

SNE QUESTIONS & ANSWERS

Foods intended to sports people

THE SPECIFICITIES OF SPORTS FOODS

1. What are sports foods?

Sports foods are products specifically formulated for and marketed to sportspeople.

They ensure an appropriate supply of fluids, nutrients and/or substances which help the body prepare for, maintain and recover from high intense physical performance.

Very intense physical performance is a peculiar condition of use which makes the reference population vulnerable to nutritional deficiencies or even injuries or prone to imbalances.

2. What is the difference between sports foods and energy drinks?

Sports foods differ dramatically in their composition and usage from energy drinks, which are soft-drinks, intended to boost mental energy by the use of stimulants.

Energy drinks are not suitable for maintaining or restoring hydration and sodium status, which are key needs of sports people.

3. Who are the consumers of food intended for sports people? Are these foods intended for professional sport people only?

Sports foods can be used by any active individuals performing endurance exercise whether they are professionals, ambitious amateur athletes or sports enthusiasts. Sports foods are used by individuals undertaking all types of exercise including endurance, bodybuilding, and team sports.

Sports and physical activity represent a way of life for millions of Europeans, both on a professional or an amateur level. About 20 million EU citizens have entered a marathon or a triathlon, and there are 62 million footballers registered in Europe.

4. Is there a risk that non-athletes may be confused and consume these products? What about adolescents?

The specificities of sports foods are clearly indicated on the product labels, and consumers are provided with adequate and clear information about the intended use of these products.

They are also usually sold in a separate section of the store so that consumers are able to clearly distinguish sports foods from foods for general consumption.

5. Why specific foods for sportspeople?

Sports and other physical activities may push the body to extreme conditions, and sportsmen and athletes have very specific nutritional needs.

Proper nutrition is critical to prepare for, maintain and recover from high-level sporting performance.

During intense muscular exercise; the body needs more nutrients than during periods of non-intense activity. Sportspeople require intense hydration to replace sweat loss during exercise, as well as higher energy intake and higher sodium intake to compensate for losses and prevent the risk of dehydration.

Additionally they need higher protein amount for muscle performance and might need some specific substances.

6. What are the different types of sports foods?

Sports foods can be presented in many different formats including drinks, powders, bars, gels, and tablets. Generally speaking, sports foods can be divided into different subcategories including:

- ✓ **Carbohydrate-rich energy food products:** products high in glycemic carbohydrates essential before, during and after exercise for providing energy;
- ✓ **Carbohydrate-electrolyte solutions:** drinks providing electrolytes and carbohydrates as the major energy source which are effective in maintaining or restoring hydration status;
- ✓ **Protein and protein components:** high protein and essential amino acids products that help muscle maintenance/gain by ensuring a good synthesis of proteins; and
- ✓ **Supplements containing substances such as caffeine, amino acids or creatine:** products which help to improve exercise performance capacity and/or enhance training adaptations by allowing an individual in certain circumstances to tolerate heavier training to a greater degree by helping recover faster or helping to stay injury-free and/or healthy during intense training.

7. What is the difference between sports foods and doping, and how can consumers be sure that sports foods do not contain doping substances?

SNE members manufacture sports foods that never contain doping substances.

SNE members support the development and promotion of specific standards of quality for sports foods, which will encourage Member States to contribute to the international fight against doping and increase consumer protection.

8. What are the EU rules on doping? Are they national initiatives in the anti-doping area?

Currently there is no harmonised system for testing for doping substances in Europe.

There are many different initiatives present at national level which claim to provide unique solutions for anti-doping testing, including LGC in the UK or Kölner Liste in Germany.

However, the reality is that the lack of EU rules and the fragmented approach at Member State level make it very challenging to tackle this global issue and creates trade barriers within the single market.

9. What type of information is provided on sports foods labels to help consumers to understand how to use them?

A range of specific information is provided to consumers to explain the correct use of sports foods, including:

- ✓ *Condition of use whether before, during, or after exercise; and*
- ✓ *A recommendation of daily intake or intake during training, which helps to avoid overdose and provide the right amount of nutrients before, during or after exercise.*

10. What is the added value of sports foods in comparison with foods for normal consumption?

- ✓ **Additional nutrients:** *Sports foods contain a variety of beneficial mineral salts, vitamins and nutrients that are particularly beneficial to athletes before, during and after exercise;*
- ✓ **Convenience/ easy transport:** *The convenient form of sports foods makes it easier for athletes to consume high quality nutrients in the right amounts and at the right times. Moreover, sports foods are easy to transport and do not bruise or deteriorate in quality when carried in sports bags. They are also preserved for longer periods of time, in comparison with fruits or other perishable items;*
- ✓ **Information/ education:** *Sports foods provide a range of specific information to the consumers to explain their intended use, the conditions of use, and recommending the daily intake or intake during training;*
- ✓ **Good Manufacturing Practices for anti-doping substances; and**
- ✓ **Profiling of products or adaptation of the products to the very specific needs.**

THE SITUATION IN THE EU

11. What is the current status of this category at EU level?

The current legal requirements that apply to sports foods will disappear by mid July 2016, with the repeal of the PARNUTS framework Directive (2009/39/EC) as indicated in the Regulation (EU) 609/2013 on "Food for Specific Groups".

