

## Submission to Food Standards Australia New Zealand on Proposal P1030 - Composition and Labelling of Electrolyte Drinks

### Introduction

The Obesity Policy Coalition (OPC) is a partnership between Cancer Council Victoria, Diabetes Victoria, VicHealth and the Global Obesity Centre at Deakin University; a World Health Organization Collaborating Centre for Obesity Prevention. The OPC advocates for evidence-informed policy and regulatory change to address overweight, obesity and unhealthy diets in Australia, particularly among children.

OPC is concerned about the way in which false, misleading, deceptive, or simply misunderstood marketing practices can contribute to unhealthy diets. Poor diet is a leading cause of overweight and obesity and associated preventable diseases like type 2 diabetes, heart disease, and many cancers.

OPC welcomes the opportunity to comment on Proposal P1030 - Composition and Labelling of Electrolyte Drinks. We acknowledge the additional work that FSANZ has conducted on this proposal since our previous submission in 2014. Though we broadly support the changes presented in Proposal P1030, we have some specific comments on aspects of the proposal that are outlined below. We support restricting the health claims to the three prescribed: hydration during strenuous physical activity; rehydration after strenuous physical activity; and hydration to maintain performance. These comments are based on Cancer Council Australia's submission, which we support in full.

In summary, OPC recommends:

1. **That the proposed approach be accepted**, with consideration given to the following recommendations.
2. The **definition of 'sustained and strenuous physical activity' be extended to 90 minutes**, as per the Sports Dietitians Association recommendations.
3. **Consumer testing** be conducted **to determine people's understanding of the terms 'electrolyte drinks', 'sports drinks' and 'formulated drinks'**, including the differences in composition and the way they are regulated. This should be taken into consideration before any proposed approach is finalised.
4. That **definitions for all drinks being marketed for replacement of electrolytes, including electrolyte drinks, sports drinks and formulated drinks be considered as a category** and subjected to the same regulations.
5. Consider and clarify where **non-alcoholic electrolyte beers** fit within Chapter 2 of the Food Standards Code, and if necessary, amend Proposal 1010 to encompass these products.

In summary, OPC supports:

1. the reduction in carbohydrate levels in electrolyte drinks.
2. restricting health claims on electrolyte drinks to the three prescribed.
3. only allowing nutrition content claims on carbohydrates, sugars, energy and electrolytes to be present on electrolyte drinks.
4. the proposed changes to amend definitions of carbohydrates and minerals in electrolyte drinks.

### Electrolyte drink suitability and length of physical activity

As stated in the consultation document, electrolyte drinks are suitable for people who are participating in sustained, strenuous physical activity. However we are concerned that the definition of 'sustained' as 60 minutes or more is too short. For example, Sports Dietitians Australia state that electrolyte drinks are recommended for activity over 90 minutes.<sup>4</sup> Given that only 15% of Australian adults met the Australian physical activity guidelines,<sup>3</sup> it is likely that the proportion of people who would benefit from these products is very small. Though we are strongly supportive of stating that exercise must be sustained and strenuous, we are concerned that setting this at 60 minutes will increase consumption for people who may not need it – for example someone playing team sport for a cumulative 60 minutes, but without it being sustained and strenuous for all this time. We believe that increasing the time on the label to 90 minutes as per the Sports Dietitians Australia recommendations would highlight further that these products are unnecessary for most people.

*Recommendation:*

The definition of 'sustained and strenuous physical activity' be extended to 90 minutes, as per the Sports Dietitians Association recommendations.

Nutrient composition of electrolyte drinks

OPC supports the reduction in carbohydrate levels as we believe that it will decrease the sugar content of electrolyte drinks and therefore unnecessary sugar consumption. Monitoring will be required to determine whether food companies simply continue to manufacture higher-sugar products and call them 'sports drinks' instead of electrolyte drinks (see 'Prescribed name' section below).

Restricting health claims on electrolyte drinks

Australian research has shown that health claims are influential marketing tools.<sup>5, 6</sup> We believe that the approach to reduce carbohydrate levels along with allowing only the three prescribed claims is a reasonable compromise and should be adopted. We strongly support restricting health claims to the three prescribed.

Restricting nutrition content claims on electrolyte drinks

OPC supports the proposal to only allow nutrition content claims on carbohydrates, sugars, energy and electrolytes to be present on electrolyte drinks. However, we believe that further examination of the sports drinks and formulated drinks categories should also be conducted to ensure that consumers are not confused by the different requirements on products that appear similar yet provide no nutritional benefit for the majority of consumers.

Prescribed name 'electrolyte drink'

The terms 'electrolyte drink' and 'sports drink' are used interchangeably, by the community, food industry and by bodies such as FSANZ itself and the Australian Bureau of Statistics. However, as stated in the consultation document, not all sports drinks meet the definition of electrolyte drinks. This is problematic as there are other types of drinks, such as sports waters (e.g. Powerade Active Water or G Active Electrolyte Water) or intensely sweetened sports drinks (e.g. Powerade Zero or Gatorade No Sugar) that are marketed as fluid and electrolyte replacement drinks but also contain other additives and carry other health claims. For example, both Powerade Active Water or G Active Electrolyte Water contain B vitamins and carry claims on B vitamins and energy. Some of these drinks are labelled as 'formulated beverages'. Under the proposed changes in P1030,

these products would not be subject to the requirements proposed and could therefore continue to carry these claims, so long as they comply with the requirements of Standard 1.2.7. This is potentially confusing for consumers as electrolyte drinks will have to carry reference statements on the minimum amount of time necessary to use them, and only be allowed to carry the three pre-approved health claims, yet other types of drinks do not have to carry these statements and can continue to make other claims.

