

Submission – Consultation Paper

Proposal P1030 – Composition and Labelling of Electrolyte Drinks

Comments from Public Health Services, Department of Health, Tasmania,
9 July 2021



Public Health Services, Department of Health, Tasmania (PHS) appreciates the opportunity to comment on Proposal P1030 – Composition and Labelling of Electrolyte Drinks.

PHS understands that P1030 was originally prepared in 2014 to assess whether:

- to permit formulated supplementary sports foods and electrolyte drinks to carry health claims and
- to transfer the regulation of electrolyte drinks from Standard 2.6.2 (non-alcoholic beverages and brewed soft drinks) to Standard 2.9.4 (formulated supplementary sports foods)

PHS notes that FSANZ is now proposing to narrow the scope and direction of P1030 as a result of changes in the market since 2014, responses from the 2014 calls for submission and Food Ministers request that FSANZ review Standard 2.9.4 as a priority (now Proposal P1010 – Formulated Supplementary Sports Foods).

FSANZ is proposing the key matters under consideration relate to composition and mandatory labelling requirements for electrolyte drinks as well as nutrition content and health claims.

Comments

Electrolyte drinks are special purpose foods and have been specifically formulated to support the physical and physiological conditions of strenuous physical activity. In 2014 FSANZ proposed that electrolyte drinks be transferred to Standard 2.9.4 in recognition of the products special purpose. This is consistent with the *Ministerial Policy Guidelines on the Intent of Part 2.9 – Special Purpose Foods*. This approach was supported by industry and jurisdictions in 2011 and the findings of FSANZ consumer research.

FSANZ are now proposing the regulation of electrolyte drinks remains in Standard 2.6.2. PHS is concerned with this approach and asks FSANZ to reconsider this as part of P1010. One of the reasons from submitters in 2014 for requesting electrolyte drinks remain in Standard 2.6.2 was so these products could use the Health Star Rating (HSR) graphics. However, PHS does not support the use of the HSR system on electrolyte drinks as the revised algorithm for non-dairy beverages (Category 1) does not take into consideration sodium and therefore would not

be a fair comparison to other sweetened drinks. The other reason submitters requested these products remain in Standard 2.6.2 was due to the current marketing and promotional approaches that are being used. Currently electrolyte drinks are marketed to the general population and are readily available and accessible through sales at convenience stores, petrol stations and supermarkets. However, the *Ministerial Policy Guidelines on the Intent of Part 2.9 – Special Purpose Foods* states special purpose foods should be targeted only to those population groups to which they were intended for. It also states that adequate information (including through labelling) should be provided to help prevent inappropriate use by those for whom the special purpose food is not intended. The transfer of electrolyte drinks to Standard 2.9.4 is consistent with the fact these products are a sports foods and not a lifestyle product for the general population.

PHS supports in principle FSANZ's definitional changes to electrolyte drinks with the inclusion on length of exercise (60 mins or more), the emphasis on sustained strenuous physical activity and the use of the word's electrolytes instead of minerals. PHS supports the use of a prescribed name 'electrolyte drink' to enable identification of these drinks from similar products that are not regulated as electrolyte drinks. Identification of electrolyte drinks is increasing difficult due to the proliferation of a range of sports drinks on the market that refer to electrolytes and hydration but do not meet the compositional requirements of an 'electrolyte drink'.

PHS supports in principle FSANZ's approach to reduce the minimum amount of carbohydrate from 50mmol/L to 20mmol/L. However, if changes are being proposed to the minimum levels of carbohydrate then it may be timely to review all compositional requirements for electrolyte drinks to determine if they are still fit for purpose. This could include a review of the evidence for the amount (min and max) and type of carbohydrate to enable rapid replacement of fluids. In the EU they currently specify that 75% of the energy should be derived from carbohydrate which induces a high glycaemic response. Whilst FSANZ note that fructose (a low glycaemic response sugar) is seldom used the proposed changes by FSANZ could still enable electrolyte drinks in Australia to be 100% fructose. This is unlikely to have the same physiological effect of rapid rehydration. Sodium is another nutrient where the levels are quite different in Australia and New Zealand to the EU. The Food Standard Code stipulates that sodium should be no less than 10 mmol/L compared to the EU of 20 - 50 mmol/L. Assessment of the optimal levels to achieve hydration is required as currently electrolyte drinks on the market vary significantly in sodium concentrations. This is a particularly of concern with the marketing and promotion to the general public rather than the intended population and the growing trend of young children and adolescents consuming these products.

PHS supports FSANZ's proposed approach to prohibit all nutrient content claims about electrolyte drinks except for nutrition content claims about carbohydrates, sugar, energy and certain 'prescribed electrolytes'.

PHS is concerned that a systematic review was not undertaken for the two EU health claims relating to electrolyte drinks, which may be precedent setting for future health claims. It states in Appendix I that these two EU health claims were deferred for further consideration during the transition to Standard 1.2.7 due to concerns about the differences in composition for the health claims and for electrolyte drinks. There are still compositional differences between the Australia and New Zealand electrolyte drinks and those in the EU, even with the changes proposed.

PHS is also concerned that health claims will not help to differentiate these products for consumers and with the marketing and promotion of electrolyte drinks to the general population this may lead to excess sugar and sodium intake, particularly in children. PHS supports presenting the information as a mandatory statement under labelling provisions within the Code. This is consistent with special purpose foods and formulated supplementary sports foods. By including a mandatory statement, it will assist in limiting the potential for consumers to be misled about the ability of electrolyte products to result in rapid rehydration outside of strenuous physical activity. This labelling approach is consistent with *Ministerial Policy Guidelines on the Intent of Part 2.9 – Special Purpose Foods* which states that adequate information (including through labelling) should be provided to help prevent inappropriate use by those for whom the special purpose food is not intended.

PHS supports FSANZ's proposed approach to:

- nutrition information requirements to reduce duplications and inconsistencies within the Code.
- retain the recommended volume and frequency of use on the labels of electrolyte drinks.
- change the units of measure for tonicity claims to mOsm/kg, whilst retaining labelling requirements as mOsm/L