



7 November 2025

(25-7254)

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Committee on Sanitary and Phytosanitary Measures

Original: English

NOTIFICATION

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| 1. | <b>Notifying Member:</b> <u>NEW ZEALAND</u><br><b>If applicable, name of local government involved:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 2. | <b>Agency responsible:</b> Food Standards Australia New Zealand (FSANZ)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 3. | <b>Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers should be provided in addition, where applicable):</b> Foods for retail sale in Australia and New Zealand in which caffeine has been added, including sports foods                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 4. | <b>Regions or countries likely to be affected, to the extent relevant or practicable:</b><br><input checked="" type="checkbox"/> <b>All trading partners</b><br><input type="checkbox"/> <b>Specific regions or countries:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 5. | <b>Title of the notified document:</b> P1056 – Caffeine review - Consultation paper – naturally occurring caffeine and labelling. <b>Language(s):</b> English. <b>Number of pages:</b> 66<br><a href="https://members.wto.org/crnattachments/2025/SPS/NZL/25_07546_00_e.pdf">https://members.wto.org/crnattachments/2025/SPS/NZL/25_07546_00_e.pdf</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 6. | <b>Description of content:</b> This proposal proposes to: <ul style="list-style-type: none"><li>– Prohibit the retail sale of a food that is caffeine and prohibit the addition of caffeine to foods for retail sale unless expressly permitted;</li><li>– Expressly permit the addition of caffeine to formulated supplementary sports foods (FSSF), subject to compositional, packaging and labelling requirements.</li></ul> <p>This proposal considers whether measures are required in relation to the regulation of caffeine in the Australian and New Zealand food supply in order to protect public health and safety. In particular the proposal is examining: the addition of caffeine to Formulated Supplementary Sports Foods (FSSF), foods in the general food supply and the extent of risk posed to vulnerable sub-populations.</p> <p>All proposals relating to changes in the Australia New Zealand Food Standards Code, must be assessed in the context of the following objectives: (a) the protection of public health and safety; (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. FSANZ must also have regard to the promotion of consistency between domestic and international food standards.</p> <p>The objective and rationale is to amend the Code to protect public health and safety, with respect to the addition of caffeine to foods.</p> <p>Document link - <a href="#">Consultation paper</a> (754KB)</p> <p>Complete set of documents are available from the Food Standards Australia New Zealand website via: <a href="https://www.foodstandards.gov.au/food-standards-code/proposals/p1056">https://www.foodstandards.gov.au/food-standards-code/proposals/p1056</a>.</p> <p>Submission process details available at <a href="#">FSANZ Consultation Hub</a>.</p> |

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| <b>7.</b>  | <b>Objective and rationale:</b> <input checked="" type="checkbox"/> food safety, <input type="checkbox"/> animal health, <input type="checkbox"/> plant protection, <input checked="" type="checkbox"/> protect humans from animal/plant pest or disease, <input type="checkbox"/> protect territory from other damage from pests.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>8.</b>  | <p><b>Is there a relevant international standard? If so, identify the standard:</b></p> <p><input type="checkbox"/> <b>Codex Alimentarius Commission (e.g. title or serial number of Codex standard or related text):</b></p> <p><input type="checkbox"/> <b>World Organization for Animal Health (OIE) (e.g. Terrestrial or Aquatic Animal Health Code, chapter number):</b></p> <p><input type="checkbox"/> <b>International Plant Protection Convention (e.g. ISPM number):</b></p> <p><input checked="" type="checkbox"/> <b>None</b></p> <p><b>Does this proposed regulation conform to the relevant international standard?</b></p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>If no, describe, whenever possible, how and why it deviates from the international standard:</b></p> |
| <b>9.</b>  | <p><b>Other relevant documents and language(s) in which these are available:</b><br/>         Australia New Zealand Food Standards Code: <a href="https://www.foodstandards.gov.au/code/Pages/default.aspx">https://www.foodstandards.gov.au/code/Pages/default.aspx</a> (available in English)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>10.</b> | <p><b>Proposed date of adoption (dd/mm/yy):</b> Notification to Australian and New Zealand Government anticipated early 2026 with adoption (gazettal) to follow approximately three months later, pending Government consideration.</p> <p><b>Proposed date of publication (dd/mm/yy):</b> Notification to Australian and New Zealand Government anticipated early 2026 with publication (gazettal) to follow approximately three months later, pending Government consideration.</p>                                                                                                                                                                                                                                                                                                                                |
| <b>11.</b> | <p><b>Proposed date of entry into force:</b> <input type="checkbox"/> <b>Six months from date of publication, and/or (dd/mm/yy):</b> A two-year transition period has been proposed, beginning on the date of gazettal and pending Government consideration of the proposal (see above).</p> <p><input type="checkbox"/> <b>Trade facilitating measure</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>12.</b> | <p><b>Final date for comments:</b> <input checked="" type="checkbox"/> <b>Sixty days from the date of circulation of the notification and/or (dd/mm/yy):</b> 6 January 2026</p> <p><b>Agency or authority designated to handle comments:</b> <input checked="" type="checkbox"/> <b>National Notification Authority, <input checked="" type="checkbox"/> National Enquiry Point. Address, fax number and e-mail address (if available) of other body:</b></p> <p>Sally Griffin, Coordinator, SPS New Zealand, PO Box 2526, Wellington, New Zealand. Tel: +(64 4) 894 0431; Fax: +(64 4) 894 0733; E-mail: <a href="mailto:sps@mpi.govt.nz">sps@mpi.govt.nz</a></p>                                                                                                                                                   |
| <b>13.</b> | <p><b>Text(s) available from:</b> <input checked="" type="checkbox"/> <b>National Notification Authority, <input checked="" type="checkbox"/> National Enquiry Point. Address, fax number and e-mail address (if available) of other body:</b></p> <p>Sally Griffin, Coordinator, SPS New Zealand, PO Box 2526, Wellington, New Zealand. Tel: +(64 4) 894 0431; Fax: +(64 4) 894 0733; E-mail: <a href="mailto:sps@mpi.govt.nz">sps@mpi.govt.nz</a><br/>         Website: <a href="https://www.foodstandards.gov.au/food-standards-code/proposals/p1056">https://www.foodstandards.gov.au/food-standards-code/proposals/p1056</a></p>                                                                                                                                                                                |