

26 September 2014

Food Standards Australia and New Zealand,

PO Box 7186

CANBERRA BC, ACT, 2610

Via email: submissions@foodstandards.gov.au

Dear Food Standards Australia New Zealand,

Submission – Proposal P1030

Health Claims – Formulated Supplementary Sports Foods & Electrolyte Drinks

The Australian Beverages Council (the Beverages Council) is the peak body representing the \$7 billion non-alcoholic beverage industry. The Beverages Council provides a single, united industry voice to a range of stakeholders including government, non-government organisations, media and the general public.

Membership of the Beverages Council comprises over 95% of the non-alcoholic industry's production volume and is comprised of multi-national companies, small and medium business. The Beverages Council has two dedicated category divisions – Fruit Juice Australia and the Australasian Bottled Water Institute, which represents the unique interests of members manufacturing juice and bottled water products respectively. With respect to electrolyte drinks, the Beverages Council represents 99% of the category's volume through membership.

It is understood that the purpose of Proposal 1030 is to revise the Australia New Zealand Food Standards Code (the Code) to permit formulated supplementary sports foods (FSSFa), electrolyte drinks and electrolyte drink bases (ED's) to carry health claims consistent with their respective intended 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.

The Beverages Council 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 an area of **major anomaly** under the existing provisions for EDs within the Code

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The Beverages Council **supports this proposal in its entirety** 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 must have a **minimum sugar content of 5g/100mL. This level is consistent with Australian science that recommends a base-load carbohydrate concentration of this amount**¹. Under the existing claims' framework, this 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 of performance claims which target consumers of these products e.g. athlete.

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.

The Beverages Council **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 this product 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.

¹ [http://www.sportsdietitians.com.au/resources/upload/files/110606%20Sorts%20Drinks%20PY\(1\).pdf](http://www.sportsdietitians.com.au/resources/upload/files/110606%20Sorts%20Drinks%20PY(1).pdf)



The Beverages Council would **recommend a change in wording** of the (4.2) Purpose statement to:

_____ *This Standard defines and regulates the composition and labelling of foods 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 Proposal 1030. If you wish to discuss any aspect of this correspondence in more detail I invite you to contact me directly on 02 9662 2844 or colin.felder@australianbeverages.org.

Yours sincerely,



Technical and Regulatory Affairs Manager

