

18 December 2019

Original: English

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## **Committee on Sanitary and Phytosanitary Measures**

## **NOTIFICATION**

1. Notifying Member: AUSTRALIA

If applicable, name of local government involved:

- 2. Agency responsible: Food Standards Australia New Zealand (FSANZ)
- 3. 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):

Food for retail sale in Australia in which caffeine is present as a concentration of:

- (i) 5% or greater if the food is a solid or semi-solid food; and
- (ii) 1% or greater if the food is a liquid food.
- 4. Regions or countries likely to be affected, to the extent relevant or practicable:
  - [X] All trading partners
  - [ ] Specific regions or countries:
- **Title of the notified document:** Final Consideration Report Urgent Proposal P1054 Pure and highly concentrated caffeine products. https://www.foodstandards.gov.au/code/proposals/Pages/P1054.aspx.

Language(s): English. Number of pages: 48

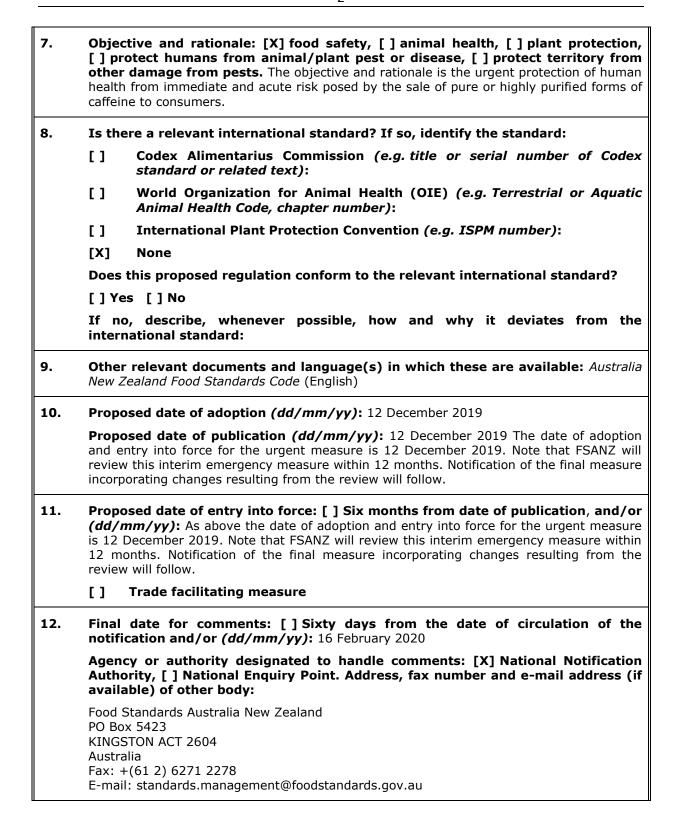
**6. Description of content:** To protect human safety and health, Food Standards Australia New Zealand (FSANZ) has approved - as an interim emergency measure - an amendment to the *Australia New Zealand Food Standards Code* to prohibit the retail sale of foods in which total caffeine is present in a concentration of 5% or more (if the food is a solid or semi-solid food) or 1% or more (if the food is a liquid food).

This decision followed a recent death in Australia caused by ingestion of pure or highly concentrated caffeine powder. The decision is based on a risk assessment that confirmed that pure and highly concentrated caffeine food products sold at retail directly to consumers pose an immediate and acute health and safety risk. The ingestion of small amounts of pure and highly concentrated caffeinated substances can result in death or severe health effects.

This interim measure comes into force in December 2019.

FSANZ will review this interim emergency measure and decide within 12 months whether to affirm, amend or repeal the measure, taking into account comments by WTO members received as a result of this notification.

Australia is notifying this interim measure under both TBT and SPS Agreements as caffeine cannot be considered to be an additive for the purposes of the SPS Agreement in relation to all food stuffs - such as pure caffeine products in which it is the primary ingredient. The latter would be covered the TBT Agreement (and not the SPS Agreement).



13. Text(s) available from: [X] National Notification Authority, [X] National Enquiry Point. Address, fax number and e-mail address (if available) of other body:

https://www.foodstandards.gov.au/code/proposals/Pages/P1054.aspx

Copies are also available from:

The Australian SPS Contact Point GPO Box 858 CANBERRA ACT 2601 AUSTRALIA

Email: sps.contact@agriculture.gov.au