
P1056 CAFFEINE REVIEW
Consultation paper – naturally
occurring caffeine and labelling

12 December 2025



AUSTRALIAN
**FOOD &
GROCERY**
COUNCIL

CELEBRATING
30
YEARS
1995-2025

CONSULTATION QUESTIONS

ABOUT YOU

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 2023-24 financial year of \$173 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 \$4.8 billion capital investment in 2023-24.

Food, beverage and grocery manufacturing together forms Australia's largest manufacturing sector, representing over 32% 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.

Have you read the proposal P1056 Consultation documents?

Yes

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

The AFGC welcomes the opportunity to comment on FSANZ's additional proposed revisions under P1056. These changes include:

- “a new prohibition on the retail sale of guarana extract as a food unless expressly permitted by the Code
- amending the proposed prohibition on a food for retail sale from containing caffeine as an ingredient or component to make clear the prohibition applies and relates to caffeine ‘from all sources’, including from the addition of pure caffeine or guarana extract
- amending subsection 1.1.1—10(7) to provide examples of what is caffeine in a food for sale or an ingredient of a food for sale ‘by natural occurrence’
- new subsection 1.1.1—10(7A), which states subsection 1.1.1—10(7) does not apply to guarana extract, and which makes clear caffeine from guarana extract is subject to the above prohibition on food for retail sale from containing caffeine as an ingredient or component
- requirements for packaged coffee-containing beverages with 200 mg or more of caffeine per serve to display an advisory statement and to declare the caffeine content per serve and per unit quantity in the nutrition information panel
- amending the caffeine-related labelling requirements for FSSF proposed at the 2nd CFS so that these do not apply to FSSF containing caffeine only from chocolate, cocoa, decaffeinated tea and decaffeinated coffee
- new labelling requirements for certain FSSF containing more than 200 mg caffeine in total and sold in a multipack.”

While recognising the intent of the proposed variations, there are some points where the AFGC seeks greater clarity to ensure requirements are not overly restrictive, while also identifying opportunities for improved consumer education. These are outlined further below.

Amending subsection of subsection 1.1.1—10(7) to provide examples of caffeine ‘by natural occurrence’ and new subsection 1.1.1—10(7A) excluding guarana extract

The AFGC notes FSANZ's assessment that *‘given stakeholder uncertainty about the operation of subsection 1.1.1—10(7), FSANZ is proposing to include examples in the Code for the purposes of what is caffeine in a food for sale or an ingredient of a food for sale ‘by natural occurrence’ and an additional provision in 1.1.1—10(7A) to clarify that guarana extract is not considered to contain caffeine by natural occurrence.’*

Furthermore, a new subsection 1.5.1—3(3) clarifies that the permission of a novel food listed in section S25—2, and its associated conditions, will override any other provision of the Code, including the exemption for naturally occurring caffeine (subsection 1.1.1—10(7)).

However, the AFGC considers that the status of ‘extracts’ from natural sources following the example to 1.1.1—10(7) is not clear and risks potential restrictive and inconsistent interpretation. As well as the use of the term ‘only’ in reference to the addition cocoa, chocolate, coffee or tea in the example to the definition, it is further complicated by the proposed subclause 1.1.1—10(7A) specifying that guarana extract is not ‘caffeine from a natural source’.

The complexity of extracts is illustrated in the Advisory Committee Novel Foods record of views, where different views have been expressed depending on multiple technical considerations such as whether there is selective enrichment of specific compounds, altering the natural composition e.g. green coffee extract (not novel food) versus green tea extracts (novel food) (1).

While the current 1% (liquid) and 5% (semi-solid, solid) caffeine limit in paragraph 1.1.1—10(5)(g) added through Proposal P1054 was primarily to address the sale of highly concentrated caffeine products, it equally applies to all retail foods for sale irrespective of the source of caffeine.

The AFGC considers retaining these limits for all foods (where permitted) would avoid the unnecessary complexity of having to differentiate sources of caffeine, address concerns about products with high caffeine levels (such as a guarana product with high concentration of caffeine), while also supporting innovation in the market.

The AFGC contends that this, in combination with existing and proposed compositional limits and labelling requirements for specific foods sufficiently manages the safety of caffeine in the food supply.

Recommendation

The AFGC recommends FSANZ retains the current 1% and 5% caffeine limit in the paragraph 1.1.1—10(5)(g) (added through Proposal P1054). This applies to all retail foods for sale irrespective of the source of caffeine and would remove the need to include examples in the note to 1.1.1—10(7) as well as subclause 1.1.1—10(7A).

Labelling requirements for packaged coffee-containing beverages high in caffeine

The AFGC notes amendment to section 2.10.4 'Miscellaneous standards for other foods' by adding section 2.10.4—3A setting out 'Labelling requirements for high caffeine coffee beverages'; and amendment Standard 1.1.2 to include a definition of a high caffeine coffee beverage in section 1.1.2—3(2).

Recommendation

The AFGC supports this proposed amendment, noting the proposed two-year transition period for the proposed amendments to come into effect.