We are concerned, also, that to subvert these requirements, companies will simply call their products sports drinks or formulated drinks and not electrolyte drinks. This will mean that providing they meet the other criteria for making health claims, they can carry other health claims. Given that the electrolyte drink and sports drink terms are used interchangeably, and that one implies the other, more consideration needs to be given to align definitions of these other types of drinks with the proposed approach in P1030. This is particularly pertinent as for most people, these drinks do not provide anything more than what can be achieved by eating a healthy balanced diet and plain water and are therefore unnecessary discretionary products that may contribute to excess kilojoule intake and weight gain.

#### *Recommendation*

Consumer testing be conducted to determine people's understanding of the terms 'electrolyte drinks', 'sports drinks' and 'formulated drinks', including the differences in composition and the way they are regulated. This should be taken into consideration before any proposed approach is finalised.

That definitions for all drinks being marketed for replacement of electrolytes, including electrolyte drinks, sports drinks and formulated drinks be considered as a category and subjected to the same regulations. We note the comment in the consultation paper that the "more general use of *electrolyte* falls outside the scope of this proposal, but it may be reviewed under P1010". Given the interchangeability of electrolyte drinks, sports drinks and formulated drinks we think this should be considered now and should not wait until the P1010 review.

#### Amending definitions in relation to carbohydrates and minerals

OPC believes that this will reduce confusion and therefore supports the proposed changes to amend definitions of carbohydrates and minerals in electrolyte drinks.

#### Osmolality

We do not have any comments on the proposed approach to osmolality.

#### Potential move to Standard 2.9.4 Supplementary Sports Foods

OPC supports the decision not to move electrolyte drinks to Standard 2.9.4 at this stage. We believe they are more commonly consumed by the general population, in large part because they are widely available and heavily promoted. Moving electrolyte drinks to the Sports Food standard would mean other provisions such as Health Star Ratings would not be permitted, yet consumers would gain value from Health Star Ratings on these products to compare them to other beverages including water.

We do, however, support the review of Standard 2.9.4 Sports Food and believe that both proposal P1010 and P1030 should be considered in parallel rather than separately.

## Other issues

We are aware of several zero or very low alcohol beers that have become available in the Australian market recently that are marketed as 'sports beers', for the replacement of electrolytes after sport (see, for example, Zero + Sports Beer <https://www.sportsbeer.com.au/about> and Upflow Brewing Co Hypotonic Ultra Pale Ale <https://www.upflowbrewing.com.au/collections/shop-our-range-of-non-alcoholic-beer/products/ultra-pale-lager-hypotonic-hydration-non-alcoholic-355ml>).

Aside from promoting re/hydration benefits, these non-alcoholic beers also carry a range of health claims (e.g. 'magnesium to prevent cramps') that would not be allowed under the proposed standard.

It is not clear where this new category of beverage would 'fit' within the Food Standards Code, nor whether they would be permitted to carry such claims under Proposal 1010. Therefore these products need to be considered within the context of this proposal, including whether they are actually classified as an electrolyte drink.

## *Recommendation*

Consider and clarify where non-alcoholic electrolyte beers fit within Chapter 2 of the Food Standards Code, and if necessary amend Proposal 1010 to encompass these products.

## References

1. World Cancer Research Fund, American Institute for Cancer Research. Diet, Nutrition, Physical Activity and Cancer: a Global Perspective. Continuous Update Project Expert Report 2018. London: World Cancer Research Fund; 2018.
2. Wilson LF, Antonsson A, Green AC, et al. How many cancer cases and deaths are potentially preventable? Estimates for Australia in 2013. International Journal of Cancer. 2018;142(4):691-701.
3. Australian Bureau of Statistics. National Health Survey: First Results, 2017-18 Canberra: Australian Bureau of Statistics; 2018 [updated 12/12/2018. Available from: <https://www.abs.gov.au/ausstats/abs@.nsf/PrimaryMainFeatures/4364.0.55.001?OpenDocument>.
4. Sports Dietitians Australia. Fact sheet: Sports drinks and performance Melbourne: Sports Dietitians Australia; 2021 [Available from: <https://www.sportsdietitians.com.au/factsheets/fuelling-recovery/sports-drinks/>].
5. Williams PG. Consumer understanding and use of health claims for foods. Nutrition Reviews. 2005;63(7):256-64.
6. Dixon H, Scully M, Wakefield M, et al. Parent's responses to nutrient claims and sports celebrity endorsements on energy-dense and nutrient-poor foods: an experimental study. Public Health Nutr. 2011;14(6):1071-9.