



AUSTRALIAN
**FOOD &
GROCERY**
COUNCIL

AFGC SUBMISSION

**CALL FOR SUBMISSIONS – URGENT PROPOSAL P1054:
PURE AND HIGHLY CONCENTRATED CAFFEINE
PRODUCTS – *ASSESSMENT OF THE APPROVED
VARIATION***

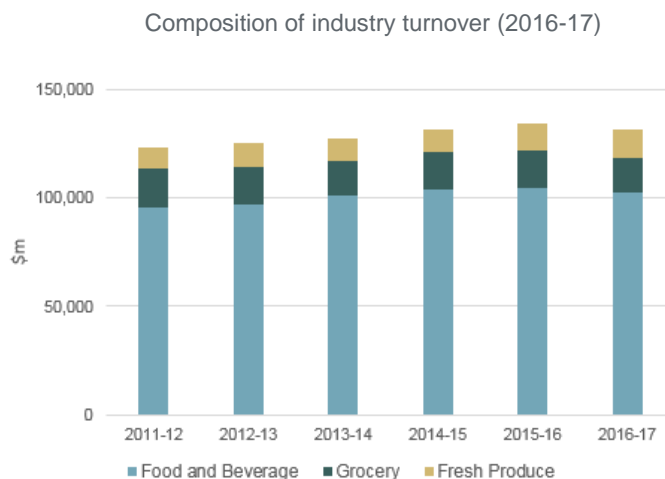
10 September 2020

Sustaining Australia

PREFACE

The Australian Food and Grocery Council (AFGC) is the leading national organisation representing Australia's food, drink and grocery manufacturing industry.

There are over 180 member companies, subsidiaries and associates who together comprise 80 per cent of the gross dollar value of the processed food, beverage and grocery products sectors.



With an annual turnover in the 2016-17 financial year of \$131.3 billion, Australia's food and grocery manufacturing industry makes a substantial contribution to the Australian economy and is vital to the nation's future prosperity.

The diverse and sustainable industry is made up of over 36,086 businesses and accounts for over \$72.5 billion of the nation's international trade. These businesses range from some of the largest globally significant multinational companies to small and medium enterprises. Industry made \$2.9 billion in capital investment in 2016-17 on research and development.

Food, beverage and grocery manufacturing together forms Australia's largest manufacturing sector, representing 36 per cent of total manufacturing turnover in Australia.

The food and grocery manufacturing sector employs more than 324,450 Australians, representing almost 40 per cent of total manufacturing employment in Australia.

Many food manufacturing plants are located outside the metropolitan regions. The industry makes a large contribution to rural and regional Australia economies, with almost 42 per cent of the total persons employed being in rural and regional Australia.

It is essential to the economic and social development of Australia, and particularly rural and regional Australia, that the magnitude, significance and contribution of this industry is recognised and factored into the Government's economic, industrial and trade policies.

OVERVIEW

The Australian Food and Grocery Council (AFGC) welcomes this opportunity to comment on Food Standards Australia New Zealand's (FSANZ) [Call for submissions – Urgent Proposal P1054: Pure and highly concentrated caffeine products – Assessment of the approved variation](#).

The AFGC understands that FSANZ is reviewing the approved variation to the Code to prohibit the retail sale of pure and highly concentrated caffeine food products i.e. foods in which total caffeine is present in a concentration of 5% or more (if the food is a solid or semi-solid food) or 1% or more (if the food is a liquid food). The approved variation took effect on 12 December 2019 and now FSANZ is reviewing the approved variation to decide whether it should be affirmed, repealed, or amended, and that this review must be completed by 12 December 2020 (within 12 months of approval).

The AFGC has reviewed FSANZ's assessment with three risk management options and supports **Option 1: reaffirm the approved variation**. The AFGC is of the view that no further change to the approved variation for pure and highly concentrated caffeine reflected in the Food Standards Code in 2019 is necessary at this time.

The AFGC does not support FSANZ's preferred option 3 to prepare a proposal to amend and/or add to the approved variation.

GENERAL COMMENTS

The AFGC does not welcome a further proposal addressing limits to caffeine in food until *after* the implementation of a public consumer information campaign on safe caffeine consumption and, the continued monitoring of caffeine consumption through targeted research across Australia and New Zealand (and, then only if it clearly indicates that intake is a concerning issue among sub-populations at risk of over-consumption).

SPECIFIC COMMENTS

EXCLUSIONS

The AFGC supports the current permissions in the Code relating to the use of caffeine as an ingredient in formulated caffeinated beverages and, as a food additive in cola beverages. The Code restricts the maximum amount of caffeine allowed in these products (32mg/100mL for formulated caffeinated beverages and 14.5mg/100mL for cola beverages) and the AFGC understands that FSANZ has no foreseeable intent to change these permissions.

Furthermore, regarding sensitive subpopulations, formulated caffeinated beverages are required to bear a label statement that advises against consumption by children, pregnant and lactating women and caffeine sensitive people, as well as requiring the labels of formulated caffeinated beverages to declare the amount of caffeine (in mg) per serving and per 100mL.

EDUCATION CAMPAIGN

The AFGC notes that FSANZ considers that some sub-populations (possibly pregnant women and young children) are over-exposed to caffeine in the general food supply and that this warrants separate consideration through the raising of another proposal for this purpose.

In this instance, the AFGC supports non-regulatory measures be undertaken first, such as a public consumer information campaign on safe caffeine consumption. Consequently, AFGC members do not support Option 3, as preferred by FSANZ, which may result in an unnecessary proposal on caffeine. The AFGC is conscious of FSANZ's considerable work plan and the need for FSANZ to focus its resources on work which is clearly indicated.

MONITORING

The AFGC notes that in 2019, Ministers recommended continued monitoring of caffeine consumption through targeted research across Australia and New Zealand to better inform public health assessments on caffeine. The AFGC continues to support this activity.

RESEARCH

The AFGC particularly supports targeted research of caffeine consumption across Australia and New Zealand as this will likely be relevant to the review of sports foods (P1010).

CONCLUSION

The AFGC advocates that no further change to the approved variation for pure and highly concentrated caffeine reflected in the Food Standards Code in 2019 is necessary *at this time*. After consumer education is implemented and targeted research is undertaken, a more-informed assessment of the effectiveness of the current protections can be made.

RECOMMENDATION:

The Australian Food and Grocery Council supports option 1: reaffirm the approved variation.

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