

# **Ministerial Policy Guideline**

## **Regulatory Management of Caffeine in the Food Supply**

### **SCOPE/AIM**

This Policy Guideline provides guidance on the expectations of the Legislative and Governance Forum on Food Regulation (convening as the Australia and New Zealand Food Regulation Ministerial Council) for the regulatory management of caffeine in the food supply.

### **HIGH ORDER POLICY PRINCIPLES**

The Food Standards Australia New Zealand (FSANZ) Act 1991 establishes a number of objectives for FSANZ in developing or reviewing of food standards (section 18 of the FSANZ Act).

The FSANZ Act states that the objectives (in descending priority order) of the Authority in developing or reviewing food regulatory measures and variations of food regulatory measures are:

- (a) the protection of public health and safety; and
- (b) the provision of adequate information relating to food to enable consumers to make informed choices; and
- (c) the prevention of misleading or deceptive conduct.

The FSANZ Act states that in developing or reviewing food regulatory measures and variations of food regulatory measures, the Authority must also have regard to the following:

- (a) the need for standards to be based on risk analysis using the best available scientific evidence;
- (b) the promotion of consistency between domestic and international food standards;
- (c) the desirability of an efficient and internationally competitive food industry;
- (d) the promotion of fair trading in food;
- (e) any written policy guidelines formulated by the Australian and New Zealand Food Regulation Ministerial Council (that was established by the Food Regulations Agreement in 2000).

These objectives apply to the regulatory management of caffeine in the food supply.

A number of other policies and principles are also relevant, including:

- the Council Of Australian Governments document 'Principles and Guidelines for National Standard Setting and Regulatory Action by Australia and New Zealand Food Regulatory Ministerial Council and Standard Setting Bodies (1995, amended 1997) (Australia only);
- The Office of Best Practice Regulation's Principles of Best Practice Regulation and Best Practice Regulation Handbook;
- New Zealand Code of Good Regulatory Practice (November 1997);

- Overarching Strategic Statement for the Food Regulatory System;
- Policy Statement on the Interpretation of Public Health and Safety in Developing, Reviewing and Varying Food Regulatory Measures;
- the Agreement between the Government of Australia and the Government of New Zealand concerning a Joint Food Standards System;
- relevant World Health Organization agreements;
- relevant World Trade Organization agreements, standards and guidelines; and
- Australia and New Zealand national nutrition and health promotion policies.

### **SPECIFIC POLICY PRINCIPLES**

The regulatory management of caffeine in the food supply should:

- (a) be based on risk analysis ensuring consideration of general population and taking into account vulnerable population groups including children, adolescents, pregnant and lactating women and caffeine sensitive consumers;
- (b) consider exposure to caffeine from all dietary sources; and
- (c) be informed by emerging evidence and the regulation of caffeine in overseas jurisdictions.

### **ADDITIONAL POLICY GUIDANCE**

FSANZ is encouraged to work with research agencies to monitor caffeine consumption across the population, including consumption by vulnerable population groups.

Regulatory management of caffeine in the food supply may include regulatory and non-regulatory risk management approaches.