

Submission from Cancer Council

9 July 2021

Cancer Council is the nation's peak non-government cancer control organisation. Cancer Council welcomes the opportunity to provide a submission on Food Standards Australia New Zealand on Proposal P1030 - Composition and Labelling of Electrolyte Drinks

[Redacted]

Introduction

Cancer Council is Australia's leading cancer charity, working across every aspect of every cancer. Every day, we support people affected by cancer when they need it most; speak out on behalf of the community on cancer issues and advise the Australian Government and other bodies on evidence-based practices and policies; empower people to reduce their cancer risk; and find new ways to better prevent, detect and treat cancer.

Cancer Council is concerned about the way in which false, misleading, deceptive, or simply misunderstood marketing practices can contribute to unhealthy food choices, the development of obesity and therefore the subsequent risk of some cancers. It has been established that being above a healthy body weight is associated with 13 different types of cancer, including several of the most common cancers in Australia, including bowel, breast (after menopause), kidney, pancreas, oesophagus endometrium and liver cancers.¹ Approximately 5000 cancer cases diagnosed in Australia in 2013 were attributed to being in the overweight or obese Body Mass Index (BMI) category.² Latest statistics show that 67% of Australian adults were in the overweight or obese BMI category.³

Sugar sweetened beverages are a discretionary food that contribute to weight gain. Cancer Council is concerned that when consumed by individuals who have not been sufficiently active to require electrolyte replacement, the broader category of electrolyte drinks, sports drinks and formulated drinks contribute to excess kilojoule intake and associated weight gain.

Cancer Council 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.

In summary, Cancer Council supports the following proposed by FSANZ:

- The reduction in carbohydrate levels permitted in electrolyte drinks.
- Restricting health claims to the three prescribed on hydration during strenuous physical activity, rehydration after strenuous physical activity and hydration to improve performance.
- Only allowing nutrition content claims about carbohydrates, sugars, energy and electrolytes to be present on electrolyte drinks.

- Amending definitions on carbohydrates and minerals in electrolyte drinks
- Not moving electrolyte drinks to Standard 2.9.4.
- The proposed 12-month transitional period, starting on the date of gazettal.

We recommend **that the proposed approach be accepted**, with consideration given to the following recommendations:

1. The **definition of ‘sustained strenuous physical activity’ should be extended to 90 minutes**, as per the Sports Dietitians Association recommendations, and **refer to activities regarded as ‘vigorous’** from the Australian physical activity guidelines.
2. **Consumer testing** should 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.
3. **Definitions for all drinks being marketed for replacement of electrolytes, including electrolyte drinks, sports drinks and formulated drinks should be considered as a category** and subjected to the same regulations.
4. The general **use of the term ‘electrolyte’ should be reviewed as part of this consultation** process.
5. Clarification of where **non-alcoholic electrolyte beers** fit within Chapter 2 of the Food Standards Code is needed, and if necessary, Proposal 1010 should be amended to encompass these products.

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.⁴ Given that only 15% of Australian adults met the Australian physical activity guidelines,³ 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 defined as vigorous (from the Australian physical activity guidelines⁵) and have a defined minimum length, 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 of 60 minutes, but without it being sustained and vigorous for this whole time. We believe that increasing the time on the label to 90 minutes as per the Sports Dietitians Australia recommendations for electrolyte drink use would highlight further that these products are unnecessary for most people.

Recommendation:

The definition of ‘sustained strenuous physical activity’ be extended to 90 minutes, as per the Sports Dietitians Association recommendations, and refer to activities regarded as ‘vigorous’ from the Australian physical activity guidelines.

Nutrient composition of electrolyte drinks

Cancer Council supports the reduction in carbohydrate levels as we believe that it will likely decrease the sugar content of electrolyte drinks and therefore sugar consumption by consumers who consume these unnecessarily. 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.^{6,7} In our previous submission, Cancer Council was concerned that allowing health claims on products with a high sugar content would encourage consumption by people who do not need them. 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

Cancer Council supports the proposal to only allow nutrition content claims about 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 most consumers and may in fact contribute to excess kilojoule intake. Further, Cancer Council calls for the extension of the Nutrient Profiling Scoring Criteria to all products carrying nutrition content claims, so that consumers are not misled by nutrition content claims on energy dense, nutrient poor foods and drinks.

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 definitions 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 about 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 make 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 also concerned that to subvert these requirements, companies will simply call their products sports drinks or formulated drinks and not electrolyte drinks. This will mean that provided they meet the other criteria for making health claims, they can carry more health claims than the three health claims that electrolyte drinks are permitted to carry. 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 further than what can be achieved by eating a healthy balanced diet and drinking plain water, and are therefore unnecessary discretionary products that may contribute to excess kilojoule intake and weight gain.

We note that the general use of 'electrolyte' may be reviewed under Proposal 1010, however we believe that the review of this term is essential to the current Proposal 1030, and therefore should be reviewed during this consultation process.

Recommendations:

Consumer testing should 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.

The definitions for all drinks being marketed for replacement of electrolytes, including electrolyte drinks, sports drinks and formulated drinks should be considered as a category and subjected to the same regulations.

The general use of the term 'electrolyte' should be reviewed as part of this consultation process.

Amending definitions in relation to carbohydrates and minerals

Cancer Council believes that this will reduce confusion and therefore support the proposed changes to amend definitions on 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

Cancer Council supports the decision not to transfer 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 Supplementary Sports Food standard (Standard 2.9.4) would mean other provisions such as Health Star Ratings would not be permitted, yet consumers would value from Health Star Rating on these products to compare them with other beverages including water.

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

Transitional arrangements

Cancer Council strongly supports a 12-month transitional period, starting on the date of gazettal and should not be extended longer. Allowing both the old and new approaches to apply simultaneously may result in confusion for consumers, therefore limiting this to 12 months is sufficient.

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 contain 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 classed as an electrolyte drink.

Recommendation:

Clarification of where non-alcoholic electrolyte beers fit within Chapter 2 of the Food Standards Code is needed, and if necessary Proposal 1010 should be amended to encompass these products.

References

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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/>.
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7. 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.