Subject: Cap on Caffeine in Energy Drinks

Dear Dr. Chandra Bhushan,

This has reference to your letter dated 24th Aug. 2011, regarding the subject cited above.

a. The addition of substances to foods are governed by two regulatory criteria (a) the safe levels of consumption (risk analysis) and (2) the technological need - the level at which it can provide this function. Hence the purpose of use is a regulatory criterion while granting permissions.

b. Caffeine is added to cola beverages as a flavouring substance. The purpose of use here is to provide a technological function as a flavouring substance. This is the position with regulatory agencies worldwide such as New Zealand, Canada, US, EU where the maximum limits range from 145 – 200ppm.

c. The above limits are not 'safety limits' but technological limits based on the purpose of use. Hence the previous approval at 145ppm for cola beverages was correct in that it specified the limit for a technological purpose.

d. Risk assessment of caffeine (Nawrot et al Food Additives and Contaminants, 20:1-30,2003) indicates that among the healthy adult population moderate daily caffeine intake of ≤400 mg (equivalent to 6.5 mg/kg bw/d for a 70-kg person) or 390 mg (60 kg person) was not associated with any adverse effects. The highest amount of caffeine added in the so called energy drinks is 320ppm which is less than the safe dose of 390mg per day. Each serving/can/bottle contains only 80 mg of caffeine which is 20.5% of the safe dose. Hence a cap of 320 ppm is suggested.
Specific Comments on Recommendations of CSE

1. Types of foods to be sold and restrictions there of is a policy matter of Government of India.

2. People consuming energy drinks with alcohol is by personal choice and we have no Control. However, in the proposed regulation that a warning on the label "Not to be mixed with any alcoholic drinks for consumption" was suggested.

3. As per the food labelling regulations no misleading information should be given.

Yours sincerely
(B. Sesikaran)

CC to:
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