



Government of **Western Australia**
Department of **Health**

Our ref:

[REDACTED]

FSANZ Submissions
PO Box 5423
Kingston ACT 2604

Dear FSANZ Submissions

Submission: Proposal P1030 - Composition and Labelling of Electrolyte Drinks

Thank you for providing the Department of Health Western Australia (the Department) the opportunity to input into this consultation. Please find the Department's comments in response to Proposal P1030 – Composition and Labelling of Electrolyte Drinks Consultation paper and supporting document (P1030 Consultation paper).

Overall Summary:

The Department notes that Food Standards Australia New Zealand (FSANZ) is proposing to amend the original scope and approach of Proposal P1030. FSANZ original scope and approach from shifting electrolytes from being regulated under Standard 2.6.2 of the Australia New Zealand Food Standards Code (the Code) to be regulated under 2.9.4 of the Code – Sports Foods; and assessing the permissions for health claims on electrolyte drinks. FSANZ is now proposing that the scope be the composition and mandatory labelling requirements for electrolyte drinks and nutrition content and health claims made about electrolyte drinks on labels and in advertising.

The Department supports efforts to reduce the consumption of electrolyte drinks by those consumers for which these products were never intended, particularly children. Consumption of the electrolyte drinks contribute to excess salt and sugar intakes and are often sipped at over a long period of time which impact dental health due to the high acid content that can cause dental erosion.

The Department recently released the state government's Healthy Options WA policy (June 2021). This policy was designed to support healthy choices and has banned the sale of sugar-sweetened drinks at cafes, kiosks and food vending machines in WA public hospitals. This policy includes a ban on sports drinks and flavoured mineral waters. Intensely sweetened drinks are still allowed to be sold but cannot be promoted because of their acidity and they are also not recommended for consumption by children.

The Departments comments in response to FSANZ's proposed approach are provided in Table 1.

Table 1. The Department's comments in response to FSANZ proposed approach in P1030 Consultation paper

FSANZ proposed approach	The Department's response to FSANZ's proposed approach
<p>Reduce the minimum requirement for carbohydrate in electrolyte drinks from 50 g/L to 20 g/L.</p> <p>FSANZ's risk assessment found electrolyte drinks with lower carbohydrate (less than 5%) content have a similar effect on rehydration and exercise performance as those currently permitted in the Code.</p> <p>The review of the evidence suggests there is no clear difference with higher levels in terms of benefit on rehydration or enhancing exercise performance when consumed during or on completion of sustained exercise (at least 60 minutes or 2% body weight loss).</p> <p>This proposed change would support the public health objective of reducing the amount of sugar in sweetened beverages.</p>	<p>Supports.</p> <p>Noting that the research used to support lower carbohydrates using the lowest level concentration of 2%, the Department does not support moving to a lower minimum level than 20 g/L.</p>
<p>Reduce the maximum fructose permitted in electrolyte drinks from 50 g/L to 20 g/L, consistent with the reduced minimum carbohydrate.</p>	<p>The Department seeks some clarification on the hydration via fructose transport compared to the sodium/glucose mechanisms in the gut i.e is 100% fructose fit for the purpose of hydration. This along with the review of other compositional issues may need further consideration.</p> <ul style="list-style-type: none"> • Consider whether the current range of sodium levels, and the level of other electrolytes, match the intended purpose of hydration. • Consider whether the current draft prohibits any nutritive substance other substance or ingredient being added to electrolyte drinks.
<p>Prohibit health claims on electrolyte drinks, including self-substantiated health claims, other than for three specific claims. The three exceptions would be health claims for: hydration during strenuous physical activity;</p>	<p>Supports, in principle. However, the health claim hydration to maintain performance is not specific enough given that the Ministerial Policy Guideline on Nutrition, Health and Related Claims which states 'claims must communicate a specific rather broad benefit (e.g. improves</p>

<p>rehydration after strenuous physical activity; and hydration to maintain performance. Each claim would be required to refer to effects occurring under conditions of strenuous physical activity for a minimum time period of 60 minutes. These three health claims would be permitted on electrolyte drinks with an average osmolality of 200-340 mOsm/kg.</p>	<p>recovery from exercises rather than improves sports performance). This creates inconsistency and may require FSANZ consideration.</p> <p>Supports that each claim would be required to refer to effects occurring under conditions of strenuous physical activity for a minimum time period of 60 minutes.</p> <p>Supports FSANZ intention to provide clarity for both target and non-target consumers to more clearly identify both the intended purpose and the intended end user of these products.</p>
<p>Restrict nutrition content claims in relation to electrolyte drinks to those about: carbohydrate; sugar or sugars; energy; and/or any one of five substances classified as electrolytes for the purposes of nutrition content claims and nutrition labelling under Standard 2.6.2. These substances would be calcium, sodium, magnesium, potassium and chloride. Declaration of any of these substances as % Recommended Dietary Intake (%RDI) on electrolyte drinks would also be prohibited as such a declaration is not relevant to electrolyte function in these products.</p>	<p>Supports.</p>
<p>The Code would prescribe the name 'electrolyte drink' to enable identification of electrolyte drinks among similar products not regulated as electrolyte drinks.</p>	<p>Supports.</p>
<p>Amend the definition of 'electrolyte drink' to align with compositional amendments by removing the definition's reference to 'carbohydrates' and 'minerals', and removing the need for electrolyte drinks to be 'represented as'. The definition proposed by FSANZ: "Electrolyte drink means a drink formulated for the rapid replacement of fluid and electrolytes during or after 60</p>	<p>Supports removing the definition's reference to 'carbohydrates' and 'minerals'.</p> <p>Supports amending the definition for the removal of 'represented as' from the definition proposed by FSANZ, on the proviso that 'formulated for', or 'is suitable for' are inserted in the definition in its stead.</p>

minutes or more of strenuous physical activity.”	<p>This will assist in differentiating the electrolyte drinks from similar products on the market for both consumers and jurisdictions.</p> <p>Supports FSANZ intention to provide clarity for both target and non-target consumers to more clearly identify both the intended purpose and the intended end user of these products.</p>
The units of osmolality would be amended to ‘per kilogram’ for compositional requirements. However, current labelling declaration unit requirements using ‘per litre’ would be retained.	Supports
<p>Standard 2.6.2 would continue to regulate electrolyte drinks.</p> <p>Moving the provisions that regulate electrolyte drinks from Standard 2.6.2 to 2.9.4 of the Code can, if required, be considered in Proposal P1010 – <i>Review of Formulated Supplementary Sports Foods</i>.</p>	<p>Supports moving the regulation of electrolyte drinks to Standard 2.9.4 of the Code– Formulated Supplementary Sports Foods.</p> <p>-As per FSANZ previous proposal, “these are special purpose products and fit better in Part 2.9 of the Code. Inclusion in Standard 2.9.4 of the Code also communicates the regulatory intent that these products have a special purpose (formulated for specific sports purpose) and are not intended to be marketed for general use.”</p> <p>-The regulatory approach FSANZ is proposing better fits with the approach taken for similar special purpose type food regulation. Conversely, the regulatory approach FSANZ is proposing does not fit with the approach taken for the other beverages in Standard 2.6.2 of the Code.</p> <p>-The Health Star Rating for beverages excludes sodium from the calculation, and as such, does not provide a good comparison against sugar sweetened beverages.</p> <p>Supports FSANZ intention to “provide clarity for both target and non-target consumers to more clearly identify both the intended purpose and the intended end user of these products’.</p>

Should you wish to discuss the above matter, please do not hesitate to contact me on [REDACTED]

Yours faithfully

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09 July 2021