



Food Standards Australia New Zealand
Submissions
PO Box 5423
Kingston ACT 2604

Via email: submissions@foodstandards.gov.au

Dear FSANZ Submissions

PROPOSAL P1056 – CAFFEINE REVIEW

Thank you for providing the Department of Health Western Australia (DOH) with the opportunity to provide input into this consultation. Please find the DOH's comments in response to Proposal P1056 Caffeine Review – Consultation paper – Call for Submissions (CFS).

Response to consultation questions

Do you consider there are risks to consumers from caffeine in the current market environment, under the current regulations? Please provide any evidence or relevant examples in detail to assist FSANZ in its assessment.

There remain risks to consumers from caffeine containing beverages in the current market environment with regard to the approved variation which imposed a prohibition on a food for retail sale, unless expressly permitted by the Code, being a food in which caffeine is present in a concentration of:

- 1% or more of the food if that food is a liquid
- 5% or more of the food if that food is a solid or semi-solid food

The concentrations could potentially be considered arbitrary, and it would be timely to review these concentrations with regard to:

- International recommendations
- Foods readily available and consumed in the Australian food supply

Recommendation

- That the current concentrations permitted by the Code be reviewed

Do you have any thoughts on FSANZ's preferred option that if caffeine is prohibited to be added to all foods apart from cola-type drinks, FCBs and FSSF, that a pre-market assessment is then required to add caffeine to any other food? If not, are there other approaches that would better address the problem?

Recommendation

- Prohibit the addition of caffeine to all foods.
- In accordance with the above recommendations that there be a review of the caffeine levels added to cola beverages, FCBs and FSSF.
- A pre-market assessment is required to add caffeine to any other food.

Do you foresee any compliance or enforcement issues with the preferred approach of expressly permitting total caffeine in FSSF at a maximum one-day quantity of 200 mg, whilst expressly prohibiting the addition of caffeine to all foods apart from cola-type drinks and FCBs?

No response

Are there other supporting measures that FSANZ should consider, whether regulatory or non-regulatory?

There remain risks to consumers from caffeine containing beverages in the current social environment. FSANZ acknowledge that the dietary intake assessment reported in Submission P1054 from data collected in 2011-12 (Australia) and 2008-9 (NZ) is no longer relevant to the contemporary 'coffee culture' in Australia, and the young adult desire for energy drinks is now more prevalent than over a decade ago.

An Australian study of energy drink consumption in 399 adolescents from 2016 (Costa, Hayley & Miller, 2016) reported lifetime energy drink consumption was common (56%) with initial consumption at mean age 10 (SD = 2.97). Twenty-eight percent of the sample consumed energy drinks at least monthly, 36% had exceeded the recommended two standard energy drinks/day, with international intakes ranging from 20% to 62% in this age group.

Of concern is that infants and toddler are over-represented in data from poison centres in Australia and NZ (p14, Proposal P1054).

Recommendation

- That a comprehensive education campaign highlighting the risk that caffeine consumption (even at recommended levels) poses for vulnerable population groups.

Can you share any further knowledge of current research about? a. the health effects of caffeine, b. global developments in caffeinated food products, or c. regulatory approaches being taken in comparable markets?

No response

Thank you for considering the above comments. Should you wish to discuss any of these comments please do not hesitate to contact the Department of Health on [REDACTED]

Yours sincerely

