

Australia and New Zealand Food Regulation Ministerial Council

COMMUNIQUE

6 May 2011

Australian and New Zealand ministers responsible for the regulation of food and beverages met in Canberra today and decided on further actions to address the ongoing health concerns associated with formulated caffeinated energy drinks.

At today's meeting of the Australia and New Zealand Food Regulation Ministerial Council, chaired by Australian Parliamentary Secretary for Health and Ageing, Catherine King, ministers ordered a comprehensive review of the Policy Guideline on the *Addition of Caffeine to Foods*. This follows the increased number of energy drinks on the market containing caffeine and other exotic ingredients.

"In 2001, when the first energy drink of this type was produced, the food regulator, Food Standards Australia New Zealand (FSANZ) then known as the Australia New Zealand Food Authority, introduced a Standard for the regulation for caffeinated energy drinks and in 2003, with more products on the market, the Ministerial Council issued a Policy Guideline," Ms King explained.

"Since 2003, the presence of caffeine in the food supply has changed substantially and the number of products containing caffeine has increased as has, in some cases, the level of caffeine in products.

"In response to concerns by health professionals and the community, the Ministerial Council has agreed today to a full review of the Policy Guideline, taking into consideration global developments in caffeinated products and regulatory approaches being taken in comparable markets.

"Following the review and any necessary amendments, the Ministerial Council will decide if there is also a need to refer this issue to FSANZ for further regulatory action," Ms King said.

The Ministerial Council is awaiting advice from the Intergovernmental Committee on Drugs on how it plans to respond to the issue of mixing alcohol with caffeinated energy drinks.

Other issues discussed included:

Policy Guideline on the Regulation of Infant Formula Products

Ministers considered a Policy Guideline developed by its Food Regulation Standing Committee for the regulation of infant formula products. The development of the Policy Guideline involved extensive public consultation. Noting that infants are one of the most vulnerable population groups and infant formula is a complete food, the Policy Guideline requires a pre-market assessment by FSANZ of all substances proposed for use in infant formula that do not have a history of safe use in these products. This pre-market assessment includes the requirement to substantiate the role of the substance in normal infant growth and development.

Mandatory Fortification of Wheat Flour for Bread Making

A new food standard requiring mandatory folic acid fortification came into effect in September 2009, the key objective being to reduce the number of neural tube defects – which are severe birth defects such as spina bifida – in the Australian population by increasing folic acid intakes in women who may become pregnant. As agreed by the Ministerial Council in 2007, an independent review of this food standard will be undertaken to determine its health impacts. A working group comprising members nominated by the Australian Health Ministers' Advisory Council and the Food Regulation Standing Committee will develop terms of reference for the review and provide oversight of the review process.

Report on initiatives for publicly available performance reporting

Ministerial Council welcomed the progress of work to ensure that there is national consistency in the transparency and reporting of the food safety performance and compliance of restaurants and other food businesses so that consumers can compare hygiene ratings of places they frequent. This initiative aims to promote compliance with food safety legislation by publicly displaying to consumers food safety performance assessments following inspections by local council officers. Participation by both businesses and local councils will be voluntary.

Review of Food Labelling Law and Policy

Ministers discussed the ongoing development of the Ministerial Council's official response to the Food Labelling Review Report, *Labelling Logic* that was presented to the governments and publicly released in 28 January 2011. The comprehensive Review was compiled by an independent Review Panel, chaired by Dr Neal Blewett AC. Ministers today acknowledged that the Review has provided opportunities to significantly improve food labeling, but has also posed policy challenges for governments in Australia and New Zealand and internationally and that the development of a Ministerial Council response will be complex. As each of the recommendations in the Report will need to be carefully assessed, the Ministerial Council agreed that a systematic approach that takes account of relationships between the recommendations be used to guide the development of the whole-of-Ministerial Council response, due to be considered in December this year.

For more information call 02 6289 7400