

**Submission from Cancer Council Australia to
Food Standards Australia New Zealand on Proposal P1030
Health Claims – Formulated Supplementary Sports Foods and Electrolyte Drinks
30 September 2014**

Summary

Cancer Council Australia is Australia's peak national non-government cancer control organisation. Its members are the eight state and territory cancer organisations working together to undertake and fund cancer research, prevent and control cancer and provide information and support for people affected by cancer.

Cancer Council Australia's goal is to lead the development and promotion of national cancer control policy in Australia, to prevent cancer and reduce the illness, disability and death caused by cancer.

Our organisation is concerned about the way in which false, misleading, deceptive, or simply misunderstood marketing practices can contribute to unhealthy food choices, the development of obesity and therefore the subsequent risk of some cancers. It has been established that being overweight or obese increases the risk of cancers of the oesophagus, pancreas, bowel, breast (in post-menopausal women), endometrium and kidney.¹ Latest statistics show that almost 63% of Australian adults are overweight or obese.²

Cancer Council Australia welcomes the opportunity to comment on Proposal P1030: Health Claims – Formulated Supplementary Sports Foods and Electrolyte Drinks. This submission is limited to comments relating to electrolyte drinks (EDs). We are particularly concerned that the proposed changes to allow EDs to carry health claims regardless of whether they meet the Nutrient Profiling Scoring Criteria (NPSC) will lead to increased consumption of EDs by those who do not require them, based on marketing claims that imply benefits for all consumers when health benefits for the general population not participating in strenuous activity are negligible. This has the potential to result in increased consumption of EDs, leading to increased energy intake and may impact on people's weight status, and consequently increase cancer risk.

Recommendation

Cancer Council Australia believes that Proposal P1030 is at odds with Government policy guidelines for health claims, and would undermine the intention of Standard 1.2.7 to prohibit unhealthy products from carrying health claims.

Cancer Council Australia recommends that EDs remain in Standard 2.6.2 to protect public health and to prevent consumers from being misled by claims on drinks that are unnecessary for the majority of the population.

Electrolyte drinks and physical activity

The *Australia New Zealand Food Standards Code* (hereafter referred to as The Code) defines an ED as 'a drink formulated and represented as suitable for the rapid replacement of fluid, carbohydrates, electrolytes and minerals'.³ These drinks are recommended and effective in replacing carbohydrates and electrolytes in sustained high-intensity or endurance sports.⁴ The Australian Institute of Sport state that EDs are not required for activities less than 45 minutes in duration.⁴

According to the Australian Health Survey 2011-12, Australian adults spent an average of just over 30 minutes of physical activity per day.⁵ However, only 42% of adults met the recommendation of at least 30 minutes of moderate intensity physical activity per day,⁵ meaning that most people who do exercise are doing so at lower intensities. The majority of Australian adults do not participate in enough physical activity and/or at high enough intensities to warrant consumption of EDs.

Allowing health claims to appear on ED labels may suggest that EDs are appropriate for the general population regardless of physical activity levels, when they are only suitable for the small minority of Australians participating in sustained high-intensity or endurance activities of more than 45 minutes duration. We are concerned that this may influence consumers to purchase and consume EDs more frequently and unnecessarily. Given that the majority of the population is not physically active enough to require EDs, this is likely to be detrimental for people's health by increasing their energy consumption.

Nutrition composition of electrolyte drinks

The *Australian Dietary Guidelines* classify EDs as 'discretionary choices'.⁶ Discretionary choices are not required in the diet to meet daily nutrient and energy needs, are generally high in energy, saturated fat, added sugars, salt and/or alcohol, and are not recommended for adults who are inactive.⁶ One serve of some EDs (for example, the entire Powerade Isotonic range⁷) provide energy in excess of 600kJ, the standard serve size for discretionary choices.⁶ Additionally, many EDs contain between 34-36g sugar per serve,^{7,8} or between eight and nine teaspoons of sugar (one teaspoon is 4g).

Consumption of electrolyte drinks

Australian research shows that sales of EDs increased between 1997 and 2011 by 1.2L per person.⁹ Further, consumer research conducted on behalf of Food Standards Australia New Zealand (FSANZ) showed that people consumed EDs for general thirst or everyday hydration, and because they like the taste.¹⁰ Of concern, sedentary participants in the study consumed EDs outside of physical activity contexts to provide them with energy when they were feeling flat or lethargic.¹⁰ This suggests that EDs are already being consumed widely by people who do not need them. Allowing EDs to carry health claims will only increase consumption, as the general public will perceive them to be beneficial irrespective of activity levels.

