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GOVERNMENT NOTICES

General Section

Standard 1.1.1 - Structure of the Code and General Provisions - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

Division 1 Preliminary

1.1.1—1 Name

This Standard is *Australia New Zealand Food Standards Code - Standard 1.1.1 - Structure of the Code and general provisions*.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

1.1.1—2 Structure of the Code

(1) All the standards of the Code are read together as a single instrument.

(2) The standards of the Code are arranged into Chapters, Parts and a set of Schedules as shown below:

Note The Chapters cover the following material:

- (a) Chapter 1:
 - (i) preliminary material; and
 - (ii) provisions that apply to all foods;
 - (b) Chapter 2—provisions that apply only to particular foods;
 - (c) Chapter 3—food hygiene (applies in Australia only);
 - (d) Chapter 4—the primary production and processing of food (applies in Australia only);
 - (e) Chapter 5—revocation of previous versions of Standards 1.1.1 to 2.10.3 and transitional matters.
- Schedules 1 to 30 follow Chapter 5.

Chapter 1 Introduction and standards that apply to all foods

Part 1.1 Preliminary

Standard 1.1.1 Structure of the Code and general provisions

Standard 1.1.2 Definitions used throughout the Code

Part 1.2 Labelling and other information requirements

- Standard 1.2.1 Requirements to have labels or otherwise provide information
- Standard 1.2.2 Information requirements - food identification
- Standard 1.2.3 Information requirements - warning statements, advisory statements and declarations
- Standard 1.2.4 Information requirements - statement of ingredients
- Standard 1.2.5 Information requirements - date marking of food for sale
- Standard 1.2.6 Directions for use and storage
- Standard 1.2.7 Nutrition, health and related claims
- Standard 1.2.8 Nutrition information requirements

Note There is no Standard 1.2.9

Standard 1.2.10 Characterising ingredients and components of food

Standard 1.2.11 Country of origin labelling requirements

Note Applies in Australia only

Part 1.3 Substances added to or present in food

- Standard 1.3.1 Food additives
- Standard 1.3.2 Vitamins and minerals
- Standard 1.3.3 Processing aids

Part 1.4 Contaminants and residues

- Standard 1.4.1 Contaminants and natural toxicants
- Standard 1.4.2 Agvet chemicals

Note Applies in Australia only

Note There is no Standard 1.4.3

Standard 1.4.4 Prohibited and restricted plants and fungi

Part 1.5 Foods requiring T clearance

- Standard 1.5.1 Novel foods
- Standard 1.5.2 Food produced using gene technology
- Standard 1.5.3 Irradiation of food

Part 1.6 Microbiological limits and processing requirements

- Standard 1.6.1 Microbiological limits in food
- Standard 1.6.2 Processing requirements for meat

Note Applies in Australia only

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- Standard 2.1.1 Cereal and cereal products

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- Standard 2.2.1 Meat and meat products
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- Standard 2.7.2 Beer
- Standard 2.7.3 Fruit wine, vegetable wine and mead
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- Standard 2.7.5 Spirits

Part 2.8 Sugars and honey

- Standard 2.8.1 Sugars
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Part 2.9 Special purpose foods

- Standard 2.9.1 Infant formula products
- Standard 2.9.2 Food for infants
- Standard 2.9.3 Formulated meal replacements and formulated supplementary foods
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Note Applies in New Zealand only

Part 2.10 Standards for other foods

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Note Applies in Australia only

- Standard 3.1.1 Interpretation and Application

- Standard 3.2.1 Food Safety Programs
- Standard 3.2.2 Food Safety Practices and General Requirements
- Standard 3.2.3 Food Premises and Equipment
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Chapter 4 Primary production standards

Note Applies in Australia only

- Standard 4.1.1 Primary Production and Processing Standards - Preliminary Provisions
- Standard 4.2.1 Primary Production and Processing Standard for Seafood
- Standard 4.2.2 Primary Production and Processing Standard for Poultry Meat
- Standard 4.2.3 Primary Production and Processing Standard for Meat
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- Standard 4.2.4A Primary Production and Processing Standard for Specific Cheeses
- Standard 4.2.5 Primary Production and Processing Standard for Eggs and Egg Product
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- Standard 5.1.1 Revocation and transitional provisions—2014 revision

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- Schedule 1 RDIs and ESADDIs
- Schedule 2 Units of measurement
- Schedule 3 Identity and purity
- Schedule 4 Nutrition, health and related claims
- Schedule 5 Nutrient profiling scoring method
- Schedule 6 Required elements of a systematic review
- Schedule 7 Food additive class names (for statement of ingredients)

- Schedule 8 Food additive names and code numbers (for statement of ingredients)
- Schedule 9 Mandatory advisory statements
- Schedule 10 Generic names of ingredients and conditions for their use
- Schedule 11 Calculation of values for nutrition information panel
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- Schedule 13 Nutrition information required for food in small packages
- Schedule 14 Technological purposes performed by food additives
- Schedule 15 Substances that may be used as food additives
- Schedule 16 Definitions for certain types of substances that may be used as food additives
- Schedule 17 Vitamins and minerals
- Schedule 18 Processing aids
- Schedule 19 Maximum levels of contaminants and natural toxicants
- Schedule 20 Maximum residue limits

Note Applies in Australia only

- Schedule 21 Extraneous residue limits

Note Applies in Australia only

- Schedule 22 Foods and classes of foods

Note Applies in Australia only

Schedule 23	Prohibited plants and fungi
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Schedule 25	Permitted novel foods
Schedule 26	Food produced using gene technology
Schedule 27	Microbiological limits for foods
Schedule 28	Composition of packaged water
Schedule 29	Special purpose foods

Division 2 Application and interpretation

Note Definitions that are used throughout the Code are contained in Standard 1.1.2.

1.1.1—3 Application of Code

(1) Unless this Code provides otherwise, this Code applies to food that is:

- (a) sold, processed or handled for sale in Australia or New Zealand; or
- (b) imported into Australia or New Zealand.

Note 1 The following provisions have not been incorporated by reference into a food standard under the *Food Act 2014* (NZ):

- (i) sections 1.2.1—7 and 1.2.1—14, and Standard 1.2.11 (country of origin labelling requirements);
- (ii) Standard 1.4.2 (agvet chemicals);
- (iii) Standard 1.6.2 (processing requirements for meat);
- (iv) section 2.1.1—5 (requirement for folic acid and thiamin in bread);
- (v) section 2.2.1—12 (bovine must be free from bovine spongiform encephalopathy);
- (vi) Standard 2.2.2 (eggs);
- (vii) subsection 2.4.2—3(2) and subsection 2.4.2—3(4) (requirement for food sold as table edible oil spreads and table margarine);
- (viii) Chapter 3 (food safety standards) and Chapter 4 (primary production and processing standards).

