

## Standard 2.9.4 Formulated supplementary sports foods

**Note 1** This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

**Note 2** The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

### Division 1 Preliminary

#### 2.9.4—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 2.9.4 – Formulated supplementary sports foods*.

**Note** Commencement:

This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

### Division 2 Formulated supplementary sports foods generally

#### 2.9.4—2 Definitions

**Note** In this Code (see sections 1.1.2—2 and 1.1.2—3):

**formulated supplementary sports food** means a product that is specifically formulated to assist sports people in achieving specific nutritional or performance goals.

**one-day quantity**, in relation to a formulated supplementary sports food, means the amount of that food which is to be consumed in one day in accordance with directions specified in the label.

**Note 2** **Average energy content** is calculated using the equation in section S11—2.

#### 2.9.4—3 Composition of formulated supplementary sports foods

- (1) Formulated supplementary sports food may contain:
  - (a) a vitamin or mineral if:
    - (i) the vitamin or mineral is listed in the table to section S29—16; and
    - (ii) it is added in a permitted form specified in:
      - (A) section S17—2 or S17—3; or
      - (B) section S29—17; and
    - (iii) the amount of the vitamin or mineral in the food is no more than the amount, if any, specified in Column 2 of the table in section S29—16; and
  - (b) an amino acid that is \*used as a nutritive substance, if:
    - (i) the amino acid is listed in the table to section S29—18; and
    - (ii) the amount of the amino acid added is no more than the amount specified in Column 2 of the table; and
  - (c) any other substance that is \*used as a nutritive substance, if:
    - (i) the substance is listed in the table to section S29—19; and
    - (ii) the amount of the substance added is no more than the amount specified in relation to that substance in Column 2 of the table.
- (2) Formulated supplementary sports food must not contain, in a \*one-day quantity, more than:
  - (a) 70 mmol sodium; or
  - (b) 95 mmol potassium.

#### 2.9.4—4 Labelling information

- (1) For the labelling provisions:

- (a) the required statements are:
  - (i) a statement to the effect that the food is not a sole source of nutrition and should be consumed in conjunction with a nutritious diet; and
  - (ii) a statement to the effect that the food should be used in conjunction with an appropriate physical training or exercise program; and
  - (iii) the \*warning statement 'Not suitable for children under 15 years of age or pregnant women: Should only be used under medical or dietetic supervision'; and
  - (iv) if the food contains added phenylalanine—the warning statement 'Phenylketonurics: Contains phenylalanine'; and
- (b) the required information is:
  - (i) directions stating the recommended amount and frequency of intake of the food; and
  - (ii) a statement of the recommended consumption in one day; and
  - (iii) a nutrition information panel.

**Note** The labelling provisions are set out in Standard 1.2.1.

- (2) 'Formulated supplementary sports food' is a \*prescribed name.

### **2.9.4—5 Nutritive substance claims**

- (1) This section applies in relation to a package of formulated supplementary sports food if:
  - (a) the label on the package includes a statement referring to the presence of a substance that is \*used as a nutritive substance in the food; and
  - (b) the substance is not a vitamin or a mineral; and
  - (c) the statement is not required by another provision of this Code.
- (2) The label must either:
  - (a) state the amount by weight (expressed as /100 g food or as a percentage) of the substance, either:
    - (i) immediately after the statement referring to the presence of the substance; or
    - (ii) immediately following the name of the substance in the statement of ingredients; or
  - (b) list, in the nutrition information panel, the substance and the \*average quantity by weight of the substance in:
    - (i) a serving of the food; and
    - (ii) a \*unit quantity of the food.

### **2.9.4—6 Vitamin and mineral claims**

- (1) The label on a package of formulated supplementary sports food must not claim the presence of a vitamin or mineral unless:
  - (a) the reference is required elsewhere in this Code; or
  - (b) the reference is specifically permitted by this section.
- (2) The label on a package of formulated supplementary sports food may claim the presence of a vitamin or mineral in the food only if:
  - (a) a serving of the food, or, for a food that requires dilution or reconstitution according to directions, the amount of the food that produces a normal serving, contains at least 10% \*RDI or \*ESADDI for that vitamin or mineral specified in Column 3 of the table to section S1—2 or S1—3, as appropriate; or
  - (b) the amount claimed is no more than the amount specified in Column 3 of the table to section S29—16 for that vitamin or mineral.

## 2.9.4—7 Prohibited representations

Unless specific permission is given in Division 3, the label on a package of formulated supplementary sports food must not include an express or implied representation that relates any property or proposed use of the food to enhanced athletic performance or beneficial physiological effects.

