



4 September 2020

Lion Submission P1054

Pure and highly concentrated caffeine products - assessment of the Approved Variation

About Lion

Lion NZ is New Zealand's leading alcohol beverage company with brands including Speight's, Steinlager, Panhead, Emerson's, Wither Hills, Havana Coffee Works and Hopt Soda. The company employs around 1,200 people across its head office and The Pride in Auckland, Speight's, Harrington's, The Fermentist, Emerson's, Little Creatures and Panhead breweries, the Wither Hills winery, Havana Coffee Works and its Liquor King retail stores. Lion has been awarded both the Gender and Rainbow Tick and has won many awards for closing the gender pay gap and embedding flexible working into the business. It is a founding member of responsible drinking charity Cheers!, runs its own alcohol education platform called Alcohol&Me and provides funding to support the Health Promotion Agency's moderation programmes. Lion is a founding signatory to the Climate Leaders Coalition and part of Sustainable Business Network and Sustainable Business Council. For more information on Lion NZ follow us on Twitter @LionNZ or visit www.lionco.com

Introduction

Lion welcomes the opportunity to comment on the Food Standards Australia and New Zealand (FSANZ) proposal P1054 'Pure and highly concentrated caffeine products'.

Lion produces alcoholic and non-alcoholic products which contain cola and guarana as direct Lion brands or on behalf of brand owners. Lion also has interests in coffee with Havana Coffee Works.

The Proposal

FSANZ has called for submissions on whether to prepare a proposal to amend the variation to Standard 1.1.1, reaffirm or prepare a proposal to repeal the variation.

The variation prohibits the retail sale of total caffeine in liquid food of 1% or more and 5% or more in sold and semi-solid foods. Current permissions relating to use of caffeine as an ingredient in formulated caffeinated beverages and as a food additive in cola beverages are unchanged.

The current review is also to assess the risk of caffeine in the wider food supply in relation to sensitive sub populations (such as children, pregnant or lactating women and individuals sensitive to caffeine).

Lion supports the continuation of variation approved as an emergency measure should remain with the following caveats:

We submit that the rules as they apply to cola beverages, formulated caffeinated beverages and foods containing guarana or guarana extracts should remain unchanged.

These beverage types have clear maximum amounts of caffeine prescribed which are inside the internationally accepted caffeine intake recommendations as detailed in the Call for submissions document at section 2.3.1.1.

The labelling requirements which are associated with these permissions provide for clear advisory statements about the presence of caffeine and recommend levels of intake which specifically address the sensitive sub populations identified. The EFSA study conducted in 2015 provides advice on caffeine intakes from dietary sources that do not give rise for concern for adults.

Both the maximum levels prescribed in the code and labelling requirements provide protection for those identified as sensitive sub populations.

The beverages sold by Lion are specifically targeted at adult consumers.

Any variation to the code should continue to enable consumers to continue to purchase and consume caffeinated food products such as instant coffee powder and other coffee forms, caffeinated beverages including energy drinks, tea, and chocolate.

Should there be any proposal designed to amend or add to the approved variation, targeted research of caffeine consumption across Australia and New Zealand should be undertaken before any such proposal is prepared.

In summary, Lion supports maintaining current limits for caffeine in food, continuing consumer education and further research into caffeine consumption

For further information:

[REDACTED]
Technical Regulatory Leader
Lion NZ

[REDACTED]
[REDACTED]