Note 2 Standard 2.9.6 (Transitional standard for special purpose foods (including amino acid modified foods)) does not apply in Australia.

(2) Subsection (1) does not apply to wine that:

- (a) has a shelf life of more than 12 months; and
- (b) was bottled before 20 December 2002; and
- (c) complies with all food standards in the case of Australia and all food standards in the case of New Zealand that would have applied on the date of bottling; and
- (d) is labelled with a 2002 vintage date or earlier.

1.1.1—4 Application of interpretation legislation

This Code is to be interpreted in accordance with the rules of interpretation:

- (a) in Australia—the *Acts Interpretation Act 1901* (Cth); and
- (b) in New Zealand—the *Interpretation Act 1999* (NZ).

1.1.1—5 References to other instruments

(1) In this Code:

- (a) a reference to an Act, including an Act of a State or Territory or of New Zealand, includes any instruments made under that Act; and
- (b) a reference to the Code of Federal Regulations, or CFR, is a reference to the 2014 compilation of the United States Code of Federal Regulations.

Note In this Code, the Code of Federal Regulations is cited in the following format:
[title number] CFR § [section number]

(2) Guidelines developed by FSANZ in accordance with paragraph 13(1)(c) of the FSANZ Act are to assist in the interpretation of this Code and are not legally binding.

1.1.1—6 How average quantity is to be calculated

(1) This section applies where this Code requires an *average quantity* of a substance to be declared in the labelling of a food for sale, whether as a percentage or as the amount of the substance in a serving or other amount of the food.

Note The term *average quantity* is defined in section 1.1.2—2.

Example The Code requires the ‘average quantity’ of a variety of substances to be listed in the nutrition information about a food for sale, for example protein, carbohydrate and sugars.

(2) The average quantity is to be calculated by the manufacturer or producer using whichever of the methods in subsection (3) the manufacturer or producer considers to best represent the average quantity, taking into account any factors that would cause the actual amount of the substance in the food to vary from lot to lot, including seasonal variability.

(3) The methods are:

- (a) the amount that the manufacturer or producer of the food determines, based on an analysis, to be the average amount of the substance in a serving or other amount of the food; or
- (b) the calculation of the actual amount of the substance, or the calculation of the average amount of the substance, in the ingredients used for the food; or
- (c) the calculation from generally accepted data relevant to that food.

1.1.1—7 Units of measurement

(1) A symbol of measurement used in this Code has the meaning assigned to it by the table in Schedule 2.

(2) If a symbol is not assigned a meaning by the table, it has the meaning assigned to it:

- (a) in Australia—by the *National Measurement Act 1960* (Cth); or
- (b) in New Zealand—by the *Weights and Measures Act 1987* (NZ).

(3) If a symbol is not assigned a meaning by the table or subsection (2), it has the meaning assigned to the symbol by the Systeme Internationale d’Unités.

(4) Where a unit of measurement is referred to in the heading of a table in this Code, the amounts specified in the table are to be measured according to those units unless a different unit of measurement is specified in relation to a particular item in the table.

1.1.1—8 Compliance with requirements for mandatory statements or words

(1) If a provision of this Code requires a warning statement or specific words to be used, the warning statement or words must be expressed in the words set out in this Code without modification.

(2) If a provision of this Code requires a statement other than a warning statement to be used:

- (a) that statement may be modified; and
- (b) any modification must not contradict or detract from the effect of the statement.

Division 3 Effect of variations to Code

1.1.1—9 Effect of variations to Code

(1) Unless this Code, or an instrument varying this Code, provides otherwise, if:

- (a) this Code is varied; and
- (b) a food was compliant for a kind of sale immediately before the variation commenced;

the food is taken to be compliant for that kind of sale for a period of 12 months beginning on the date of the variation.

(2) In this section, a food is *compliant* for a kind of sale if:

- (a) when a labelling requirement of this Code applies to the kind of sale—the labelling of the food complies with the requirement; and
- (b) when a packaging requirement of this Code applies to the kind of sale—the packaging of the food complies with the requirement; and
- (c) the food complies with any provisions of this Code relating to the composition of food of that kind.

Division 4 Basic requirements

Note 1 In Australia, the Code is enforced under application Acts in each State and Territory, and under Commonwealth legislation dealing with imported food. In outline, this scheme operates as follows:

(1) The application Acts comprise a uniform legislative scheme based on Model Food Provisions that are annexed to the *Food Regulation Agreement*, an agreement between the Commonwealth, States and Territories. Under

those Acts, a person:

- (a) must comply with any requirement imposed on the person by a provision of this Code in relation to:
 - (i) the conduct of a food business; or
 - (ii) food intended for sale; or
 - (iii) food for sale; and
 - (b) must not sell any food that does not comply with any requirement of this Code that relates to the food; and
 - (c) must not sell or advertise any food that is packaged or labelled in a manner that contravenes a provision of this Code; and
 - (d) must not sell or advertise for sale any food in a manner that contravenes a provision of this Code; and
 - (e) must not, for the purpose of effecting or promoting the sale of any food in the course of carrying on a food business, cause the food to be advertised, packaged or labelled in a way that falsely describes the food.
- (2) For paragraph (1)(e), food is falsely described if:
- (a) it is represented as being of a particular nature or substance; and
 - (b) the Code provides a prescribed standard for such food; and
 - (c) the food does not comply with the prescribed standard.
- (3) The relevant Acts are:
- (a) *Food Act 2003* (New South Wales)
 - (b) *Food Act 1984* (Victoria)
 - (c) *Food Act 2006* (Queensland)
 - (d) *Food Act 2008* (Western Australia)
 - (e) *Food Act 2001* (South Australia)
 - (f) *Food Act 2003* (Tasmania)
 - (g) *Food Act 2001* (Australian Capital Territory)
 - (h) *Food Act 2004* (Northern Territory).
- (4) Under the *Imported Food Control Act 1992* (Cth), a person is prohibited from:
- (a) importing into Australia food that does not meet applicable standards of this Code, other than those relating to information on labels of packaged food; and
 - (b) dealing with imported food that does not meet applicable standards relating to information on labels of packaged food.
- Note 2** In New Zealand, under the Food Act 2014 (NZ) a person commits an offence if the person breaches or fails to comply with:
- (a) a requirement in an adopted joint food standard or a domestic food standard;
 - (b) ...

1.1.1–10 Requirements relating to food for sale

(1) This section applies in relation to food for sale.

Compositional requirements

- (2) Subject to this section, food for sale may consist of, or have as an ingredient, any food.
- (3) Food for sale must comply with any provisions of this Code relating to the composition of food of that kind (including provisions relating to the presence of other substances in food of that kind).
- (4) Where a compositional requirement permits the use of ‘other foods’ or ‘other ingredients’ as ingredients, the permission does not extend to the addition of a food or a substance that is otherwise not permitted to be added to food, or to the specified food, under this Code.
- (5) Unless expressly permitted by this Code, food for sale must not be any of the following:
 - (a) a *prohibited plant or fungus, a *restricted plant or fungus, or coca bush;
 - (b) if the food is for retail sale—a *novel food;
 - (c) a *food produced using gene technology;
 - (d) a food that has been irradiated;
 - (e) kava or any substance derived from kava.

