

**Submission to FSANZ:
P1056 - Caffeine Review
2nd Call for Submissions**

Australian Beverages Council Limited

15 April 2025



About the Australian Beverages Council



The Australian Beverages Council Limited (ABCL) is the leading peak body representing Australia's non-alcoholic beverages industry.

The Australian Beverages Council Limited (ABCL) has been the leading peak body representing the non-alcoholic beverages industry for more than 75 years and is the only dedicated industry representative of its kind in Australia. The ABCL represents approximately 95 per cent of the industry's production volume and Member companies range from some of Australia's largest beverage manufacturers to small and micro beverages companies whose drinks are enjoyed nationally as well as around the world. These drinks include carbonated soft drinks, energy drinks, sports and electrolyte drinks, frozen drinks, bottled and packaged waters, fruit juice and fruit drinks, cordials, iced teas, ready-to-drink coffees, flavoured milk products and flavoured plant milks.

Collectively, the ABCL's Members contribute more than \$9 billion annually to the Australian economy and support more than 63,000 full-time equivalent employees. The industry pays more than \$1.5 billion in tax per annum along its supply chain and for every direct employee in the beverages manufacturing industry, there are 4.9 jobs required elsewhere in the Australian economy to produce and retail our drinks.

Summary

The ABCL appreciates the opportunity to provide comments on Food Standards Australia New Zealand's (FSANZ) Second Call for Submissions regarding Proposal P1056 - Caffeine Review.

The ABCL supports the draft variations to the Australia New Zealand Food Standards Code (the Code) set out in Attachment A of the P1056 consultation paper. We agree that FSANZ's proposal will support the safe consumption of caffeine by both the general population and sensitive subpopulations, while also encouraging innovation in the non-alcoholic beverages industry, thus providing consumers with greater choice.

Additional Comments

The ABCL believes that the proposed changes will provide greater regulatory clarity for manufacturers regarding the addition of caffeine to foods, supporting both compliance and innovation. We commend FSANZ for using the latest scientific evidence to inform this review and for prioritising consumer safety by assessing caffeine-related risks, particularly for sensitive subpopulations. The proposed amendments will establish clear requirements for the addition of caffeine to beverages, ensuring the continued protection of consumer food safety.

The ABCL and its members would welcome the opportunity to collaborate with FSANZ on consumer education campaigns to promote safe and informed caffeine consumption. The ABCL's [DrinkFacts website](#), Energy Drinks (Formulated Caffeinated Beverages) dedicated [website](#) and [industry commitments](#) are examples of industry initiatives that provide information to consumers on caffeinated beverages. The ABCL would be pleased to adapt these resources further in partnership with FSANZ and to explore additional non-regulatory measures beyond current industry initiatives.

Section 2.9.4-7 of the Code currently prohibits express or implied representations regarding the ability of formulated supplementary sports foods (FSSF) to enhance athletic performance unless expressly permitted. While nutrient content and health claims for FSSF are in the scope of P1010, as FSANZ has concluded in P1056 *Supporting Document 4 – Assessment of caffeine and sports performance*, there is evidence associated with caffeine and enhanced sports performance. Therefore, the ABCL believes that pre-approved health claims about enhanced athletic performance should be permitted to allow manufacturers to communicate the benefits of their products to specific consumer groups. We look forward to the opportunity to providing comment on FSANZ's review of other claims, including nutrient content claims, for FSSF under Proposal P1010.

With the proposed amendments to subsection 1.1.1-10 - specifically, the revision of 1.1.1-10(5)(g) and the addition of 1.1.1-10(6)(k) - there is a potential impact on the New

Zealand Food (Supplemented Food) Standard. The current New Zealand Food (Supplemented Food) Standard (Section 1.9) permits the addition of caffeine to supplemented foods. While not in the scope of P1056, as these amendments may create a regulatory misalignment, we recommend that FSANZ collaborate with the New Zealand Ministry for Primary Industries to address this anomaly and to mitigate any potential compliance challenges.

Further Enquiries

Should you have any queries regarding the positions detailed in this submission, please contact: Paula Louw, Nutrition & Regulatory Officer, via email paula@ausbev.org.