

# Ian Macdonald

Minister for Primary Industries  
Minister for Mineral Resources  
Minister for State Development



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Saturday, 3rd October, 2009

## **Government investigation reveals 77% of energy drinks contain illegal caffeine levels**

More than three quarters of energy drinks on sale in NSW may contain illegal levels of caffeine, a preliminary Government investigation has revealed, Primary Industries Minister Ian Macdonald said.

The NSW Food Authority has completed initial testing of 85 energy drinks and 70 of these are subject to current food laws, which limit the caffeine levels permitted in these drinks.

“Our investigations so far have revealed that 77% of energy drinks on sale exceed the legal caffeine content limit,” Mr Macdonald said.

“Some of these drinks actually exceed the legal limit by more than 30%.

“I am concerned by the anecdotal reports of young people being adversely affected by these products, even though the available science suggests that they do not pose a serious health risk.

“The Government is taking immediate action on this matter,” he said.

- Five of the eight products that exceed the standard by more than 30% have already been taken out of distribution in NSW, including “Fuel Cell” and “Cintron” products.
  - Suppliers of the remaining three drinks which exceed the standard by more than 30% will be asked to justify their product being on the market - if they are unable to do so, further action may be taken including seizure of the product or they may be prosecuted.
  - Manufacturers of the other 46 products that exceed the standard by less than 30% will be required to inform the NSW Food Authority of the corrective action they intend to take to ensure their product meets legal requirements.
  - The government is working closely with the Therapeutic Goods Administration (TGA) on those products defined as ‘therapeutic goods’. The TGA is in the process of de-registering these products. This process is subject to appeal mechanisms and it may be some time before these products re-enter the “food” jurisdiction, however if the products reappear on the market the government will be well placed to take immediate action.
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- The Food Authority has initiated contact with NZ authorities and it is understood that the appropriateness of caffeine drinks currently classified as “dietary supplements” in New Zealand is also being reviewed.
- Minister Macdonald said he has placed the issue on the agenda for the next Food Regulation Ministerial Council which includes representatives from all Australian states the Commonwealth and New Zealand.

“This is a national problem, because the drinks are manufactured and sold across Australia,” he said.

“When the Ministerial Council meet later this month I hope very much that we will reach a national consensus to tackle this problem,” Mr Macdonald said.

Of the 70 drinks subject to the Food Standards Code:

- 23% complied
- 77% did not comply, which included:
  - 43% have caffeine levels between 1-15% over legal limit.
  - 23% have caffeine levels between 16-30% over legal limit.
  - 11% have caffeine levels more than 30% over legal limit (five already removed from the NSW market).

“The Food Authority will be doing further testing of energy drinks over the next couple of months,” Minister Macdonald said.

“These producers, distributors and importers must comply with the law, especially as their products are popular with young people and targeted at them.”