(6) Unless expressly permitted by this Code, food for sale must not have as an ingredient or a component, any of the following:

- (a) a substance that was *used as a food additive;
- (b) a substance that was *used as a nutritive substance;
- (c) a substance that was *used as a processing aid;
- (d) in Australia—a detectable amount of:
 - (i) an *agvet chemical; or
 - (ii) a metabolite or degradation product of an agvet chemical;
- (e) a *prohibited plant or fungus, a *restricted plant or fungus, or coca bush;
- (f) if the food is for retail sale—a *novel food;
- (g) a *food produced using gene technology;
- (h) a food that has been irradiated;
- (i) kava or any substance derived from kava.

Note 1 Relevant permissions for subsections (3) and (4) are contained in various standards. See in particular:

- food additives—Standard 1.3.1;
- nutritive substances—Standard 1.3.2, Standard 2.6.2, Standard 2.9.1, Standard 2.9.2, Standard 2.9.3, Standard 2.9.4, and Standard 2.9.5;
- processing aids—Standard 1.3.3;
- agvet chemical residues—Standard 1.4.2;
- prohibited plants and fungi—Standard 1.4.4;
- novel foods—Standard 1.5.1;
- food produced using gene technology—Standard 1.5.2;
- irradiated food—Standard 1.5.3;
- kava—Standard 2.6.3.

Note 2 There is an overlap between some of these categories. For example, some substances may be used as a food additive or as a nutritive substance. For such substances, there will be different provisions permitting use of the substance for different purposes.

Note 3 In some cases, a provision refers to the total amount of a substance added to a food. In these cases, the total amount applies irrespective of whether the substance was used as a food additive, used as a processing aid or used as a nutritive substance.

(7) Subsection (6) does not apply to a substance that is in a food for sale, or in an ingredient of a food for sale, by natural occurrence.

Labelling requirements

(8) If a labelling requirement of this Code applies to the sale of food, the labelling must comply with the requirement.

Information requirements

(9) If an information requirement of this Code applies to the sale of food, the information must be provided as required.

Packaging requirements

(10) If a packaging requirement of this Code applies to the sale of food, the packaging must comply with the requirement.

(11) Any packaging, and any article or material in the packaging or in contact with the food, must not, if taken into the mouth:

- (a) be capable of being swallowed or obstructing any alimentary or respiratory passage; or
- (b) be otherwise likely to cause bodily harm, distress or discomfort.

Example Articles or materials include any materials in contact with food, including packaging materials that contain other items such as moisture absorbers, mould inhibitors, oxygen absorbers, promotional materials, writing or other graphics.

1.1.1–11 Microbiological requirements for lot of a food

A lot of a food must not have an unacceptable level of microorganisms as determined in accordance with Standard 1.6.1.

Note For the meaning of *lot*, see section 1.1.2—2.

1.1.1—12 Applicable standards for importation of food

(1) The provisions of this Code relating to labelling are applicable to food that is imported with the labelling with which it is intended to be sold

(2) The provisions of this Code relating to packaging are applicable to food that is imported in the packaging in which it is intended to be sold.

(3) The provisions of this Code, other than those relating to packaging and labelling, are applicable to food that is imported.

Note This provision is relevant to the *Imported Food Control Act 1992* (Cth), and the provisions of the *Food Act 2014* (NZ) that relate to importation of food.

1.1.1—13 Food sold with a specified name or representation

(1) This section applies where a provision of this Code that provides that a food that is sold as a named food, whether or not the name is in quotation marks, must satisfy certain requirements (usually that the food being sold must satisfy the definition of the food in this Code).

Example The provisions in Chapter 2 headed 'Requirement for food sold as ...', e.g.

2.1.1—3 Requirement for food sold as bread.

A food that is sold as bread must be bread.

In this example bread is the food and is not in quotation marks.

(2) If the provision specifies the name of the food in quotation marks, any requirement that must be satisfied applies only if that name is used in connection with the sale.

Note 1 The foods to which a requirement that must be satisfied applies only if the name of the food is used include: butter, chocolate, cider, cocoa, coffee, cream, decaffeinated coffee, decaffeinated instant coffee, decaffeinated instant tea, decaffeinated soluble tea, gelatine, ice cream, imitation vinegar, instant tea, iodised reduced sodium salt mixture, iodised salt, margarine, mead, milk, peanut butter, perry, processed cheese, salt, skim milk, soluble coffee, soluble tea, table margarine, tea, vinegar, white sugar, wholegrain, wholemeal and yoghurt. These are foods that are identified in quotation marks in provisions to which subsection (1) applies.

Example A cocoa-based confectionery that is not sold as a chocolate confectionery or a water-based beverage that contains fruit but is not sold as fruit juice, need not satisfy a requirement about chocolate or fruit juice.

(3) If the provision specifies the name of the food without quotation marks, any requirement that must be satisfied applies to any sale in which a purchaser is likely to assume that the food being sold was the food.

Note A requirement that must be satisfied applies to any sale in which a purchaser is likely to assume that the food being sold is, for example: ale, beer, brandy, bread, cheese, condensed skim milk, condensed whole milk, dried skim milk, dried whole milk, edible oil spread, electrolyte drink, electrolyte drink mix, evaporated skim milk, evaporated whole milk, fermented milk, fruit drink, fruit juice, fruit wine, fruit wine product, jam, lager, liqueur, meat pie, pilsener, porter, sausage, spirit, stout, table edible oil spread, vegetable juice, vegetable wine, vegetable wine product, wine and wine product. These are foods that are not identified in quotation marks in provisions to which subsection (1) applies. Use of the name could be an element of a representation about the identity of the food.

Example Bread sold as sourdough; a cheese or processed cheese sold as cheddar or processed cheddar; or a sausage sold as bratwurst. Jam may be sold as conserve.

Example 2 Steak pie or lamb pie must contain no less than 250g/kg of meat flesh.

(4) If a food name is used in connection with the sale of a food (for example in the labelling), the sale is taken to be a sale of the food as the named food unless the context makes it clear that this is not the intention.

Examples

Section 2.7.2—3, relating to beer, does not prevent the use of 'ginger beer' in relation to the soft drink. Such a product is not beer for the purposes of the Code.

Section 2.1.1—3, relating to 'bread', does not prevent the use of 'shortbread' or 'crispbread' in relation to those foods, or 'unleavened bread' to describe the food made without the yeast that would be required for it to be sold as 'bread'. Those products are not bread for the purposes of the Code.

