

**To: The Project Manager – Proposal P236
Australia New Zealand Food Authority**

**ENTERED IN
ACKNOWLEDGED BASE**

12 October 2001

Submission on the Development of Joint Food Regulations for Sports Foods

Introduction

Consumers have the ability to gain the information they want about nutrition and how it relates to and influences physical, physiological and mental performance at the click of mouse. Most sports people know that if they ignore the influence of nutrition on their performance, they will cease to find themselves competitive. There is a global market for sports nutritional products, and the technology available means what is not permitted in one country can easily be purchased and delivered from another.

What has occurred is that the pace of research, innovation and international consumer demand has moved sports nutrition well beyond the presently prescriptive bounds of R10 and 2.9.4. Horleys respects and desires compliance to the governing standards, but to completely comply with the relevant provisions under R10, 2.9.4, ZNFR and NZDSR means we are unable to supply a product that meets consumer requirements, in both the local and global market place.

Innovation

Sports nutrition products are a unique category. The very nature of the demands of sport on the human body means that nutritional products are required to be formulated, packaged, delivered and prepared in ways which may be unlike 'normal' foods.

A joint Australia/NZ regulation governing the composition and format of nutritional products for sport must have the ability to enable Australian and NZ manufacturers to innovate to meet market demands. Ensuring the wellbeing of the target audience and the wider sector of the population who may wish to use such products is as important to manufacturers as it is to other stakeholders.

Options for Regulation

Horleys are unable to directly select an option for regulation from the four options presented, due to the disadvantages for industry and consumers inherent in each. However, we do support:

- A new Sports Nutritional Products standard, with an expanded scope for product composition and formats, and reduced prescriptiveness than the current R10 or 2.9.4
- An industry code of practice for manufacturers, importers and distributors and a high level of self-policing from within industry
- The maintenance of the NZDSR and TTMRA until such time as appropriate joint standards covering the full scope of sports nutritional products are completed

ANZFA's purpose statement in 2.9.4 is appropriate but possibly too restrictive in that it does not cover the wide range of already currently available product formats and intended product uses.

An appropriate definition of a sports 'food' might be:

A specifically formulated product in a powder, liquid or solid form that is intended to deliver nutritional and physiological benefit for persons engaged in sport, exercise or physical activity. The product is intended to supplement the diet and must be specifically labelled as to the purpose.

The 'primary' purpose of a sports 'food' should be the provision of a suitable macronutrient and/or micronutrient profile for an intended physical activity.

Labelling is a key issue, and to this extent, sports nutritionals must be subject to full nutritional declarations, including full details of all ingredients and the amounts present, together with recommended use, advisory statements and warnings where appropriate. Such statements will serve to inform identified risk groups (such as children) that these product are not suitable for them.

Nutritional Purpose

There is a need to extend the permissions for added substances to extend beyond 'nutritional purpose', as there are physiological benefits from primarily non-nutritive components, including involvement in biochemical pathways, cellular energy production, immune system support, intestinal health, enhanced cognitive function, antioxidant and ergogenic effects.

Many of these effects are desirable from a natural performance enhancement perspective, and many of these substances have their origin in foods of animal or plant origin that have been part of the human diet for a very long time.

To justify the inclusion of any such substance, there should be criteria of some/all of the following: research that demonstrates physiological/biochemical function, safety (risk assessment), efficacy, analytical detection capability, GRAS status and acceptance in other countries for intended purpose.

All such substances must be declared and the amounts of each stated on product labels.

Summary

Sports people do have nutritional, training and lifestyle requirements which make supplementation with specifically formulated sports nutrition products essential, from a performance and a convenience point of view.

Given the large number of products currently available, the risk/benefit equation for the consumer making the purchase decision would indicate that such products are meeting their requirements and are not detrimental to their well-being or their performance. This should be taken into account when deciding on the formal definitions and permissions for sports nutritionals.

Horleys desire the outcome of this review to result in a standard that is less prescriptive, in order to permit product innovation and competitiveness with product available on the international market. We also endorse a co-regulatory approach that allows industry to create a code of practice designed to protect the wellbeing of our consumers. Horleys offer their support of the regulatory review process and commit to providing assistance to ANZFA as appropriate.


Product Manager
Horleys
16 Ben Lomond Cres, Pakuranga
Auckland, New Zealand