Labelling when caffeine is present from certain ingredients in FSSF

The AFGC notes the proposed draft variation to amend section 2.9.4—2 to define caffeine for the purposes of subparagraphs 2.9.4—4(1)(iii) and (iv) and subsection 2.9.4—11(1). The amended section 2.9.4—2 will provide that caffeine for these purposes does not include caffeine from any of the following sources:

- (a) cocoa;
- (b) chocolate;
- (c) decaffeinated coffee containing no more than 1 g/kg of anhydrous caffeine on a dry basis;
- (d) decaffeinated tea containing no more than 4 g/kg of anhydrous caffeine on a dry basis;
- (e) decaffeinated instant coffee containing no more than 3 g/kg of anhydrous caffeine on a dry basis;

- (f) decaffeinated instant tea containing no more than 3 g/kg of anhydrous caffeine on a dry basis.

The AFGC also notes in the consideration of establishing compositional limits for caffeine in beverages containing coffee, FSANZ concluded that *‘this degree of regulatory intervention is not proportionate with the level of risk posed by these products’*. The risk assessment conducted by FSANZ *‘found that most consumers manage their caffeine consumption within the total safe daily amount of caffeine’* and they do that by ‘self-limiting’ their intake (p27 of consultation document).

The AFGC considers that not including coffee and tea in the amended Standard 2.9.4—2, creates inconsistency with labelling of general foods containing naturally occurring caffeine. As currently drafted, a FSSF would be required to carry an advisory statement and include caffeine in the NIP if it contains any amount of coffee (even when the level of caffeine is low), while a non-FSSF food or beverage containing coffee with the same caffeine level does not.

For example, a general food that is not a FSSF containing instant coffee powder or tea would not require caffeine-related labelling (providing less than 200 mg of caffeine per serve for coffee beverages). However, a FSSF with instant coffee powder or tea as an ingredient, even when used for flavour purposes only and/or resulting in caffeine levels of much less than 200 mg, would require an advisory statement and inclusion of caffeine in the NIP.

To address this, the AFGC suggests coffee and tea be included in the list under section 2.9.4—2 that provides that caffeine for the purposes of subparagraphs 2.9.4—4(1)(a)(iii) and (iv) and subsection 2.9.4—11(1) does not include caffeine from these sources. The AFGC considers that consumer safety remains adequately controlled by measures in subclause 2.9.4—3(2)(b) that restricts caffeine from any source in FSSF to 200 mg (total) in a one-day quantity, and 2.9.4—3(3) limiting the concentration of caffeine to 5% in powders and 1% in liquids.

This approach would improve regulatory consistency while meeting the regulatory intent of the Proposal to enable continued, undisturbed sale of products containing coffee and tea as ingredients, while introducing new labelling measures on high caffeine (>200 mg per serve) products.

Recommendation

For consistency with the approach for general foods, and avoid the unnecessary additional labelling of FSSF products that may have low levels of caffeine, the AFGC recommends that the proposed drafting of Section 2.9.4—2, which lists definitions of terms used in Standard 2.9.4, be amended to include coffee and tea as sources of caffeine not included for the purposes of subparagraphs 2.9.4—4(1)(a)(iii) and (iv) and subsection 2.9.4—11(1).

Alternatively, FSANZ should consider a minimum caffeine threshold for the labelling requirements (advisory statement and inclusion of caffeine in the NIP) to be applied for these products.

Labelling of individual portions in caffeine-containing FSSF

The AFGC notes the proposed draft variation to Section 2.9.4—12 relating to packaging and labelling of individual portions of FSSF in a multi-pack that is not designed for individual sale (in a solid or semi-solid form, no further preparation required before consumption). This includes the requirement for an advisory statement to the effect that the food contains caffeine, if the individual package has a surface area of 30 cm² or greater.

Recommendation

The AFGC supports this amendment.

The provision of adequate information relating to food to enable consumers to make informed choices

While the AFGC supports nutrition information relating to the presence and amount of caffeine, and advisory statements for specific products, the AFGC reiterates the importance and need for consumer education on safe caffeine consumption. The AFGC recommends the development of a positive, targeted communication strategy to key at-risk demographics (people aged 15–30, pregnant or breastfeeding women), extending beyond the provision of information on the FSANZ website e.g. proactive social media.

Recommendation:

The AFGC recommends FSANZ leverages its existing consumer information (2) on safe caffeine consumption through development of a positive, targeted communication strategy using multiple communication channels to reach target populations to complement proposed regulatory measures.

Reference list

(1) [https://www.foodstandards.gov.au/sites/default/files/2025-10/Record of Views updated October 2025.pdf](https://www.foodstandards.gov.au/sites/default/files/2025-10/Record%20of%20Views%20updated%20October%202025.pdf)

(2) <https://www.foodstandards.gov.au/consumer/prevention-of-foodborne-illness/caffeine>

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

The AFGC welcomes the opportunity to engage with FSANZ on any aspect of this submission to provide further clarification if required.

Do you wish to provide confidential information as part of your submission?

No



STATE OF THE INDUSTRY

2023-24



The figures on this page exclude the fresh food sector and are based on 2023-24 ABS data.

1: This is total number of employees, head count basis and does not include seasonal employees.

2: Gross fixed capital formation for food, beverage and tobacco manufacturing subsector is taken as indicator of capital investment.