The context within which foods such as soy milk or soy ice cream are sold is indicated by use of the name soy; indicating that the product is not a dairy product to which a dairy standard applies.

1.1.1—14 Other requirements relating to food

Requirements for handling of food

(1) If this Code sets requirements for the handling of food, the food must be handled in accordance with those requirements.

Note This subsection relates to requirements in Chapter 3 and has application in Australia only.

Requirements for record-keeping

(2) If this Code sets requirements for record-keeping in relation to food, those requirements must be complied with.

1.1.1–15 Identity and purity

(1) This section applies to the following substances when added to food in accordance with this Code, or sold for use in food:

- (a) a substance that is *used as a food additive;
- (b) a substance that is *used as a processing aid;
- (c) a substance that is *used as a nutritive substance;
- (d) a *novel food.

(2) The substance must comply with any relevant specification set out in Schedule 3.

1.1.1–16 Use of asterisks to identify terms defined in subsection 1.1.2–2(3)

(1) Many of the terms in this Code are defined in subsection 1.1.2–2(3).

(2) Most of the terms that are defined in subsection 1.1.2–2(3) are identified by an asterisk appearing at the start of the term: as in '*carbohydrate'.

(3) An asterisk usually identifies the first occurrence of a term in a section (if not divided into subsections), subsection or definition. Later occurrences of the term in the same provision are not usually asterisked.

(4) Terms are not asterisked in headings, notes, examples, explanatory tables, guides, outline provisions or diagrams.

(5) If a term is not identified by an asterisk, disregard that fact in deciding whether or not to apply to that term a definition or other interpretation provision.

(6) The following basic terms used throughout the Code are not identified with an asterisk:

Terms defined in subsection 1.1.2–2(3) that are not identified with asterisks

Item	Term
1	claim
2	Code
3	fat
4	food
5	food additive
6	fruit
7	infant
8	label
9	labelling
10	nutrition content claim
11	package
12	serving
13	statement of ingredients
14	sugars

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1.1.2—1 Name

This Standard is *Australia New Zealand Food Standards Code - Standard 1.1.2 - Definitions used throughout the Code*.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

1.1.2—2 Definitions—general

Note Definitions for foods are provided in section 1.1.2—3.

(1) Subject to subsection (2), a term used in this Code that is also used in the *FSANZ Act has the same meaning as in the FSANZ Act, unless the contrary intention appears.

(2) In applying this Code under an application Act, a term used in this Code that is also used in the *application Act has the same meaning as in the application Act, unless the contrary intention appears.

Example A contrary intention is apparent in the definition of **label** in subsection 1.1.2—2(3).

(3) In this Code, unless the contrary intention appears, the following definitions apply:

additive permitted at GMP—see section 1.1.2—11

agvet chemical means an agricultural chemical product or a veterinary chemical product, within the meaning of the Agvet Code.

Note The Agvet Code is the Agricultural and Veterinary Chemicals Code set out in the Schedule to the *Agricultural and Veterinary Chemicals Code Act 1994* (Cth). See subsection 4(1) of the FSANZ Act.

amino acid modified food—see section 2.9.6—2.

AS/NZS means a joint Australia New Zealand Standard published by Standards Australia.

application Act means an Act or Ordinance of a *jurisdiction under which the requirements of this Code are applied in the jurisdiction.

AS means an Australian Standard published by Standards Australia.

assisted service display cabinet means an enclosed or semi-enclosed display cabinet which requires a person to serve the food as requested by the purchaser.

authorised officer, in relation to a jurisdiction, means a person authorised or appointed under an application Act or other legislation of the relevant *jurisdiction for the purposes of enforcement of a provision of the relevant application Act, or for purposes that include that purpose.

available carbohydrate means available carbohydrate calculated in accordance with section S11—3.

available carbohydrate by difference means available carbohydrate by difference calculated in accordance with section S11—3.

average energy content means the average energy content calculated in accordance with section S11—2.

average quantity, of a substance in a food, means the average, for such foods from that producer or manufacturer, of:

(a) where a serving or reference amount is specified—the amount of the substance that such a serving or reference amount contains; or

(b) otherwise—the proportion of that substance in the food, expressed as a percentage.

Note See also section 1.1.1—6.

baked-for date, in relation to bread, means:

(a) if the time at which the bread was baked is before midday—the baked-on date;

(b) if the time at which the bread was baked is on or after midday—the day after the baked-on date.

baked-on date, in relation to bread, means the date on which the bread was baked.

bear a label: a food for sale is taken to **bear a label** of a specified kind or with specified content if either of the following is part of or attached to the packaging of the food:

- (a) a label of that kind or with that content;
- (b) labels that together are of that kind or have that content.

best-before date, for a food for sale, means the date up to which the food will remain fully marketable and will retain any specific qualities for which express or implied claims have been made, if the food:

- (a) remains in an intact package during its storage; and
- (b) is stored in accordance with any storage conditions applicable under Standard 1.2.6.

biologically active substance means a substance, other than a nutrient, with which health effects are associated.

biomarker means a measurable biological parameter that is predictive of the risk of a *serious disease when present at an abnormal level in the human body.

bulk cargo container:

- (a) means an article of transport equipment, being a lift van, movable tank, shipping container, aircraft cargo container or other similar structure:
 - (i) of a permanent character and accordingly strong enough to be suitable for repeated use; and
 - (ii) specifically designed to facilitate the carriage of goods by one or more modes of transport, without immediate repacking; and
 - (iii) fitted with devices permitting its ready handling and its transfer from one mode of transport to another; and
 - (iv) so designed as to be easy to fill and empty; and
 - (v) having an internal volume of one cubic metre or more; and
- (b) includes the normal accessories and equipment of the container, when imported with the container and used exclusively with it; and
- (c) does not include any vehicle, or any ordinary packing case, crate, box, or other similar article used for packing.

business address means the street address, or a description of the location, of the premises from which a business is being operated.

carbohydrate, other than in the definition of **beer** (section 1.1.2—3), means *available carbohydrate or *available carbohydrate by difference.

caterer means a person, establishment or institution (for example, a catering establishment, a restaurant, a canteen, a school, or a hospital) which handles or offers food for immediate consumption.

characterising component—see section 1.1.2—4.

characterising ingredient—see section 1.1.2—4.

claim means an express or implied statement, representation, design or information in relation to a food or a property of food which is not mandatory in this Code.

claim requiring nutrition information:

- (a) means:
 - (i) a nutrition content claim; or
 - (ii) a health claim; and
- (b) does not include:
 - (i) a declaration that is required by an application Act; or
 - (ii) an endorsement.

