



11 September 2020

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

By email: submissions@foodstandards.gov.au

Dear Dr. Cuthbert

Submission for Urgent Proposal P1054 - Pure and highly concentrated caffeine products

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 non-alcoholic beverages sold in New Zealand are supplied by NZBC members who are signatories to the Code.

In consultation with members, the NZBC has previously submitted formal comments on the Food Standards Australia New Zealand (FSANZ) assessment of the approved variation to the Food Standards Code to prohibit the retail sale of pure and highly concentrated caffeine products. We welcome the additional opportunity to comment on Urgent Proposal P1054.

The NZBC supports the submission made by the Australian Beverages Council Limited

The NZBC and its members align their views with the Australian Beverages Council Limited (ABCL) and are supportive of their comments on Urgent Proposal P1054. We are writing to confirm support for the ABCL's submission and to share the views of the NZBC and our members. In alignment with the ABCL, the NZBC supports the following points.

1. The NZBC supports the inclusion of the variation to the Code to limit caffeine in foods (solid and semi-solids) to 5% (5g/100g) and in liquids to 1% (1g/100mL), as detailed in its submission to the initial report of Urgent Proposal P1054 in November 2019.
2. The NZBC supports the existing permissions in the Code relating to the use of caffeine as an ingredient in formulated caffeinated beverages (Standard 2.6.4) and as a food additive in cola beverages (Schedule 15). The NZBC notes that the Code restricts the maximum amount of caffeine allowed in these products of 32mg/100mL for formulated caffeinated beverages and 14.5mg/100mLg for cola drinks. These caffeine thresholds were established after a comprehensive scientific review¹, which was recently endorsed². Furthermore, for

¹ FSANZ (Formerly ANZFA) *Statement of Reasons for Recommending Adoption of Draft Standard 2.6.4*, 8 August 2001

² FSANZ, *Regulatory Management of Caffeine in the Food Supply*, Endorsed by the Ministerial Forum on 27 June 2014.

formulated caffeinated beverages the Code requires mandatory labelling advisory statements that state the product contains caffeine and is not recommended for certain caffeine sensitive subpopulations, as well as requiring the labels of formulated caffeinated beverages to declare the amount of caffeine (in mg) per serving and per 100mL.

3. The NZBC reiterates the industry's support for recommendations three (3) and five (5) of FSANZ's review to Ministers; an inter-agency consumer information campaign on safe caffeine consumption and the continued monitoring of caffeine consumption across Australia and New Zealand to better inform public health assessments on caffeine.

Conclusion

The NZBC appreciates the opportunity to provide additional comments in relation to the Urgent Proposal P1054 and the approved variation to the Code. Should you wish to discuss this matter further, please do not hesitate to contact Isabel Buerschgens, Technical Advisory Group Chair, who will assist you on behalf of the NZBC. Isabel can be contacted at isabel.buerschgens@sensient.com.

Yours sincerely,



Emily Fuller
Public Affairs General Manager
New Zealand Beverage Council
emily@nzbeveragecouncil.org.nz