



## AHPA Trade Requirement

The Bylaws of the American Herbal Products Association define “Obligations of Membership” to include “adherence to all policies and principles of business practice as outlined in the Association’s Bylaws and Code of Ethics & Business Conduct.” Any such requirement adopted by the Board is thus automatically considered as a revision to the Code, requiring compliance from all members in good standing.

### Caffeine-containing products

*Adopted March 2005, revised March 2013, March 2015 and October 2021*

#### 1. Labeling of caffeine-containing products

Dietary supplements that contain more than 5 mg of caffeine per serving, whether as added caffeine or as a naturally-occurring constituent of one or more herbal ingredients, and foods that contain added caffeine in which the total caffeine is more than 5 mg per serving conform to all of the following:

- The labels of such products disclose the presence of caffeine.
- The labels of any such products that contain 25 mg or more of caffeine per recommended serving disclose the specific quantity or quantitative range of caffeine per recommended serving, stated in milligrams per serving and/or in equivalent approximate cups of coffee; except that this requirement does not apply to products in which the only caffeine-containing ingredients consist of crude raw botanicals or botanical ingredients in which the caffeine is not more concentrated than in the source crude botanical.
- The products are formulated and labeled in a manner to recommend a maximum of 200 mg of caffeine per serving not more often than every 3 to 4 hours.
- The following or similar information is included on the label of any such product that contains caffeine in sufficient quantity to warrant such labeling:
  - Do not use if sensitive to caffeine.
  - Not recommended for use by children under 18 years of age.
  - Not recommended for use by pregnant or nursing women.

For purposes of this policy the following definitions apply:

- “Caffeine” is a xanthine alkaloid with the chemical formula  $C_8H_{10}N_4O_2$ . Its systematic name is 1,3,7-trimethylxanthine or 3,7-dihydro-1,3,7-trimethyl-1H-purine-2,6-dione.

- “Added caffeine” means (1) caffeine that is a unique ingredient in a product’s formulation, irrespective of source (natural or synthetic) or form (pure caffeine; caffeine anhydrous; caffeine salts; caffeine compounds; etc.), or (2) the caffeine present in extracts of botanicals if the caffeine level is controlled or manipulated to a specific quantitative level or range that is higher than the naturally-occurring level.

In addition, for purposes of this policy the following clarification applies:

- Caffeine is found in several plant species, including in coffee seed (*Coffea* spp.), tea leaf (*Camellia sinensis*), kola fruit (*Cola* spp.), guaraná fruit (*Paullinia cupana*), yerba mate leaf (*Ilex paraguariensis*), and cacao seed (*Theobroma cacao*). Some references use synonyms for the caffeine found in plants other than coffee fruit (e.g., “thein” or “theine” if in tea leaf; “guaranine” if in guaraná; “mateine” or “mateina” if in yerba mate; “methyltheobromine” if in cacao\*; etc.). This policy applies to caffeine irrespective of the synonymous or systematic name used to identify it.

NOTE: Cacao also contains theobromine (C<sub>7</sub>H<sub>8</sub>N<sub>4</sub>O<sub>2</sub>), which is a non-caffeine alkaloid.

## **2. Pure or highly concentrated caffeine sold at retail**

Pure or highly concentrated caffeine is not sold at retail (to consumers) in bulk form (powder or liquid).