Code, or **this Code**, means the Australia New Zealand Food Standards Code.

code number, used in relation to a substance *used as a food additive, means either:

- (a) the number set out in the table to Schedule 8 in relation to that substance; or
- (b) that number preceded by the letter 'E'.

colouring permitted at GMP—see section 1.1.2—11

colouring permitted to a maximum level—see section 1.1.2—11

comminuted means chopped, diced or minced.

component, of a food, means a substance that is present as a constituent part of the food (as distinct from an ingredient).

Example If sodium bicarbonate is used as an ingredient to produce a food, it will be changed by the cooking into carbon dioxide and salts; the salts are identifiable as components of the food.

compound ingredient: an ingredient of a food is a **compound ingredient** if it is itself made from two or more ingredients.

dietary fibre means that fraction of the edible part of plants or their extracts, or synthetic analogues that:

(a) is resistant to digestion and absorption in the small intestine, usually with complete or partial fermentation in the large intestine; and

(b) promotes one or more of the following beneficial physiological effects:

(i) laxation;

(ii) reduction in blood cholesterol;

(iii) modulation of blood glucose;

and includes:

(c) polysaccharides or oligosaccharides that have a degree of polymerisation greater than 2; and

(d) lignins.

endorsement means a nutrition content claim or a health claim that is made with the permission of an endorsing body.

endorsing body means a not-for-profit entity that:

(a) has a nutrition- or health-related purpose or function; and

(b) permits a *supplier to make an endorsement.

ESADDI means Estimated Safe and Adequate Daily Dietary Intake—see section 1.1.2—10.

extraneous residue limit or **ERL**, for an *agvet chemical in a food, means the amount identified in Schedule 21 for that agvet chemical in that food.

fat, in Standards 1.2.7 and 1.2.8 and Schedules 4 and 11, means total fat.

flavouring substance means a substance that is used as a food additive to perform the technological purpose of a flavouring in accordance with this Code.

food—see subsection (2) (the term has the same meaning as in the relevant application Act).

Note Each of the various application Acts has a definition of **food**. These all have a similar effect and make the concept very broad, effectively covering anything that is intended or offered for human consumption

Food Act means the *Food Act 2014* (NZ).

food additive—see **used as a food additive**, section 1.1.2—11.

food group means any of the following groups:

(a) bread (both leavened and unleavened), grains, rice, pasta and noodles;

(b) fruit, vegetables, herbs, spices and fungi;

(c) milk, skim milk, cream, fermented milk, yoghurt, cheese, processed cheese, butter, ice cream, condensed milk, dried milk, evaporated milk, and dairy analogues derived from legumes and cereals listed in section S17—4;

(d) meat, fish, eggs, nuts, seeds and dried legumes;

(e) fats including butter, edible oils and edible oil spreads.

food produced using gene technology means a food which has been derived or developed from an organism which has been modified by gene technology.

Note This definition does not include food derived from an animal or other organism which has been fed food produced using gene technology, unless the animal or other organism is itself a product of gene technology.

FSANZ means Food Standards Australia New Zealand.

FSANZ Act means the *Food Standards Australia New Zealand Act 1991* (Cth).

fund raising event means an event that raises funds solely for a community or charitable cause and not for personal financial gain.

galacto-oligosaccharides means a mixture of the substances produced from lactose by enzymatic action, comprised of between two and eight saccharide units, with one of these units being a terminal glucose and the remaining saccharide units being galactose, and disaccharides comprised of two units of galactose.

gene technology means recombinant DNA techniques that alter the heritable genetic material of living cells or organisms.

general level health claim means a health claim that is not a high level health claim.

general level health claims table means the table to section S4—5.

geographical indication—see section 2.7.5—4.

gluten means the main protein in wheat, rye, oats, barley, triticale and spelt relevant to the medical conditions coeliac disease and dermatitis herpetiformis.

glycaemic index (GI) means a measure of the blood glucose raising ability of the digestible carbohydrates in a given food as determined by a recognised scientific method.

GMP or **Good Manufacturing Practice**, with respect to the addition of substances used as food additives and substances used as processing aids to food, means the practice of:

- (a) limiting the amount of substance that is added to food to the lowest possible level necessary to accomplish its desired effect; and
- (b) to the extent reasonably possible, reducing the amount of the substance or its derivatives that:
 - (i) remains as a *component of the food as a result of its use in the manufacture, processing or packaging; and
 - (ii) is not intended to accomplish any physical or other technical effect in the food itself;
- (c) preparing and handling the substance in the same way as a food ingredient.

hamper means a decorative basket, box or receptacle that:

- (a) contains one or more separately identifiable foods; and
- (b) may contain other items, such as decorative cloths, glasses and dishes.

health claim means a claim which states, suggests or implies that a food or a property of food has, or may have, a health effect.

Note See also subsection 2.10.2—8(3).

health effect means an effect on the human body, including an effect on one or more of the following:

- (a) a biochemical process or outcome;
- (b) a physiological process or outcome;
- (c) a functional process or outcome;
- (d) growth and development;
- (e) physical performance;
- (f) mental performance;
- (g) a disease, disorder or condition.

high level health claim means a *health claim that refers to a *serious disease or a *biomarker of a serious disease.

high level health claims table means the table to section S4—4.

import includes:

- (a) in Australia—import from New Zealand; and
- (b) in New Zealand—import from Australia.

individual portion pack—see subsection 1.2.1—6(4).

infant means a person under the age of 12 months.

inner package, in relation to a food for special medical purposes, means an individual package of the food that:

- (a) is contained and sold within another package that is labelled in accordance with section 2.9.5—9; and
- (b) is not designed for individual sale, other than a sale by a *responsible institution to a patient or

resident of the responsible institution.

Example An example of an inner package is an individual sachet (or sachets) of a powdered food contained within a box that is fully labelled, being a box available for retail sale.

intra-company transfer—see section 1.2.1—18.

inulin-type fructans means mixtures of saccharide chains that have β -D-(2→1) fructosyl-fructose linkages with or without a terminal α -D-(1→2) glucosyl-fructose linked glucose unit.

irradiation, in relation to food, means subjecting the food to ionising radiation, other than ionising radiation imparted to food by measuring or inspection instruments, and **irradiate** and **irradiated** have corresponding meanings.

jurisdiction means a State or Territory of Australia, the Commonwealth of Australia, or New Zealand.

label, in relation to a food for sale, means any tag, brand, mark or statement in writing or any representation or design or descriptive matter that:

- (a) is attached to the food or is a part of or attached to its packaging; or
- (b) accompanies and is provided to the purchaser with the food; or
- (c) is displayed in connection with the food when it is sold.

labelling:

- (a) in relation to a food for sale, **labelling** means all of the labels for the food together; and
- (b) a requirement for the labelling of a food to include specified content is a requirement for at least one of the labels to have that content.

listericidal process means a process that reduces *Listeria monocytogenes* microorganisms in the food to a safe level.

lot means an amount of a food that the manufacturer or producer identifies as having been prepared, or from which foods have been packaged or otherwise separated for sale, under essentially the same conditions, for example:

- (a) from a particular preparation or packing unit; and
- (b) during a particular time ordinarily not exceeding 24 hours.

lot identification, for a food for sale, means a number or other information that identifies:

- (a) the premises where the food was prepared or packed; and
- (b) the *lot of which the food is a part.

maximum residue limit or **MRL**, for an *agvet chemical in a food, means the amount identified in Schedule 20 for that agvet chemical in that food.

medical institution—see section 1.1.2—7.

medium chain triglycerides means triacylglycerols that contain predominantly the saturated fatty acids designated by 8:0 and 10:0.

meet the NPSC means that the *nutrient profiling score of a food described in Column 1 of the table to section S4—6 is less than the number specified for that food in Column 2 of that table.

monounsaturated fatty acids means the total of cis-monounsaturated fatty acids.

non-traditional food—see section 1.1.2—8.

novel food—see section 1.1.2—8.

