

30 September 2014

Food Standards Australia New Zealand
PO Box 7186
Canberra BC ACT 2610
Australia

By email: submissions@foodstandards.gov.au

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

1. Introduction

Thank you for the opportunity to make a submission on Proposal P1030 (Proposal). This submission is from Consumer NZ, New Zealand's leading consumer organisation. It has an acknowledged and respected reputation for independence and fairness as a provider of impartial and comprehensive consumer information and advice.

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2. Our submission

We oppose Food Standards Australia New Zealand's (FSANZ) proposal to permit formulated supplementary sports foods (FSSFs), electrolyte drinks and electrolyte drink bases (EDs) to carry health claims related to their respective purposes for the reasons set out below.

- 2.1 Currently, FSSFs and EDs are required to meet the Nutrient Profiling Scoring Criterion (NPSC) to be eligible to carry certain health claims. This regulation essentially prohibits health claims on products that are deemed to be unhealthy and is, in our view, a critical consumer protection that should be retained. However, under the Proposal, FSSFs and EDs will not have to meet the NPSC to carry a health claim relating to their respective purposes.
- 2.2 The only justification put forward by FSANZ for amending this requirement is that "these foods are specially formulated for specific dietary purposes and must meet certain prescribed compositional requirements related to those purposes". We do not agree that this provides sufficient justification for the Proposal. Just because these products will always fail to meet the NPSC because of their required composition, does not mean that they should be permitted to carry health claims.

- 2.3 Amending the Australia New Zealand Food Standards Code as suggested in the Proposal has the potential to mislead the general population into thinking that FSSFs and EDs are beneficial to anyone who engages in physical activity. However, research suggests the products in question are only likely to provide nutritional benefits to elite athletes engaged in prolonged physical activity¹ but are often consumed by children and adults engaged in limited physical activity.
- 2.4 Consumer NZ supports the continued limitation (or prohibition) of health claims by FSSFs and EDs. These products are of limited nutritional value, are often acidic in nature, contain large amounts of sugar and are associated with poor health consequences including weight gain, type 2 diabetes, gout and poor dental health.²

Finally, we endorse the submission made by Choice, the Australian Consumers' Organisation, on this Proposal.

Thank you for the opportunity to make a submission on the Proposal. If you require any further information, please do not hesitate to contact me.

Yours sincerely



Sue Chetwin
Chief Executive

¹ Health Promotion Agency, *Behind the hype: Sports Drinks*, May 2014

² University of Otago and Ministry of Health, *A Focus on Nutrition: Key Findings of the 2008/2009 New Zealand Adult Nutrition Survey*, 2011