

AUSTRALIAN BEVERAGES COUNCIL

Application A1102 Addition of L-carnitine to foods

25 October 2018



About the Australian Beverages Council Limited

The Australian Beverage Council [ABCL] has been the leading peak body representing the non-alcoholic beverage industry for more than 70 years, and the only dedicated industry representation of its kind in Australia.

The ABCL represents approximately 90 per cent of the non-alcoholic beverage industry's production volume and our Member companies are some of Australia's largest drinks manufacturers. The ABCL also represents many small and medium-sized companies across the country. Collectively, the ABCL's Members contribute more than \$7 billion to the Australian economy and they employ over 50,000 people across the nation. The industry also pays \$1.2 billion in taxes per annum and for every one direct employee who works in the beverage manufacturing industry, there are 4.9 jobs required elsewhere in the economy to produce and retail beverages.

The ABCL strives to advance the industry as a whole, as well as successfully representing the range of beverages produced by our Members. These include carbonated soft drinks, energy drinks, sports and electrolyte drinks, frozen drinks, bottled and packaged waters, 100 per cent juice and fruit drinks, cordials, iced teas, ready-to-drink coffees, flavoured milk products and flavoured plant milks.

The unified voice of the ABCL offers Members a presence beyond individual representation to promote fairness in the standards, regulations, and policies concerning non-alcoholic beverages. The ABCL plays a role in educating consumers on making informed choices which encourage balance, moderation and common sense.

The ABCL advocates on issues such as portion sizes, environmental sustainability, nutritional labelling, responsible industry marketing and advertising, and canteen guidelines, among others. Our Members listen to consumers and adapt their products accordingly by making positive changes and standing by a commitment to promote greater choice, appropriate portions and by developing an ever increasing range of low and no kilojoule products.

The ABCL is an important conduit between the non-alcoholic beverage industry and governments, supporting the Australian Government, State and Territory Governments and Local Councils.

The ABCL introduced a dedicated juice division, Juice Australia [JA] (formerly Fruit Juice Australia), in 2009 and a dedicated water division, the Australasian Bottled Water Institute [ABWI], in 2011. Through these divisions, and various committees, our organisation and Members continue to adapt and flourish.

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Introduction

The ABCL wishes to make the following submission relating to the assessment of an application by FSANZ to amend the Australia New Zealand Food Standards Code (the Code) to:

1. permit the use of two forms of L-carnitine: *L-carnitine* and *L-carnitine tartrate*;
2. allow the use of these as a nutritive substance in 32 classes of food; and
3. increase the permitted amount of L-carnitine in Formulated Supplementary Sports Foods.

L-carnitine is an essential co-factor for fatty acid metabolism and other metabolic pathways, with body stores maintained primarily in skeletal muscle. The addition of L-carnitine as outlined in this application is:

“to maintain the normal carnitine status of the body, particularly in those individuals consuming foods with minimal L-carnitine content and/or inadequate supply of micronutrients caused by certain forms of nutrition or changed eating habits.”

The application identified the following populations as possibly benefiting from the consumption of L-carnitine: vegetarians, the elderly, people actively losing weight, and athletes.

The Australian Beverages Council's Position

The ABCL notes that assessment of the application by FSANZ concluded that “*no public health and safety concerns were associated with the estimated dietary intake of L-carnitine at maximum use levels in the foods outlined in the application*”.

Permitted Forms are L-carnitine

Currently, the permission relating to L-carnitine within the Code, does not specify the form. This is consistent with the permission of other nutrient substances listed in S29 - 19. Despite the assessment of these forms of L-carnitine not posing any safety concerns, amending the Code to highlight the permission of these forms could imply that other forms that may currently be on the market are not permitted by the Code. We note that this issue will be considered in the future review of Standard 2.9.4.

The ABCL **supports** the FSANZ proposal to not specify the permitted forms of L-carnitine, and therefore continue to simply list “*L-carnitine*” in Column 1 to the table of S29 - 9.

Extension of Food Classes

The application outlines four (4) key target populations which the applicant feels would benefit from higher intakes of L-carnitine:

1. Vegetarians – assisting in obtaining high energy levels during activities such as whilst exercising;
2. Elderly – helping to restore L-carnitine levels, which may afford multiple benefits primarily related to energy metabolism;
3. People actively undertaking weight loss - helping to maintain L-carnitine levels during dieting and with energy generation via its buffering function of Coenzyme A, while also helping to improve lipid profiles and body weight and body mass index; and
4. Athletes – helping to replenish L-carnitine stores and contribute to more efficient exercise recovery.

The applicant requested the use or an increased use of L-carnitine in 32 food classes including the following non-alcoholic beverage categories:

Food classes	
1	Flavoured milk
5	Yoghurt beverages
15	Fruit and vegetable juices
16	Soy beverages
17	Flavoured soy milk
19	Sports and isotonic drinks
22	Caffeinated energy drinks
32	Sport drinks (e.g. protein)

The following levels were requested by the applicant:

- Dairy products maximum 0.25g per serve;
- Non-alcoholic beverages between 0.1 – 0.5g per serve;
- Formulated supplementary sports foods 0.5g per serve.

FSANZ's assessment found the requested maximum amounts of L-carnitine in food was not high enough to result in satisfactory intake of L-carnitine by the target populations, based on the levels in the studies presented in the application. FSANZ also concluded, based on the information assessed to support the proposed benefits outlined in the application, that "*current evidence does not support the stated favourable effects in*" the elderly, vegetarians or people actively losing weight.

Based on the current lack of scientific evidence at this time the ABCL **supports** FSANZ proposal to not permit L-carnitine in other general or special purpose foods, other than Formulated Supplementary Sports Foods.

Permitted Level in Formulated Supplementary Sports Foods

Currently the Code allows for the addition of L-carnitine to Formulated Supplementary Sports Food at a maximum amount of 100mg that may be added to a one-day quantity. The applicant requested that the level be set at 0.5g per serve, based on the evidence provided in the application.

FSANZ concluded that there was evidence that at a level of 2g per day, athletes reported a reduction in muscle soreness. However, we note that the Code does not allow for health claims on Formulated Supplementary Sports Foods, stating specifically the following is prohibited: “*express or implied representation that relates any property or proposed use of the food to enhanced athletic performance or beneficial physiological effects.*”

The increased level of L-carnitine would allow for an additional benefit to athletes in a potential reduction in muscle soreness. The ABCL understands the restriction of health claim communications on Formulated Supplementary Sports Foods is prohibited by the Code. The ABCL believes in providing consumers with informed choices and would support the ability to communicate the benefit of L-carnitine to athletes. We hope that this might be covered in FSANZ’s future review of Standard 2.9.4.

The ABCL **supports** the increase in the permitted level of L-carnitine in Formulated Supplementary Sports Food to a maximum of 2g that may be added to a one-day quantity.

Conclusion

The ABCL, acting on behalf of the non-alcoholic refreshment beverages industry in Australia **strongly supports** the proposed approach by FSANZ to Application A1102 Addition of L-carnitine to foods, specifically:

1. To amend the table to S29—19 to increase the amount of L-carnitine in formulated supplementary sports foods to a maximum of 2 g in a one-day quantity.
2. No permitted forms of L-carnitine to be listed.
3. Use of L-carnitine not to be permitted in other general or special purpose foods requested by the applicant.

The ABCL would like to thank FSANZ for the opportunity to provide a submission on Application A1102 Addition of L-carnitine to foods. We look forward to working with FSANZ in the future during their review of Standard 2.9.4.

For further information:

To discuss this submission or any aspect contained therein, please contact:

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