Ministerial Council Policy Guideline on the Addition of Caffeine to Foods

Endorsed by the Ministerial Council on 4 April 2003

SCOPE/AIM
To limit the exposure of vulnerable individuals to foods containing caffeine.

HIGH ORDER PRINCIPLES
1. Give priority to protecting public health and safety.
2. Ensure that consumers have access to sufficient information to enable informed and healthy food choices.
3. Ensure that industry innovation and competitiveness is supported, except where public health and safety is affected.
4. Be consistent with, and complement, Australia and New Zealand national policies and legislation including those relating to nutrition and health promotion, fair trading, industry growth and international trade and innovation.
5. Be cost-effective overall, not more trade restrictive than necessary, and comply with Australia’s and New Zealand’s obligations under the WTO Agreements.

OTHER PRINCIPLES:
1. Endeavour to limit the possible adverse effect of caffeine containing foods on vulnerable sub-groups of the population.
2. Ensure that the effect of caffeine additions to individual foods is considered in the context of the total diet.
3. Ensure the appropriate use of advisory statements on caffeine-containing foods in alignment with scientifically substantiated risk to vulnerable sub-groups of the population.

POLICY GUIDANCE
Until further evidence becomes available, maintain the status quo (as currently in place in Australia) for caffeine regulation by:

- Maintaining the current additive permissions for caffeine; and
- Restricting the use of new products containing non-traditional caffeine rich ingredients (including guarana) to boost the caffeine content in other food, beyond the current provisions for caffeine.

Caffeinated kola drinks and formulated caffeinated beverages will be permitted in accordance with the current standards.

Foods, which naturally contain caffeine and have a long history of use and consumer awareness/association with caffeine, such as tea, coffee and cocoa, are to be exempt from the labelling provisions and the use of these foods naturally containing caffeine to be added to other foods will continue to be allowed. Guarana, as a non-traditional food containing caffeine, will continue to have special labelling provisions outlined in the Food Standards Code.