



AUSTRALIAN  
**FOOD &  
GROCERY**  
COUNCIL



AFGC Response  
**Public consultation:  
P1056 - Caffeine review  
2nd Call for Submissions**

15 April 2025

## CONSULTATION QUESTIONS

### ABOUT YOU

Full name

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Are you making a submission as an individual, or on behalf of an organisation?

Organisation - Australian Food & Grocery Council

Which group do you most identify with?

Food Industry

If you wish to provide general background information about yourself or your organisation (if any), include this in the box below.

The Australian Food and Grocery Council (AFGC) is the leading national organisation representing Australia's food, beverage and grocery manufacturing sector. With an annual turnover in the 2022-23 financial year of \$162 billion, Australia's food and grocery manufacturing sector makes a substantial contribution to the Australian economy and is vital to the nation's future prosperity. Each business in the sector has contributed towards an industry-wide \$4.2 billion capital investment in 2022-23. Food, beverage and grocery manufacturing together forms Australia's largest manufacturing sector, representing over 32 per cent of total manufacturing turnover in Australia. The industry makes a large contribution to rural and regional Australia economies, with almost 40 per cent of its 281,000 employees being in rural and regional Australia. It is essential to the economic and social development of Australia, and particularly rural and regional Australia, that the magnitude, significance and contribution of this industry is recognised and factored into the Government's economic, industrial and trade policies. The industry has a clear view, outlined in Sustaining Australia: Food and Grocery Manufacturing 2030, of its role in the expansion of domestic manufacturing, jobs growth, higher exports and enhancing the sovereign capability of the entire sector.

### YOUR SUBMISSION

Have you read the P1056 Consultation documents?

Yes

**Please provide your overall view on FSANZ's assessment for proposal P1056 and the draft regulatory measure.**

**Support**

Do not support

Both support/do not support

Other

**Please explain your response below.**

The AFGC welcomes the opportunity to comment on *Proposal P1056 – Caffeine review 2<sup>nd</sup> call for submissions*.

The AFGC supports in principle FSANZ's assessment of caffeine and the proposed draft regulatory framework.

The AFGC compliments FSANZ for its extensive safety assessment of caffeine. This work acknowledges and reaffirms the safety of caffeine at proposed levels in the Australian and New Zealand food supply.

The proposed amendments that prohibit a food for retail sale from containing caffeine as an ingredient or component unless expressly permitted by the Code and establishing new specific permissions for Formulated Supplementary Sports Foods (FSSF) to contain caffeine also provides regulatory certainty.

**If there is any other information you would like to provide for the proposal P1056 consultation, please include this in the box below.**

**Consumer information**

The AFGC continues to **recommend** an ongoing public consumer information campaign on safe caffeine consumption across Australia and New Zealand.

While noting the consumer information regarding caffeine provided on FSANZ's website<sup>1</sup>, the AFGC **recommends** that FSANZ and other regulatory/health bodies consider actively disseminating information through social media and other online channels. Utilising social media platforms would significantly increase the visibility of safe caffeine consumption guidelines and ensure that this important public health messaging reaches a wider and relevant audience.

The AFGC would welcome the opportunity to work together with FSANZ to create credible, consumer friendly information and assist with dissemination to maximise reach.

**New Zealand Food (Supplemented Food) Standard**

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<sup>1</sup> <https://www.foodstandards.gov.au/consumer/prevention-of-foodborne-illness/caffeine>

The AFGC notes the proposed changes to the Code may have potential impacts on the application of *Food Standard: New Zealand Food (Supplemented Food) Standard*<sup>2</sup>. This stems from the:

- amended paragraph 1.1.1—10(5)(g) prohibiting caffeine as a food for retail sale unless expressly permitted.
- newly added paragraph 1.1.1—10(6)(k) which prohibits food for retail sale from having caffeine as an ingredient or a component unless expressly permitted in the Code.

As these standards are not excluded in the application of the NZ Supplemented Food Standard, this creates a conflict with Section 1.9 of the NZ Supplemented Food Standard which explicitly permits the addition of caffeine to applicable products. The AFGC understands, however, that this is a matter for the New Zealand Ministry for Primary Industries.

### **Pre-approved health claim**

Lastly, the AFGC acknowledges that the regulation of claims for FSSF falls outside the immediate scope of this proposal, as it is currently under review by FSANZ through Proposal *P1010 Formulated Supplementary Sports Foods*<sup>3</sup>.

Nevertheless, the AFGC **recommends** that permission be granted to include a pre-approved claim for caffeine that accurately reflects the robust body of evidence demonstrating the beneficial effects of caffeine on sports performance, within a clearly defined and safe dosage range as assessed through P1056. Permitting claims for caffeine for applicable FSSF at this stage would be a timely and efficient approach, providing consumers with access to information that can support informed decision-making.

### **CONFIDENTIAL INFORMATION**

Do you wish to provide confidential information as part of your submission?
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No

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<sup>2</sup> [Food Standard: New Zealand Food \(Supplemented Food\) Standard 2016](#)

<sup>3</sup> [P1010 - Formulated Supplementary Sports Foods | Food Standards Australia New Zealand](#)