## Division 3 Particular formulated supplementary sports foods

### 2.9.4—8 High carbohydrate supplement

- (1) For the labelling provisions, for a package of high carbohydrate supplement, the following statements are required:
  - (a) a statement to the effect that, if used during exercise, the food should be consumed in accordance with directions, to avoid the possibility of gastrointestinal upset; and
  - (b) a statement to the effect that the food must be consumed with an appropriate fluid intake.

**Note** The labelling provisions are set out in Standard 1.2.1.
- (2) The label on a package of a high carbohydrate supplement may include statements to the effect that:
  - (a) the food is useful before, during, or after sustained strenuous exercise; and
  - (b) appropriate usage may assist in the provision of energy in the form of carbohydrates.
- (3) In this section:

**high carbohydrate supplement** means a formulated supplementary sports food for which:

  - (a) not less than 90% of the \*average energy content of the product is derived from carbohydrate; and
  - (b) more than 15% of the product by weight is \*carbohydrate when prepared as directed.

### 2.9.4—9 Protein energy supplement

- (1) For the labelling provisions, for a package of protein energy supplement, a statement to the effect that the food must be consumed with an appropriate fluid intake is required.

**Note** The labelling provisions are set out in Standard 1.2.1.
- (2) The label on a package of protein energy supplement may include statements to the effect that:
  - (a) the product may assist in providing a low-bulk diet as may be required during training; and
  - (b) the product may assist in supplementing the diet with a high energy source as may be required during training; and
  - (c) usage as directed may assist in the development of muscle bulk; and
  - (d) the product is useful before, during, or after sustained strenuous exercise.
- (3) In this section:

**protein energy supplement** means a formulated supplementary sports food for which:

  - (a) not more than 30% and not less than 15% of the \*average energy content of the product is derived from protein; and
  - (b) not more than 25% of the average energy content of the product is derived from fat; and

- (c) not more than 70% of the average energy content of the product is derived from carbohydrate.

## 2.9.4—10 Energy supplement

- (1) For the labelling provisions, for a package of energy supplement, the following statements are required:
  - (a) a statement to the effect that, if used during exercise, the food should be consumed in accordance with directions, to avoid the possibility of gastrointestinal upset; and
  - (b) a statement to the effect that the food must be consumed with an appropriate fluid intake; and
  - (c) if more than 30% of the \*average energy content of the food is derived from fat—a statement to the effect that the product is a high fat food and should be used for special fat loading strategies rather than everyday use.
- Note** The labelling provisions are set out in Standard 1.2.1.
- (2) The label on a package of energy supplement may include statements to the effect that:
  - (a) the product may assist in supplementing the diet with an energy source as may be required during training; and
  - (b) the product is useful before, during or after sustained strenuous exercise.
- (3) In this section:

**energy supplement** means a formulated supplementary sports food for which not more than 20% of the \*average energy content of the food is derived from protein.

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## Amendment History

The Amendment History provides information about each amendment to the Standard. The information includes commencement or cessation information for relevant amendments.

These amendments are made under section 92 of the *Food Standards Australia New Zealand Act 1991* unless otherwise indicated. Amendments do not have a specific date for cessation unless indicated as such.

About this compilation

This is a compilation of Standard 2.9.4 as in force on **1 March 2016** (up to Amendment No. 161). It includes any commenced amendment affecting the compilation to that date.

Prepared by Food Standards Australia New Zealand on **1 March 2016**.  
Uncommenced amendments or provisions ceasing to have effect

To assist stakeholders, the effect of any uncommenced amendments or provisions which will cease to have effect, may be reflected in the Standard as shaded boxed text with the relevant commencement or cessation date. These amendments will be reflected in a compilation registered on the Federal Register of Legislative Instruments including or omitting those amendments and provided in the Amendment History once the date is passed.

The following abbreviations may be used in the table below:

ad = added or inserted  
exp = expired or ceased to have effect  
rs = repealed and substituted  
am = amended  
rep = repealed

**Standard 2.9.4** was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00421 — 31 March 2015) and has since been amended as follows:

Section affected	A'ment No.	FRLI registration Gazette	Commencement (Cessation)	How affected	Description of amendment
2.9.4—5(2)	157	F2015L01374 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	am	Correction of typographical error in paragraph (a).
2.9.4—6(2)	157	F2015L01374 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	am	Correction of typographical error in paragraph (a).
2.9.4—6(2)	161	F2016L00120 18 Feb 2016 FSC103 22 Feb 2016	1 March 2016	am	Correction of typographical error in paragraph (a).