

## *Standard 2.6.4*

### *Formulated Caffeinated Beverages*

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#### **Purpose**

The purpose of this Standard is to regulate non-alcoholic water-based flavoured formulated caffeinated beverages that are manufactured for the purpose of enhancing mental performance.

#### **Table of Provisions**

- 1 Interpretation
- 2 Composition
- 3 Labelling

#### **1 Interpretation**

In this Standard –

**caffeine** means all caffeine present from whatever source in a formulated caffeinated beverage.

**formulated caffeinated beverage** means a non-alcoholic water-based flavoured beverage which contains caffeine and may contain carbohydrates, amino acids, vitamins and other substances, including other foods, for the purpose of enhancing mental performance.

**one day quantity** in relation to formulated caffeinated beverage, means the maximum amount of that food that should be consumed in one day in accordance with the directions specified in the label.

#### **2 Composition**

- (1) A formulated caffeinated beverage must contain no less than 145 mg/L and no more than 320 mg/L of caffeine.

#### **Editorial note:**

Standard 1.3.1 (Item 14.1.3 of Schedule 1) regulates food additives for the purposes of this standard.

The addition of caffeine to formulated caffeinated beverages goes beyond a technological function under Standard 1.3.1 and, therefore, the permission for the addition of caffeine is located in this Standard rather than in Standard 1.3.1.

- (2) A formulated caffeinated beverage may contain the substances listed in column 1 of the Table to this subclause, provided the amount of that substance present in the food is no more than the amount specified in relation to that substance in column 2 of the Table.

**Table to subclause 2(2)**

<b>Column 1</b>	<b>Column 2</b>
<b>Substance</b>	<b>Maximum amount per one-day quantity</b>
Thiamin	40 mg
Riboflavin	20 mg
Niacin	40 mg
Vitamin B <sub>6</sub>	10 mg
Vitamin B <sub>12</sub>	10 µg
Pantothenic acid	10 mg
Taurine	2000 mg
Glucuronolactone	1200 mg
Inositol	100 mg

(3) A formulated caffeinated beverage must not be mixed with a non-alcoholic beverage as standardised under Standard 2.6.2.

**Editorial note:**

Other foods such as herbal substances may be added to formulated caffeinated beverages unless this is proscribed elsewhere in the *Food Standards Code*.

Standard 1.4.4 regulates prohibited and restricted plants and fungi, and Standard 1.3.1 regulates food additives.

### **3 Labelling**

(1) The label on a package of formulated caffeinated beverage must include declarations of the average quantities, per serving size and per 100 mL of –

- (a) caffeine, expressed in milligrams; and
- (b) the substances listed in column 1 of the Table to subclause 2(2) expressed in the units included in column 2 of the Table.

(2) The declarations under subclause 3(1) may be adjacent to or follow a nutrition information panel on the label of a package of formulated caffeinated beverage, provided that the declarations are clearly distinguished from the nutrition information required by Standard 1.2.8.

**Editorial note:**

An example of the placement of the declarations required under subclause 3(1) adjacent to or following a nutrition information panel as permitted under subclause 3(2) is set out below.

<b>NUTRITION INFORMATION</b>		
Servings per package: (insert number of servings)		
Serving size: 250 mL		
	Quantity per Serving	Quantity per 100 mL
Energy	kJ (Cal)	kJ (Cal)
Protein	g	g
Fat, total	g	g
- saturated	g	g
Carbohydrate, total		
- sugars	g	g
Sodium	mg (mmol)	mg (mmol)
<b>COMPOSITION INFORMATION</b>		
Caffeine	mg	mg
Thiamin	mg	mg
Riboflavin	mg	mg
Niacin	mg	mg
Vitamin B <sub>6</sub>	mg	mg
Vitamin B <sub>12</sub>	µg	µg
Pantothenic acid	mg	mg
Taurine	mg	mg
Glucuronolactone	mg	mg
Inositol	mg	mg

(3) The label on a package of formulated caffeinated beverage must include advisory statements to the effect that –

- (a) the food contains caffeine; and
- (b) the food is not recommended for –
  - (i) children; and
  - (ii) pregnant or lactating women; and
  - (iii) individuals sensitive to caffeine.

(4) The label on a package of formulated caffeinated beverage that contains one or more of the substances in the Table to subclause 2(2) must include an advisory statement to the effect that -

‘Consume no more than [amount of one-day quantity (as cans, bottles or mL )] per day’.

(5) Where a formulated caffeinated beverage is not required to bear a label pursuant to clause 2 of Standard 1.2.1, the advisory statements under subclauses 3(3) and 3(4) must be -

- (a) displayed on or in connection with the display of the food; or
- (b) provided to the purchaser on request.

**Editorial note:**

The advised one-day quantity is calculated from the permissions in the Table to subclause 2(2) as it relates to the concentration of substances in the product. The substance that yields the lowest equivalent amount will determine the advised consumption limit.

For example:

Column 1	Column 2	Column 3	Column 4
Product X formulation	Concentration (mg/L)	Maximum permitted one-day quantity (refer to Table to subclause 2(2))	Equivalent amount of product X (mL)
Riboflavin	30	20	666
Niacin	80	40	500
Pantothenic acid	15	10	666
Taurine	2000	2000	1000

The equivalent amount in Column 4 is calculated as  $\frac{\text{Column 3} \times 1000}{\text{Column 2}}$

In this example niacin presents as the most limiting substance, and therefore, the advised consumption limit for product X would be 500 mL. If product X is packaged in 250 mL cans, the advised consumption limit may also be expressed as ‘two cans’ – for example –

‘consume no more than 500 mL per day’ or ‘consume no more than two cans per day’.

(6) A formulated caffeinated beverage is not a ‘claimable food’ in Standard 1.3.2.

(7) The label on a package of formulated caffeinated beverage must not include declarations of the quantities of vitamins present in the food expressed as a proportion or multiple of the -

- (a) Recommended Dietary Intakes; or
- (b) Estimated Safe and Adequate Daily Dietary Intakes;

of that vitamin.