

29 September 2014

Food Standards Australia and New Zealand

PO Box 10559

The Terrace WELLINGTON, 6143

NEW ZEALAND

Via email: submissions@foodstandards.gov.au

Thank you for the opportunity to provide our submission on the

Proposal P1030 Health Claims – Formulated Supplementary Sports Foods & Electrolyte Drinks

Frucor Beverages Ltd. is an Australasian manufacturer of beverages with a brand portfolio that includes leading brands of waters, fruit juices, fruit drinks, energy drinks, sports drinks, sports waters and soft drinks.

Frucor personnel are active members of the New Zealand Juice and Beverage Association (NZJBA), the Australian Beverage Council (ABC), New Zealand Food and Grocery Council (NZFGC), New Zealand Nutrition Foundation and the NZ Fruit & Vegetable Alliance (NZ FAVA) by providing executive and technical expertise on several working groups within these organisations.

Frucor has been shown to take a lead role within the beverage sector via new product development (NPD), sales and marketing strategies which include a commitment to providing healthier options. On-going innovation to our beverage range includes the offering of smaller pack sizes (smaller volume bottles), specific lower sugar/zero sugar products and functionality.

Our submission is attached separately.

Yours sincerely



On behalf of Frucor Beverages Ltd.



Nutrition & Claims Manager
Frucor Beverages Limited

SUBMISSION

Proposal P1030 Health Claims – Formulated Supplementary Sports Foods & Electrolyte Drinks

We understand the purpose of Proposal 1030 is to revise the Australia New Zealand Food Standards Code (the Code) to permit formulated supplementary sports foods (FSSFs), electrolyte drinks and electrolyte drink bases (ED's) to carry health claims consistent with their respective purposes and in accordance with Standard 1.2.7-Nutrition, Health and Related Claims. This will involve the transfer of EDs from Standard 2.6.2-Non-Alcoholic Beverages and Brewed Soft Drinks to Standard 2.9.4-Formulated Supplementary Sports Foods.

Frucor Beverages Ltd notes that this Proposal is intended to deliver an interim arrangement pending the future review of Standard 2.9.4, however it also serves to presently address a **major anomaly** under the existing provisions for EDs within the Code.

Frucor Beverages Ltd. **supports this proposal** as EDs, unlike other products in this category, are formulated to prescribed requirements for sugars and sodium levels in order for these products to achieve the specific functional purpose of rapid replacement of fluid, electrolytes and carbohydrates. To be classified as ED's and to achieve these functional benefits, these products can accordingly be hypotonic, isotonic and hypertonic. **The latest Australian Institute of Sport and international guidance for Sports Drinks refers to Carbohydrate-Electrolyte drinks with a carbohydrate concentration of 4-8%**¹. Under the existing claims' framework, the prescribed level automatically disqualifies these products from qualification for carrying a claim via the Nutrient Profile Scoring Criteria (NPSC) of Standard 1.2.7. As such, under the existing framework these products would be prohibited from carrying performance claims which target consumers of these products e.g. athletes. **The anomaly extends to those EDs that are hypotonic** and that could meet the NPSC requirements, however are at 4g/100mL (and not at the existing 5g/100mL threshold) for carbohydrate but are well recognized as offering rapid replacement of fluid²³. The proposal therefore

¹ http://www.ausport.gov.au/__data/assets/pdf_file/0008/594170/CORP_33413_SSF_Sports_drinks_FS.pdf

² http://www.sgsm.ch/fileadmin/user_upload/Zeitschrift/54-2006-3/Osmolality_54_3_06.pdf

³ <http://www.ncbi.nlm.nih.gov/pubmed/22089303>

Rowlands DS¹, Bonetti DL, Hopkins WG. **Unilateral fluid absorption and effects on peak power after ingestion of commercially available hypotonic, isotonic, and hypertonic sports drinks.** *Int J Sport Nutr Exerc Metab.* 2011 Dec;21(6):480-91.

favours sports beverages with a higher sugar content to be exempt the requirements of the NPSC but would disqualify those EDs at the lower end which under Standard 1.2.7 would need to be self-substantiated.

The Australian Institute of Sport Supplement Framework of Sports Drinks (carbohydrate-electrolyte drinks) May 2014 paper states: *“Sports drinks are designed to deliver a balanced amount of carbohydrate and fluid to allow an athlete to simultaneously rehydrate and refuel during exercise and refuel during exercise. **According to various expert position stands, the compositional range which provides rapid delivery of fluid and fuel and maximizes gastric tolerance and palatability is 4-8% (4-8g/100ml) carbohydrate and 23-69mg/100mL (10-30mmo/L) sodium** (American College of Sports medicine et al. 2007; American Dietetic Association et al. 2009).*

It is well known that sports beverages are also consumed by a broader population who are not undertaking sustained high-intensity or endurance sports but who health professionals and government are encouraging to undertake more physical activity. It would therefore be impactful to extend the compositional standards to a lower threshold of 4g/100mL carbohydrate to encompass Hypotonic beverages which offer rapid replacement of fluid without the need for a higher level of carbohydrates which are unnecessary for those not undertaking intense or strenuous exercise of longer duration.

The proposed amendments would allow EDs to make appropriate performance claims, for their intended purpose following the process of self-substantiations as outlined in Standard 1.2.7.

The proposed change of definition for EDs to:

Electrolyte drink means a drink formulated for the rapid replacement of fluid, carbohydrates and electrolytes last as a result of sustained strenuous physical activity.

is also supported and eliminates confusion from the current statement.

Frucor Beverages Ltd **also supports** the separate Division 3-Electrolyte Drinks and Electrolyte Drink Bases be adopted within this Standard 2.9.4 for ease of clarification and regulation of these products and making ‘Electrolyte Drink’ a Prescribed Name under Standard 1.2.2. (Note: No Division 1 exists in Standard 2.9.4 due to sequencing error in P-1025 Code Review version that the quoted Division 4 has evolved)

The requirement for the nutrition information panel for EDs to remain aligned with Standard 1.2.8 **is supported** and will substantially assist in the cost benefit analysis of this Proposal.

Frucor Beverages Ltd. would like to **recommend a change in wording** of the (4.2) Purpose statement to:

*This Standard defines and regulates the composition and labelling of foods **and electrolyte drinks** specially formulated to assist sports people in achieving specific nutritional or performance goals. Such foods **and electrolyte drinks** are intended as supplements to a diet rather than for use as the sole or principal source of nutrition.*

We thank FSANZ for the opportunity to provide this submission in support of this proposal P1030. For further correspondence and information relating to our submission please do not hesitate to contact me directly on [REDACTED] or [REDACTED]