

Questions included in online questionnaire form

In your submission, please consider the questions below and provide comments related to any other matter outlined in this consultation paper (note these questions can be answered via the [online questionnaire form](#)).

1. Do you support the proposal for certain sports supplements to be declared to be therapeutic goods?
What are the reasons for your answer?

Strongly support

- The Australasian College of Sport and Exercise Physicians (ACSEP) strongly support the proposed regulatory changes as it will provide increased clarity for athletes, Medical Practitioners and active Australians who choose to use supplements about the regulatory framework for Sports Supplements.
 - There are a number of studies demonstrating the presence of World Anti-Doping Agency (WADA) Prohibited Substances and Scheduled Poisons in sports supplements available for sale in Australia. ACSEP feels that increased regulation of sports supplements will reduce the risk of an Anti-Doping Rule Violation (ADRV) for athletes. Removing substances that are harmful to health will also protect the health of active community members and that of the broader Australian population.
 - Any clarity around sports supplements regulation will reduce the administrative burden of athletes and sports in Australia and as members of the sporting landscape, the members of the ACSEP
2. Would the proposed declaration have an impact on the availability and choice of sports supplements for consumers?
What are the reasons for your answer?

Somewhat positive

- ACSEP believe that the proposed declaration would have a 'somewhat positive' impact on the availability and choice of sports supplements for athletes.
 - Athletes will still have access to a wide variety of sports supplements that are of a higher quality due to the declaration.
 - ACSEP would welcome increased regulation and post market testing of supplements to ensure compliance with TGA requirements and further reduce the risk to athletes and members of the sporting public of poisons or WADA code banned substances.
3. Would the proposed declaration provide greater clarity for industry as to whether their products should be marketed as foods or medicines?
What are the reasons for your answer?

Strongly agree

- ACSEP believe that the proposed declaration will provide greater clarity for consumers, including athletes, sporting organisations, active members of the community and prescribing practitioners.
 - The current regulatory system is complex for all to understand as products which may appear similar can be subject to different regulation.
 - The regulation will also reduce the ability of industry to exploit loop holes to produce and promote sports foods with significant health claims and risks.
4. Are you aware of products on the market that **would not** be captured by the proposed declaration but should be?
What are the reasons for your answer? Please provide specific details and the rationale for why these products should be therapeutic goods.

No

5. Are you aware of products on the market that **would** be captured by the proposed declaration but should not be?
What are the reasons for your answer? Please provide specific details and the rationale for why these products should not be therapeutic goods.

No

6. What impact would the proposed declaration, if made, have on your business?
If there would be a positive impact, what are the reasons for your answer?
If there would be a negative impact, please provide the following information (identified as confidential in the consultation submission cover sheet):
- the number of products affected
 - operational impacts on your business
 - approximate costs that these changes may impose on your operation

Positive impact

- ACSEP members who have extensive experience in sport and in particular in advising athletes on the use of sports supplements, feel that the proposed declaration should have a positive impact on athletes and the broader sporting system in Australia
- As Medical Practitioners, ACSEP members have ongoing concerns about the potential negative health impacts of some sports supplements due to the demonstrated presence of Scheduled Poisons and WADA Prohibited Substances. The proposed declaration is expected to have a positive impact on the health of athletes, and others, who use sports supplements.

Statement of impact

- As key advisors to athletes and sports on the anti-doping and health risks of supplements ACSEP feel the clarification of sports supplements at the food : medicine interface will reduce the administrative burden for athletes, sports and practitioners.

- There is the possibility of significant impacts on the health of athletes who are subject to ADRVs and any regulatory change resulting in the reduction of supplements containing WADA banned substances is welcomed

7. Do you have any other comments related to the consultation?