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CMA Submission to Food Standards Australia New Zealand on Proposal P1030: Formulated Supplementary Sports Foods & Electrolyte Drinks

Complementary Medicines Australia (CMA), formally the Complementary Healthcare Council of Australia, welcomes the opportunity to provide a response to Food Standards Australia New Zealand consultation proposal P1030 – Formulated Supplementary Sports Foods & Electrolyte Drinks, dated 18 August 2014.

The CMA represents all stakeholder groups in the complementary medicines industry. Our members include importers, exporters, manufacturers, raw material suppliers, wholesalers, distributors, retailers, practitioners, consultants, direct marketers, multi level marketers and consumers.

The consultation proposal acknowledges the January 2013 updates made to the Code under Standard 1.2.7 to permit foods to carry health and related claims. The Code as it currently stands does not permit Formulated Supplementary Sports Foods (FSSFs) and Electrolyte Drinks (EDs) to carry health claims consistent with their specific purpose except under a very limited number of claims. The CMA supports the proposal that addresses this anomaly.

The draft variation proposes that FSSFs and EDs will be permitted to carry health claims relating to their respective intended purpose in accordance with the requirements in Standard 1.2.7, including self-substantiated claims. It is acknowledged that substantiation requirements and other conditions for making health claims in Standard 1.2.7 will apply to this proposal, and, consistent with existing arrangements in Standard 1.2.7., criteria to meet the nutrition profile scoring will not apply¹.

CMA supports electrolyte drinks moving from Standard 2.6.2 to come under Standard 2.9.4 in recognition that these products are specifically formulated for strenuous activity and offer a health function rather than being classified as a general drink product².

CMA notes that while changes are proposed to the way compositional requirements for FSSFs and EDs are presented in the Code, the actual compositional permissions and requirements have not changed. CMA considers that future considerations for a review to Standard 2.9.4 could consist of the inclusion of additional substances and appropriate applicable upper/lower limits.

¹ Subclause 17 (5) of Standard 1.2.7 states that a food that is standardised in Part 2.9 of the Code does not need to meet the NPSC when making a health claim.

² Generally, in relation to Standard 2.9.4, the labelling must carry advice that such foods are not suitable for pregnant women or children under 15 years of age; and they must be used under medical or dietetic supervision.

CMA members supported this approach in 2010/11 when the FSANZ Australian Sports Foods Market Survey was conducted.

CMA supports FSANZ in attempting to resolve this inconsistency. That is, for FSSFs and EDs to carry health claims consistent with their specific intended purpose related to exercise or physical performance, including self-substantiated claims.