NPSC means the nutrient profiling scoring criterion (see section S4—6).

nutrition content claim—see section 1.1.2—9.

Note See also subsection 2.10.2—8(3).

nutrition information panel means a nutrition information panel that is required to be included on a label on a package of food in accordance with Standard 1.2.8.

nutrient profiling score means the final score calculated pursuant to the method referred to in section 1.2.7—26.

nutritive substance—see **used as a nutritive substance**, section 1.1.2—12.

NZS means a New Zealand Standard published by Standards New Zealand.

one-day quantity, in relation to a formulated supplementary sports food, means the amount of that food which is to be consumed in one day in accordance with directions specified in the label.

Note For the meaning of *one-day quantity* in relation to a formulated caffeinated beverage, see subsection 2.6.4—5(5).

package:

- (a) means any container or wrapper in or by which food for sale is wholly or partly encased, covered, enclosed, contained or packaged; and
- (b) if food is carried or sold or intended to be carried and sold in more than one package—includes each package; and
- (c) does not include:
 - (i) a *bulk cargo container; or
 - (ii) a pallet overwrap; or
 - (iii) a crate and packages which do not obscure labels on the food; or
 - (iv) a transportation vehicle; or
 - (v) a vending machine; or
 - (vi) a hamper; or
 - (vii) a container or wrapper (including a covered plate, cup, tray or other food container) in which food is served in a prison, hospital or *medical institution; or
 - (viii) for Standard 2.9.5—a covered plate, cup, tray or other food container in which food for special medical purposes is served by a *responsible institution to a patient or resident.

permitted flavouring substance means any of the following:

- (a) a substance that is listed in at least one of the following publications:
 - (i) Generally Recognised as Safe (GRAS) lists of flavouring substances published by the Flavour and Extract Manufacturers' Association of the United States from 1960 to 2013 (edition 26);
 - (ii) Chemically-defined flavouring substances, Council of Europe, November 2000;
 - (iii) Annex I of Council Regulation (EU) No 872/2012 of 1 October 2012 adopting the list of flavouring substances [2012] OJ L267/1;
 - (iv) 21 CFR § 172.515;
- (b) a *flavouring substance obtained by physical, microbiological, enzymatic or chemical processes from material of vegetable or animal origin either in its raw state or after processing by traditional preparation process including drying, roasting and fermentation;
- (c) a flavouring substance that is obtained by synthetic means and which is identical to one of the substances described in paragraph (b).

phytosterols, phytosterols and their esters: a reference to *phytosterols, phytosterols and their esters* is a reference to a substance which meets a specification for phytosterols, phytosterols and their esters in section S3—24.

polyunsaturated fatty acids means the total of polyunsaturated fatty acids with cis-cis-methylene interrupted double bonds.

prescribed name, of a particular food, means a name declared by a provision of this Code to be the prescribed name of the food.

Note Under the labelling provisions in Standard 1.2.1 and section 1.2.2—2, if a food has a prescribed name, it must be used in the labelling of the food.

processing aid—see *used as a processing aid*, section 1.1.2—13.

property of food means a *component, ingredient, constituent or other feature of food.

protein substitute means:

- (a) L-amino acids; or
- (b) the hydrolysate of one or more of the proteins on which infant formula product is normally based; or
- (c) a combination of L-amino acids and the hydrolysate of one or more of the proteins on which infant formula product is normally based.

RDI means Recommended Dietary Intake—see section 1.1.2—10.

ready-to-eat food means a food that:

- (a) is ordinarily consumed in the same state as that in which it is sold; and

- (b) will not be subject to a *listericidal process before consumption; and
- (c) is not one of the following:
 - (i) shelf stable foods;
 - (ii) whole raw fruits;
 - (iii) whole raw vegetables
 - (iv) nuts in the shell;
 - (v) live bivalve molluscs.

reference food, in relation to a claim, means a food that is:

- (a) of the same type as the food for which the claim is made and that has not been further processed, formulated, reformulated or modified to increase or decrease the energy value or the amount of the nutrient for which the claim is made; or
- (b) a dietary substitute for the food in the same *food group as the food for which the claim is made.

reference quantity means:

- (a) for a food listed in the table to section S17—4, either:
 - (i) the amount specified in the table for that food; or
 - (ii) for a food that requires dilution or reconstitution according to directions—the amount of the food that, when diluted or reconstituted, produces the quantity referred to in subparagraph (i); or
- (b) for all other foods:
 - (i) a normal serving; or
 - (ii) for a food that requires dilution, reconstitution, draining or preparation according to directions—the amount of the food that, when diluted, reconstituted, drained or prepared produces a normal serving.

releasable calcium, Ca_R means the amount of calcium, in mg/g of chewing gum, released into the mouth during 20 minutes of chewing that is calculated using the following equation:

$$Ca_R = \frac{(Ca_o \times W_o) - (Ca_c \times W_c)}{W_o}$$

where:

Ca_o is the original calcium concentration in the chewing gum in mg/g of chewing gum.

W_o is the weight of the original chewing gum in g.

Ca_c is the residual calcium in the gum after it has been chewed for 20 minutes in mg/g of chewing gum.

W_c is the weight of the chewed gum in g.

relevant authority means an authority responsible for the enforcement of the relevant application Act.

responsible institution means a hospital, hospice, aged care facility, disability facility, prison, boarding school or similar institution that is responsible for the welfare of its patients or residents and provides food to them.

saturated fatty acids means the total of fatty acids containing no double bonds.

sell—see subsection (2) (the term has the same meaning as in the relevant application Act).

Note Each of the various application Acts has a definition of **sell**. These all have a similar effect and make the concept very broad; they include offering or displaying for sale, and other contexts that go beyond the ordinary meaning of the word.

serious disease means a disease, disorder or condition which is generally diagnosed, treated or managed in consultation with or with supervision by a health care professional.

serving means an amount of the food which constitutes one normal serving when prepared according to manufacturer's directions or when the food requires no further preparation before consumption, and in the case of a formulated meal replacement is equivalent to one meal.

size of type means the measurement from the base to the top of a letter or numeral.

small package means a package with a surface area of less than 100 cm².

