



14th November 2019

Food Standards Australia New Zealand
PO Box 10559
The Terrace
Wellington 6143

Submission for Proposal P1054 - Pure and highly concentrated caffeine products

Dear Sir or Madam,

About the New Zealand Beverages Council

The New Zealand Beverage Council (NZBC) represents the manufacturers of New Zealand's juice, carbonated drink and bottled water brands, and their suppliers. The Association has established a Voluntary Code of Practice that is aimed at ensuring accurate and truthful labelling on products. In particular, the Code signifies compliance with the relevant Food Regulations and Fair Trading requirements. This system is at the forefront of industry self-regulatory developments in New Zealand and over 95 per cent of the sold in New Zealand is supplied by NZBC members who are signatories to the Code.

All members of the New Zealand Beverage Council involved in the manufacture or distribution of energy drinks voluntarily agreed to a set of major industry commitments in 2011 as part of the responsible sale and promotion of energy drinks in New Zealand. These were updated in 2018 and reflect a responsible approach to the sale and promotion of energy drinks in New Zealand. Among these commitments, the industry has agreed:

- Not direct any marketing activities at children
- Not sell energy drinks in primary or secondary schools
- Not provide samples of energy drinks to children
- Not market energy drinks as only providing hydration
- Not promote excessive consumption of energy drinks
- Not use labelling to promote the mixing of energy drinks with alcoholic beverages
- Provide consumers with the latest information on energy drinks on the New Zealand Beverage Council website.

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Our position on P1054 - Pure and highly concentrated caffeine products

The New Zealand Beverage Council, acting on behalf of the non-alcoholic refreshment beverages industry in New Zealand, would like to indicate its support for the inclusion of a maximum compositional limit of caffeine in food and set this limit to 5 % (5 g/100 g) in the product presented at retail sale.

Furthermore, the New Zealand Beverage Council fully supports the exclusion of already regulated caffeine containing beverages from the proposed changes in the Code, specifically:

- Standard 2.6.2 Non-alcoholic beverages and brewed soft drinks
- Standard 2.6.4 Formulated caffeinated beverages

The NZBC further notes that Standard 2.9.4 Formulated supplementary sports foods is under review in P1010 and that caffeine and labelling is to be considered as part of this.

The NZBC strongly supports the continued monitoring of dietary caffeine consumption, including specific vulnerable population groups, across New Zealand. This would help inform regulators of the public health risk from caffeine and from its various sources.

We thank Food Standards Australia New Zealand for the opportunity to provide this submission and look forward to working with FSANZ on the Applications and Proposal identified in the coming years.

Yours sincerely,