According to the Article 13 of Regulation (EU) 609/2013, the European Commission shall present a report on whether or not specific measures for this food category are necessary by 20 July 2015.

12. Why do sports foods need a clear definition?

A definition of sports foods is currently missing in the European legislation. However, it is essential that a specific definition for sports foods is established at European level in order to distinguish these products- which have been scientifically designed to meet the specific nutritional needs of sports people- from general food products.

SNE suggests the following definition:

"Sports foods are specifically designed and formulated to meet the expenditure of intense muscular effort and can improve exercise performance capacity and/or enhance training adaptations. This definition includes scientifically designed sports foods that may help prepare an individual for exercise, improve the

efficiency of exercise, and/or enhance recovery from exercise. Sports foods may also allow an individual in certain circumstances to tolerate heavier training to a greater degree by helping them recover faster or helping them to stay injury-free and/or healthy during intense training.”

13. Why is SNE asking to delay the repeal of the PARNUTs Directive where it relates to Sports foods?

SNE calls upon the Commission to delay the repeal of the current PARNUTs Directive where it relates to sports foods to allow enough time for the European Commission to finalise its report on sports foods, and consider appropriate legal solutions.

At the moment, the timing foreseen (one year) between the Commission’s report and the repeal of the current rules does not allow for enough time to adopt new legislative measures for sports foods. There is therefore a risk that the rules will be repealed before any new provisions have been adopted, which would lead sport foods products to become outlaw as the current mandatory requirements sports food have to comply with, will become illegal in view of the Food Information to Consumers Regulation (1169/2011) and the Nutrition and Health claims Regulation (1924/2006).

14. How would the market of foods intended for sportspeople evolve after 2016 if no specific measures were to be proposed by the Commission?

If the sports foods category falls under general EU food law, manufacturers will not be allowed to provide essential information about their products including composition or condition of use.

Certain minerals and vitamins will not be allowed to be added to sport foods if they do not achieve the “significant amount” according to article 6.6 of Regulation 1925/2006, which is not logical. This is for example the case of potassium in electrolyte-carbohydrate solutions since potassium losses through transpiration are very low (<30 mg/100 ml) in comparison with the 7.5% of reference value for potassium (150 mg/100 ml).

There would also a range of problems with the use of nutrition and health claims on these products:

- ✓ *Many statements and claims which are today considered mandatory under Directive 2009/39/CE will be banned. These statements are designed to explain to consumers that sports foods are specifically adapted to sportspeople (e.g. energy claims, ...);*
- ✓ *Certain claims which are currently only used on sports foods products will be extended to use on common foods, due to the absence of specific conditions of use, regardless of the fact that the claim is relevant only for sportspeople. This could easily mislead consumers;*
- ✓ *Other claims which are essential for sports food, such as Sodium content will simply be prohibited, and the presence of certain substances (i.e. glucose) would not be communicated clearly to consumers despite having been which are proven to be essential for the selected population of sportspeople.*

Furthermore, national rules will be maintained and in some markets may be newly created due to the absence of EU rules. Such a scenario would present an obstacle for the internal market of sports foods. In Spain, the notification is simple and fees are small: 50-200 € per product in the Spanish Autonomic Communities (when operating company is located in Spain). However, the fees amount 900 € in the Spanish Central Agency AECOSAN (when operating company is not located in Spain) and 250 € in Portugal.

Finally the absence of a specific category would limit the possibility to establish specific health claims or an EU framework for the prevention of doping substances which is so needed.

NATIONAL RULES

15. What national rules are in place for food intended for sportspeople?

National rules are very diverse and there is no harmonization at EU level.

There are currently national rules or guidelines in place in Italy, France, and Denmark.

In Italy, Spain, Portugal, Poland, pre-launch notification is mandatory, in Denmark and Belgium, notification can be mandatory in some cases according to the composition of the product.

16. What legislation is applicable in the main trading partner countries of the EU (e.g. Switzerland and Norway)

In Switzerland, sports foods products fall under the law of special food products¹.

In particular sports foods fall under the category of “Foods for people with high nutritional or energy requirements” including energy products, protein and amino acids products, vitamins and minerals products and a combination of the aforementioned. A list of allowed substances for product enrichment is also specified.

Norway applies compositional guidelines inspired to European Commission’s Scientific Committee on Food report 2001 which inspired Italian and Danish guidelines too. Compositional guidelines are specifying criteria for high Carbohydrate products and high protein products.

¹ Article 20 of Decree EDI from 23 November 2005