

## FSANZ Consultation: - Formulated Supplementary Sports Foods

FSANZ has announced a [consultation](#) on *Standard 2.9.4 – Formulated Supplementary Sports Foods (FSSF)* of the Australia New Zealand Food Standards Code, closing **Monday 4 September 2023**. In the Code, FSSF means a product that is specifically formulated to assist sports people in achieving specific nutritional or performance goals. The [consultation paper](#) scope is on the regulation of **nutrition content and health claims for sports foods**. This review is part of FSANZ's ongoing review of sports foods and this standard under Proposal [P1010](#). Changes to *Standard 1.2.7 – Nutrition, health and related claims* that apply to foods other than sports foods are out of scope for P1010.

FSANZ is gathering stakeholder views through this consultation, before developing specific proposed changes to the Standard 2.9.4, which will then be subject to a 1st statutory Call for Submissions (public consultation). CMA recommends that it will be most effective for members express their views in the current consultation in order to shape the future development of the Standard.

All submissions from the public to the consultation will inform FSANZ's formal assessment and any proposed amendments to the Code. Consultation questions to support stakeholders in developing their submissions are reproduced at the end of this alert.

CMA will work on this submission as part of our Sports Supplement Working Group – if you are interested in being a part of this group, please contact [technical@cmaustralia.org.au](mailto:technical@cmaustralia.org.au).

### Background

FSSF are regulated in the Australia New Zealand Food Standards Code (the Code) under *Standard 2.9.4 – Formulated supplementary sports foods*; and *Schedule 29 – Special purpose foods*. However, other standards also apply relating to definitions, calculations, labelling and nutrition and health claims, unless exempt or where specific requirements apply.

FSANZ is currently reviewing regulatory requirements for formulated supplementary sports foods under Proposal P1010 - Formulated Supplementary Sports Foods. P1010 is reviewing all aspects of Standard 2.9.4, aiming to ensure that:

- sports foods are safe and suitable for consumers;
- adequate information is available for consumers to make informed choices and not be misled;
- a competitive market for manufacturers is maintained (including domestic and international trade considerations);
- standards are clear to support compliance by manufacturers and enforcement by jurisdictions.

Some products that are for sports performance are deemed by legislative instrument to be **therapeutic goods**. For more information, please see our [sports supplements transition reminder](#) alert.

### Feedback to CMA

CMA invites comments and feedback from interested members on the Consultation paper and questions for consideration as part of CMA's industry response to the consultation. Please send your comments to [technical@cmaustralia.org.au](mailto:technical@cmaustralia.org.au). Feedback on this consultation to CMA is preferred by **Monday 28 August 2023**.

### Feedback to FSANZ

Submissions to the consultation by individuals or companies may also be made directly to FSANZ via the [FSANZ Consultation Hub](#) by **4 September 2023**.

## Resources

- FSANZ Consultation page: [P1010 Consultation Paper Two - Nutrition and Health Claims](#)
- FSANZ Consultation paper [PDF]: [P1010 Consultation Paper Two - Nutrition and Health Claims](#)
- FSANZ [Consultation Hub](#)
- FSANZ web page: [P1010 – Formulated Supplementary Sports Foods](#)
- [Australia New Zealand Food Standards Code – Standard 2.9.4 – Formulated supplementary sports foods](#)
- [Australia New Zealand Food Standards Code – Schedule 29 – Special purpose foods](#)

## FSANZ Consultation questions

### *Consumer research*

Q1. Are you aware of any additional, relevant consumer evidence about consumer perceptions of nutrition content or health claims on sports foods? [yes/no]. If yes, please provide details.

### *Market research*

Q2. For industry stakeholders: how many of your company's stock keeping units (SKUs) for formulated supplementary sports foods are labelled with the following:

- Nutrition content claims;
- Health claims;
- The Division 3 statements in Standard 2.9.4 for high carbohydrate supplement, protein energy supplement or energy supplement (refer Table 1 of Section 2.2.3 of the consultation document).

### *Nutrition content claims*

Q3. Are there areas of concern regarding nutrition content claims on sports foods? [yes/no]. Please provide details.

Q4. Should sports foods be permitted to make 'good source' nutrition content claims about vitamins and minerals? [yes/no]. Please provide reasons.

Q5. Should nutrition content claims on sports foods be permitted in accordance with Standard 1.2.7? [yes/no]. Please provide reasons.

Q6. Should any other specific provisions for nutrition content claims be considered for sports foods? [yes/no]. Please provide details.

### *Health Claims*

Q7. Should the prohibition in section 2.9.4—7 for representations on the label of sports foods in relation to enhanced athletic performance or beneficial physiological effects be retained? [yes/no]. Please provide reasons.

Q8. If the prohibition in section 2.9.4—7 is removed, should sports foods be permitted to make health claims about enhanced athletic performance and/or beneficial physiological effects in accordance with Standard 1.2.7? [yes/no]. Please provide reasons.

Q9. Should sports foods be permitted to make health claims that do not relate to enhanced athletic performance and/or beneficial physiological effects in accordance with Standard 1.2.7? [yes/no]. Please provide reasons.

Q10. If the prohibition in section 2.9.4—7 is removed, are measures needed to ensure there is regulatory clarity between sports foods and therapeutic goods? [yes/no]. If yes, please provide details.

Q11. Should sports foods be permitted to make high level health claims in accordance with Standard 1.2.7? [yes/no]. Please provide reasons.

Q12. Sports foods are currently exempt from meeting the nutrient profiling scoring criterion (NPSC). Should this exemption be retained for sports foods? [yes/no]. Please provide details of circumstances when the NPSC should or should not apply.

Q13. Should FSANZ consider including any authorised EU health claims as pre-approved health claims for sports foods (refer Attachment B)? [yes/no]. Please provide reasons.

Q14. Do you support restricting health claims on sports foods to a list of pre-approved claims only? [yes/no]. Please provide reasons.

Q15. Should any other specific provisions for health claims be considered for sports foods? [yes/no]. If yes, please provide details.

### ***Endorsements***

Q16. Should endorsements on sports foods be permitted in accordance with Standard 1.2.7? [yes/no]. Please provide reasons