oilseeds or legumes to qualify for the partially wholegrain claim.

- Under Regulation 65, more clarification is needed on whether the Whole Grain Stamp constitutes a wholegrain logo. If not, more clarification is needed on what the Health Department is referring to when they refer to a wholegrain logo.

Closing Recommendations

While higher levels of certain nutrients (added sugars, sodium, saturated fat) may be inconsistent with optimal health, the evidence does not suggest that every product containing these nutrients is inconsistent with a healthy dietary pattern. The [2019 Global Burden of Diseases Study](#) found that "low intake of whole grains was the leading dietary risk factor for [disability adjusted life years] among men and women and the leading dietary risk factor for mortality among women" ahead of high sodium intake, high trans-fat intake, and high sugar-sweetened-beverage intake. In other words, increasing consumption of beneficial food groups like whole grains is just as important, if not more so, than decreasing consumption of detrimental ingredients such as sodium or added sugar.

Measures to restrict communication of nutrient and/or food group guidance can have serious unintended consequences. Data from Mexico-based market research group, Kantar México as well as from a Mexican government agency have shown that in the first year after Mexico began prohibiting messaging about positive attributes of foods on labels that exceeded sugar, salt, and fat thresholds, sales of unhealthy products [increased](#).

More than three quarters of South Africans [report](#) not eating enough whole grain, and there is significant confusion among South Africans about which products contain whole grain. The Whole Grain Stamp is a time-tested, international resource for helping consumers identify products that contain significant amounts of whole grain. Prohibiting Whole Grain Stamp use on a large number of products contributing meaningful amounts of whole grain to the diet would be a huge setback for whole grain momentum in South Africa.

We thank the Health Department for the opportunity to share our expertise on the draft regulations, and we look forward to learning more about how we can best support improving public health through transparent labeling and communication.

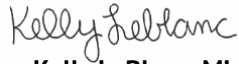
Sincerely,

rediscover  goodness
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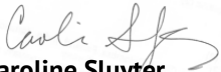
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