SPC:

(a) means a standard plate count at 30°C with an incubation time of 72 hours; and

(b) in relation to powdered infant formula with added lactic acid producing organisms—means that standard plate count prior to the addition of the microorganisms to the food.

standard drink, for a beverage containing alcohol, means the amount that contains 10 grams of ethanol when measured at 20°C.

standardised alcoholic beverage means beer, brandy, cider, fruit wine, fruit wine product, liqueur, mead, perry, spirit, vegetable wine, vegetable wine product, wine or wine product.

statement of ingredients—see section 1.2.4—2.

sugars:

(a) in Standard 1.2.7, Standard 1.2.8 and Schedule 4 (except where it appears with an asterisk as ‘sugars*’) —means monosaccharides and disaccharides; and

(b) otherwise—means any of the following products, derived from any source:

(i) hexose monosaccharides and disaccharides, including dextrose, fructose, sucrose and lactose;

(ii) starch hydrolysate;

(iii) glucose syrups, maltodextrin and similar products;

(iv) products derived at a sugar refinery, including brown sugar and molasses;

(v) icing sugar;

(vi) invert sugar;

(vii) fruit sugar syrup;

but does not include:

(i) malt or malt extracts; or

(ii) sorbitol, mannitol, glycerol, xylitol, polydextrose, isomalt, maltitol, maltitol syrup, erythritol or lactitol.

Note Sugar is defined differently—see section 1.1.2—3.

supplier, in relation to food, includes the packer, manufacturer, vendor or importer of the food.

total plant sterol equivalents content means the total amount of:

(a) phytosterols; and

(b) phytostanols; and

(c) phytosterols and phytostanols following hydrolysis of any phytosterol esters and phytostanol esters.

trans fatty acids means the total of unsaturated fatty acids where one or more of the double bonds are in the trans configuration.

transportation outer means a container or wrapper which:

(a) encases packaged or unpackaged foods for the purpose of transportation and distribution; and

(b) is removed before the food is used or offered for retail sale or which is not taken away by a purchaser of the food.

unit quantity means:

(a) for a food that is a solid or semi-solid food—100 grams; or

(b) for a food that is a beverage or other liquid food—100 millilitres.

use-by date, for a food for sale, means the date after which it is estimated that the food should not be consumed because of health or safety reasons, if the food:

(a) remains in an intact package during its storage; and

(b) is stored in accordance with any storage conditions applicable under section Standard 1.2.6.

used as a food additive—see section 1.1.2—11.

used as a nutritive substance—see section 1.1.2—12.

used as a processing aid—see section 1.1.2—13.

warning statement, for a food for sale, means a statement about a particular aspect of the food that is required to be expressed in the words set out in the following provisions:

- (a) section 1.2.3—3 (warning statement relating to royal jelly);
- (b) section 2.6.3—4 (warning statement relating to kava);
- (c) subsection 2.9.1—19(1) or section 2.9.1—13 (warning statements for infant formula product);
- (d) paragraph 2.9.2—7(3)(c) or 2.9.2—8(1)(b) (warning statements for food for infants);
- (e) subparagraph 2.9.4—4(1)(a)(iii) or 2.9.4—4(1)(a)(iv) (warning statements for formulated supplementary sports food).

1.1.2—3 Definitions—particular foods

Note Definitions for non-food terms are provided in section 1.1.2—2.

(1) Where this Code permits the use of a substance (including a vitamin or a mineral) as a food additive, as a processing aid or as a nutritive substance in a particular food defined in this section, the definition is to be read as including a food in which the substance was so used.

(2) In this Code, unless the contrary intention appears, the following definitions apply:

adjusted milk, in relation to condensed milk, dried milk or evaporated milk, means milk:

- (a) that is to be used to make the product concerned; and
- (b) to which milk components have been added, or from which they have been withdrawn, in order for the product to comply with requirements of Standard 2.5.7; and
- (c) that has the same whey protein to casein ratio as the original milk.

beer means:

- (a) the product, characterised by the presence of hops or preparations of hops, prepared by the yeast fermentation of an aqueous extract of malted or unmalted cereals, or both; or
- (b) such a product with any of the following added during production:
 - (i) cereal products or other sources of carbohydrate;
 - (ii) sugar;
 - (iii) salt;
 - (iv) herbs and spices.

brandy means:

- (a) a spirit obtained from the distillation of wine, or fermented preparations of grapes or grape product; or
- (b) such a spirit with any of the following added during production:
 - (i) water;
 - (ii) sugars;
 - (iii) honey;
 - (iv) spices;
 - (v) grape juice;
 - (vi) grape juice concentrates;
 - (vii) wine;
 - (viii) prune juice.

Note The term **brandy** has a different definition in Standard 4.5.1.

bread means:

- (a) a food that is made by baking a yeast-leavened dough prepared from one or more cereal flours or meals and water; or
- (b) such a food with other foods added.

brewed soft drink means a food that:

- (a) is the product prepared by a fermentation process from water with sugar and one or more of:
 - (i) fruit extractives or infusions; or
 - (ii) vegetable extractives or infusions; and
- (b) contains no more than 1.15% alcohol/volume.

butter means:

- (a) a food that is derived exclusively from milk and products obtained from milk, principally in the form of

an emulsion of the type water-in-oil; or

(b) such a food with any of the following added:

- (i) water;
- (ii) salt;
- (iii) lactic acid producing microorganisms;
- (iv) flavour producing microorganisms.

cereal-based beverage means a beverage that is based on cereal.

cereal-based food for infants means a food for infants, not including a beverage, that is based on cereal.

cheese means:

(a) the ripened or unripened solid or semi-solid milk product, whether coated or not, that is obtained by one or both of the following processes:

- (i) wholly or partly coagulating milk, or materials obtained from milk, or both, through the action of rennet or other suitable coagulating agents, and partially draining the whey which results from such coagulation;
- (ii) processing techniques involving concentration or coagulation of milk, or materials obtained from milk, or both, which give an end-product with similar physical, chemical and organoleptic characteristics as the product described in subparagraph (a)(i); or

(b) such a product with any of the following ingredients added during production:

- (i) water;
- (ii) lactic acid producing microorganisms;
- (iii) flavour producing microorganisms;
- (iv) gelatine;
- (v) starch;
- (vi) vinegar;
- (vii) salt;
- (viii) tall oil phytosterol esters added in accordance with Standard 2.5.4.

chocolate means a confectionery product that is characterised by:

(a) the presence of

- (i) cocoa bean derivatives; and
- (ii) no more than 50 g/kg of edible oils, other than cocoa butter or dairy fats; and

