

13th February 2023

Food Standards Australia New Zealand
PO Box 5423

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my concern,

Submission Re: P1056: Caffeine Review

Sports Dietitians Australia (SDA) is the peak body for evidence-based sports nutrition in Australia. Our members are Accredited Practicing Dietitians (APDs) who undertake further study and professional development to specialise in the practice of sports nutrition to become Accredited Sports Dietitians (AccSDs). Sports Dietitians Australia members work across a range of settings including private practice, team sports (grass roots through to professional levels), elite/Olympic level sports, and industry. A number of SDA's members also work in academia including Professor Ben Desbrow, and Associate Professor Gary Slater, whose research into caffeine in sports supplements is cited on page 40 of the *Call for Submissions – Proposal 1056 (the Proposal)*.

SDA is pleased to provide this submission to assist FSANZ in the regulation of caffeine. SDA has responded to questions that specifically apply to SDA and they are numbered in correlation with the *Proposal* document as follows:

1. 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.

The primary risk to consumers in the current market environment is the use of individual products or the 'stacking' of concentrated caffeine products such as pre-workout supplements (PWS), which are widely used by Australian consumers¹ and have been directly linked to serious health complications² and death³. This risk is highest for non-informed consumers which can lead to unintentional misuse. Consumption of PWS tend to be self-regulated via manufacturer's scoops (scoops range 3-20g/serve). As cited in a FSANZ-commissioned report by Desbrow et al, (2018); of 243 participants who currently or previously used PWS:

- Approximately one third (30%) indicated having access to ≥ 2 PWS varieties at one time, with 6% (n=14) of users indicating they would combine PWS as a single bolus.
- Health concerns or unintended effects from taking a PWS (27%) were reported by 27% of PWS users. Of these, ~50% (n=36) immediately stopped taking the PWS, while 16 (24%) continued to take the PWS despite health concerns or side effects and the remainder (n=14 (21%)) switched to another brand.

[REDACTED] do not detail the caffeine content, or the caffeine content can vary from that outlined on the label.

2. 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?

SDA does not support the addition of caffeine to foods that are not cola-type drinks, [REDACTED] this would increase the risk of inadvertent high caffeine intakes for non-informed consumers.

3. 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?

The main issue arising from a maximum on-day quantity of 200mg is the current labelling requirements of FSSF. Many of these products fail to clearly identify the amount of individual ingredients including caffeine, and it has been shown that even when the caffeine content of a product is provided, there is often a disparity with the actual caffeine content (determined via chemical assay)¹. It must also be noted that there are products on the market that contain caffeine in excess of 200 mg/serve. For these reasons, there would need to be assessment of manufacturer compliance with the proposed regulations.

There is no perceived issue arising from prohibiting the addition of caffeine to all foods apart from cola type drinks and FCBs.

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

Regulation of caffeine content and the labelling of caffeine-containing FSSF is critical to aid in the protection of irresponsible consumers, and vulnerable population groups including junior/younger individuals who use these products.

15. To what extent do you agree that there are relatively few general foods (i.e. not FSSF) that contain added caffeine (i.e. foods that will be impacted by the proposal) and are currently sold in Australia and New Zealand?

[REDACTED] not aware of general foods with added caffeine outside of cola-type drinks and FCBs.

16. Are there any unintended consequences of the proposal?

No

17. How effective do you believe each of the proposed options would be in achieving the objectives of this proposal and why? In particular, consider risks of over-consumption of caffeine for sensitive sub-populations.

Quo

The main issues with the status quo are outlined above. Concerns exist around a [redacted] regarding the labelling of caffeine containing products, disparity between labelling and actual amounts of caffeine on occasions where products are labelled, and the presence of products like PWS which can contain caffeine in excess of 200 mg and may be 'stacked' by poorly informed consumers.

Option 2 – Status quo combined with non-regulatory approach

Although education materials may be beneficial, their reach cannot be determined and it is less likely that they will influence consumer behaviour, particularly at the point of purchase. It is possible that sensitive sub-populations will not alter behaviours based on this option.

Option 3 – Hybrid mix of regulatory and non-regulatory approaches

Increased regulation of product labelling for caffeine-containing FSSF will provide valuable information to consumers at the point of purchase. An established maximum intake of 200mg day will undoubtedly minimise the risk associated with high caffeine intake in some consumers. This option is likely to have the greatest impact on consumer behaviour and minimise poor health outcomes from the use of these products.

18. Do you have any other comments on the benefits or costs of the proposed options?

No.

In summary, Sports Dietitians Australia supports FSANZ's preferred position for Option 3 – Hybrid mix of regulatory and non-regulatory approaches.

If you require any clarification or information, please contact [REDACTED]
[REDACTED]

Yours sincerely,
[REDACTED]
[REDACTED]
[REDACTED]

Accredited Sports Dietitian, Sports Dietitians Australia

References:

1. Desbrow B, Hall S, O'Connor H, Slater G, Barnes K, Grant G. Caffeine content of pre-workout supplements commonly used by Australian consumers. Drug Test Anal. 2018.
2. Harris BF, Winn C, Ableman TB. Hemorrhagic Stroke in a Young Healthy Male Following Use of Pre-Workout Supplement Animal Rage XL. Mil Med. 2017;182(9):e2030-e2033.
3. Andrade A, Sousa C, Pedro M, Fernandes M. Dangerous mistake: an accidental caffeine overdose. BMJ case reports. 2018;2018.
4. Maughan RJ, Burke LM, Dvorak J, et al. IOC consensus statement: dietary supplements and the high-performance athlete. Br J Sports Med. 2018;52(7):439-455.