

Project Officer Proposal P1054
Food Standards Australia New Zealand
PO Box 10559
The Terrace
Wellington 6036

11 September 2020

Tēnā koe

P1054 – Pure and highly concentrated caffeine products

Thank you for the opportunity to comment on this proposal.

Proposed option

New Zealand Food Safety (NZFS) supports the preferred option, option 3 which includes maintaining the current measures as per paragraph 1.1.1—10(5)(g), and that FSANZ will prepare a proposal under section 55 of the Act for the development of a further variation of the Code.

Risk management

NZFS considers restrictions will prohibit the retail sale of foods with a very high caffeine concentration, as intended. However, as stated in our submission for the urgent amendment, NZFS recommends that further consideration needs to be given to the form and presentation of caffeine-containing foods.

It is clear that there is an obvious risk with products that require consumers to measure out an individual serving (e.g. powders or liquid concentrates), even if the manufacturer has provided a measuring implement. NZFS would also like FSANZ to give further consideration to other forms of caffeine-containing foods in the context of how they are used.

We have identified a caffeine strip product containing 40mg caffeine per single serve, that is currently sold in New Zealand and Australia as a supplemented food. Even though each strip contains 40mg of caffeine, the lightweight nature of these products means that they are over the proposed 5% limit for caffeine and will be captured under the prohibition.

As the strips are presented in individually packaged, pre-measured single servings, NZFS believes they pose less risk than products requiring the consumer to self-measure servings. We consider that the prohibition of these types of product is an unintended consequence of the 5% caffeine limit for a food that is solid. Therefore, we believe further consideration on the form and presentation of the caffeine-containing foods is needed.

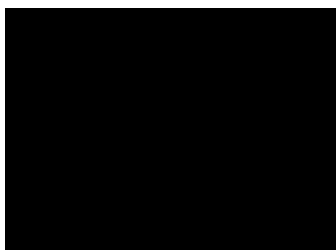
Application to New Zealand Food (Supplemented Food) Standard 2016

The consultation document correctly points out that paragraph 1.1.1—10(5)(g) in the Australia New Zealand Food Standards Code, will apply to supplemented foods under the New Zealand Food (Supplemented Food) Standard 2016 (Supplemented Food Standard).

In summary, NZFS supports option 3 which is to maintain the restrictions as per paragraph 1.1.1—10(5)(g) and that FSANZ will prepare a proposal under section 55 of the Act for the development of a further variation of the Code.

We kindly request that FSANZ considers other forms and presentations of caffeine-containing foods in the new proposal, and that appropriate restrictions will be applied proportionately.

Nāku noa, nā



Manager, Food Science