Systematic reviews have consistently found a significant association between the consumption of sugar-sweetened beverages and increased energy intake.¹¹⁻¹³ The World Health Organization (WHO) and World Cancer Research Fund (WCRF) consider consumption of sugar-sweetened beverages to be a probable risk factor for weight gain and obesity.^{1,14} Both WHO and WCRF have recommended that consumption of sugar-sweetened beverages should be restricted or avoided.^{1,14}

Health claims on electrolyte drinks

Health claims are powerful marketing tools. Australian studies have found that consumers perceive products that carry health claims on labels as healthier than those that do not.^{15,16}

Placing health claims on food and drink packages is an effective way that food companies can increase the sales of their products.^{17;18} Therefore health claims on EDs are likely to increase sales, and potentially energy intake, to the detriment of public health.

Despite EDs not meeting accepted nutrient profiling standards, recent comments by the beverage industry reported in the media show that they are seeking permission to use health claims to advertise a broader range of health benefits associated with EDs, and therefore increase sales and consumption of EDs:

“It’s really about going to the next level of detail around ... the functional benefits of sports drinks. [That] then in turn allows manufacturers to look to do more product development, a little bit more innovation around increasing some of the functional benefits of sports drinks. If the manufacturers weren’t able to make those more advanced claims then there was really no purpose or benefit in innovating in any way”

- Geoff Parker, Australian Beverage Council, 23 September 2014¹⁹

Research conducted on behalf of FSANZ showed that people perceive EDs to be healthier than soft drinks.¹⁰ Community members appear unaware of the specialised function of EDs for replacing fluids and electrolytes for people participating in more than 45 minutes of strenuous physical activity. Their nutrition composition is not healthier than soft drinks for the general population. This public perception is potentially misleading, and claims on such products could be at risk of breaching the *Australian Competition and Consumer Act 2010*, which state that people or businesses must not engage in conduct that is misleading or deceptive or is likely to mislead or deceive.²⁰

Further, participants found that labels on EDs were “too confusing” with “too much writing”, making the labels “patronising and frustrating”.¹⁰ Allowing health claims on EDs adds another layer of complexity to already confusing labels, and Cancer Council Australia is concerned that this may further increase perceptions of healthiness by the public and lead to increased consumption by Australians, the majority of who do not exercise at levels to require EDs.

Simply reclassifying EDs as Formulated Supplementary Sports Foods (FSSF) will not prevent the consumption of EDs by people who do insufficient physical activity to warrant their consumption. The provision of health benefits on ED labels is likely to have the opposite effect and increase consumption by those who do not require them. This may increase consumption of EDs and therefore energy intake and be detrimental to weight status and health, including cancer risk.

Exemption from the Nutrient Profiling Scoring Criteria

Cancer Council Australia is also concerned that moving the regulation of EDs from Non-Alcoholic Beverages and Brewed Soft Drinks (Standard 2.6.2) to Formulated Supplementary Sports Foods (Standard 2.9.4) removes the requirement for EDs carrying health claims to meet the Nutrient Profiling Scoring Criteria (NPSC).²¹ Due to their high energy and sugar contents, EDs do not meet the NPSC making them currently ineligible to carry health claims under Standard 1.2.7.²² Reclassifying them as FSSF is also inconsistent with the way they are marketed by beverage companies, and consumed by the general population.

Allowing EDs to be regulated under Standard 2.9.4 is inconsistent with the *Australia New Zealand Food Regulation Ministerial Council Policy Guideline on Nutrition, Health and Related Claims*.²³ This policy guideline states that any intervention by the Government relating to health claims should (among other things):

- “Give priority to protecting and improving the health of the population”; and

- “Support government, community and industry initiatives that promote healthy food choices by the population”.²³

Prompting the public to increase their consumption of EDs through the allowance of health claims does not give priority to public health, and instead encourages manufacturers to promote unhealthy and unnecessary products to the general population. The policy guideline also suggests that claims should be socially responsible and not promote irresponsible food consumption patterns.²³ Enabling manufacturers to add health claims to sugar-sweetened ED labels and promote consumption of EDs by the general public when these products are unnecessary for most people is not responsible practice.

Recommendation

Cancer Council Australia believes that Proposal P1030 is at odds with Government policy guidelines for health claims, and would undermine the intention of Standard 1.2.7 to prohibit unhealthy products from carrying health claims. Allowing health claims on EDs has the potential to encourage consumers to increase consumption of these products, and this is a problem when they are only required by those in sustained strenuous physical activity. As only a very small proportion of the population participate in activity at these levels, and these drinks are high in sugar and energy, they should remain classified as Non-Alcoholic Beverages and Brewed Soft Drinks.

Cancer Council Australia recommends that EDs remain in Standard 2.6.2 to protect public health and to prevent consumers from being misled by claims on drinks that are unnecessary for the majority of the population.

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