

Letter to the TGA re sports foods

To (REDACTED),

My name is (REDACTED) and I am the spokesperson for Save Aussie Supplements (<https://www.saveaussiesupplements.com.au/>)

Thank you for speaking to me on the phone yesterday (Wednesday, November 20, 2019) regarding the proposed changes to bring sports foods under the TGA. At the outset, let me state clearly that as a nutritionist, we all want a safe and prosperous sports food industry to improve the health of all Australians, while securing industry related jobs for Australian workers.

Significant concerns have been raised to me across the industry regarding the proposed changes to the legislation surrounding sports foods in Australia.

From the outset and due to privacy issues stated by Food Standards Australia and New Zealand (FSANZ), only 10 E-mails were sent from FSANZ informing the entire industry of these wholesale changes, meaning the "industry wide consultation" only reached 10 businesses. This leaves most of the industry in the dark over these proposed changes.

It is why, on behalf of the more than 10,000 Australian consumers and industry representatives who have supported Save Aussie Supplements in the past four days since the campaign's launch that we are urging the TGA to extend the consultation period beyond December 3, 2019 to allow for more extensive industry consultation.

Of particular concern is the proposed legislation and how it would particularly negatively impact food manufacturing jobs Australia wide, affect 70,000 products, impact a 1.1-Billion-dollar industry, and endanger numerous sports supplement stores. This would also negatively impact on millions of consumers using sports supplements safely daily Australia wide.

The TGA identified in a recent study¹ where 6 contaminated products were identified in sports foods supplements. Interestingly, this study also found that all of the contaminated products were manufactured overseas and none of the Australian products tested were found to contain any contaminants. Yet, this level of regulation would decimate the safe Australian manufacturing sports food industry. This would force consumers to source overseas products online for personal use, which actually increases the risk to Australian consumers as the labels may be falsified again to import restricted goods.

The industry has raised significant concerns regarding the discussion paper and DRAFT Therapeutic Goods (Declared Goods) Order 2020 ("The Act"). For example, if we take the popular supplement of whey protein, at first look, the discussion paper states it is unlikely whey would be affected and it would remain as a food. However, one serve of whey protein contains amino acids which exceed the level allowed under S29-18 (FSANZ Standard), which would technically make it a therapeutic good (page 4). Even milk naturally contains WADA (World Anti-Doping Agency) banned chemicals such as hormones from animal products. The WADA list also changes annually.

Also, the legislation states that if the food is used for building muscle (page 4 of The Act), it would also fall under the TGA making whey a Therapeutic Good needing to be listed with the TGA. The problem is that you can't list whey protein as it is not on the TGA's permitted listable goods (it is only listed as an excipient). On top of this, FSANZ are currently reviewing this standard (Section 2.9.4) so it makes no sense to release legislation, dependent on other legislation which may change. Also, TGA manufacturing plants are not set up to manufacture foods such as whey protein and other powder blends, further delaying the return of these products to consumers.

Along with whey, there are numerous other examples of similar problems across a wide range of products, such as pre-work out drinks, post-workout drinks (like sports drinks) and foods that help you lose weight.

In light of these significant issues surrounding the TGA consultation process, we again ask that the consultation period be extended so that we can work together to get this legislation right to benefit both the industry and Australian consumers.

Kindest Regards,



(REDACTED)

Spokesperson

Save Aussie Supplements

e. (REDACTED) w. saveaussiesupplements.com.au



Reference

¹ Cooper, ER et al. (2018) [Androgen Bioassay for the Detection of Non-labelled Androgenic Compounds in Nutritional Supplements](#). *International Journal of Sport Nutrition and Exercise Metabolism*, 28(1):10-18.