(b) preparation from a minimum of 200 g/kg of cocoa bean derivatives.

cider means the fruit wine prepared from the juice or must of apples or apples and pears and with no more than 25% of the juice or must of pears.

coca bush means:

- (a) *Eurythroxyllum coca*; or
- (b) a substance derived from *Eurythroxyllum coca*.

cocoa means the powdered product prepared from cocoa beans from which a portion of the fat may have been removed, with or without salt or spices added.

coffee means the product prepared by roasting, grinding, or both roasting and grinding, coffee beans.

condensed milk means:

- (a) a food obtained by the partial removal of water from milk or adjusted milk, with the addition of sugars, and the possible addition of salt or water; or
- (b) a food of the same composition obtained by any other process.

cream means a milk product comparatively rich in fat, in the form of an emulsion of fat-in-skim milk that is obtained by:

- (a) separation from milk; or
- (b) separation from milk, and the addition of milk or products obtained from milk.

cured and/or dried meat flesh in whole cuts or pieces includes any attached bone.

decaffeinated coffee means coffee from which most of the caffeine has been removed.

decaffeinated tea means tea from which most of the caffeine has been removed.

dried meat means meat that has been dried but does not include slow cured dried meat.

dried milk means a powdered food obtained by the partial removal of water from milk or adjusted milk.

edible oil means the triglycerides, diglycerides, or both the triglycerides and diglycerides of fatty acids of plant or animal origin, including aquatic plants and aquatic animals, with incidental amounts of free fatty acids, unsaponifiable constituents and other lipids including naturally occurring gums, waxes and phosphatides.

edible oil spread means:

(a) a spreadable food composed of edible oils and water in the form of an emulsion of the type water-in-oil; or

(b) such a food with any of the following added:

(i) water;

(ii) edible proteins;

(iii) salt;

(iv) lactic acid producing microorganisms;

(v) flavour producing microorganisms;

(vi) milk products;

(vii) no more than 82 g/kg of total plant sterol equivalents content.

egg product means the contents of an egg in any form including egg pulp, dried egg, liquid egg white and liquid egg yolk.

electrolyte drink means a drink formulated and represented as suitable for the rapid replacement of fluid, carbohydrates, electrolytes and minerals.

electrolyte drink base means a solid or liquid which, when made up, makes an electrolyte drink.

evaporated milk means:

(a) a food obtained by the partial removal of water by heat from milk, with the possible addition of one or more of the following:

(i) salt;

(ii) water; or

(b) a food of the same composition obtained by any other process.

fermented milk means a food obtained by fermentation of milk or products derived from milk, where the fermentation involves the action of microorganisms and results in coagulation and a reduction in pH.

fish means a cold-blooded aquatic vertebrate or aquatic invertebrate including shellfish, but not including amphibians or reptiles.

flour products means the cooked or uncooked products, other than bread, of one or more flours, meals or cereals.

flours or **meals** means the products of grinding or milling of cereals, legumes or other seeds.

follow-on formula means an infant formula product that:

(a) is represented as either a breast-milk substitute or replacement for infant formula; and

(b) is suitable to constitute the principal liquid source of nourishment in a progressively diversified diet for infants from the age of 6 months.

food for infants:

(a) means a food that is intended or represented for use as a source of nourishment for infants; and

(b) does not include:

(i) infant formula products; or

(ii) formulated meal replacements; or

(iii) formulated supplementary foods; or

(iv) unprocessed fruit and vegetables.

food for special medical purposes—see section 1.1.2—5.

formulated beverage means a non-carbonated, ready-to-drink, flavoured beverage that:

- (a) is water-based; and
- (b) contains added vitamins or minerals or both vitamins and minerals; and
- (c) contains no more than 240 mL/L of fruit from one or more of the following sources:
 - (i) fruit juice;
 - (ii) fruit purée;
 - (iii) concentrated fruit juice;
 - (iv) concentrated fruit purée;
 - (v) *comminuted fruit;
 - (vi) orange peel extract; and
- (d) contains no more than 75 g/L of sugars; and
- (e) does not contain:
 - (i) carbon dioxide; or
 - (ii) caffeine; and
- (f) is not mixed with any other beverage.

formulated caffeinated beverage—see section 1.1.2—6.

formulated meal replacement means a food, or a prepackaged selection of foods, that:

- (a) has been specifically formulated as a replacement for one or more meals of the day, but not as a total diet replacement; and
- (b) is represented as a formulated meal replacement.

formulated supplementary food means a food specifically formulated as, and sold on the basis that it is, a supplement to a normal diet to address situations where intakes of energy and nutrients may not be adequate to meet an individual's requirements.

formulated supplementary food for young children means a formulated supplementary food for children aged 1 to 3 years.

formulated supplementary sports food means a product that is specifically formulated to assist sports people in achieving specific nutritional or performance goals.

fruit and vegetables means any of fruit, vegetables, nuts, spices, herbs, fungi, legumes and seeds.

Note In Standards 1.2.7 and 1.2.8 the separate terms fruit and vegetable have different definitions and do not include nuts, spices, herbs, fungi, legumes and seeds.

fruit-based food means food that is based on fruit.

fruit drink means a product that is prepared from:

- (a) one or more of the following:
 - (i) fruit juice;
 - (ii) fruit purée;
 - (iii) concentrated fruit juice;
 - (iv) concentrated fruit purée;
 - (v) *comminuted fruit;
 - (vi) orange peel extract; and
- (b) one or more of the following:
 - (i) water;
 - (ii) mineralised water;
 - (iii) sugars.

fruit juice means juice made from a fruit.

fruit wine or **vegetable wine** means:

- (a) a food that:
 - (i) is the product of the complete or partial fermentation of fruit, vegetable, grains, cereals or any combination or preparation of those foods; and

- (ii) is not wine or a wine product; or
- (b) such a food with any of the following added during production:
 - (i) fruit juice and fruit juice products;
 - (ii) vegetable juice and vegetable juice products;
 - (iii) sugars;
 - (iv) honey;
 - (v) spices;
 - (vi) alcohol;
 - (vii) water.

fruit wine product or **vegetable wine product** means a food containing no less than 700 mL/L of fruit wine, or vegetable wine, or both fruit and vegetable wine, which has been formulated, processed, modified or mixed with other foods such that it is not a fruit wine or vegetable wine.

gelatine means a protein product prepared from animal skin, bone or other collagenous material, or any combination of those things.

honey means the natural sweet substance produced by honey bees from the nectar of blossoms or from secretions of living parts of plants or excretions of plant sucking insects on the living parts of plants, which honey bees collect, transform and combine with specific substances of their own, store and leave in the honey comb to ripen and mature.

ice cream means a sweet frozen food that is made from cream or milk products or both, and other foods, and is generally aerated.

icing means a mixture of sugar and other foods for use as a coating and includes frosting, plastic icing and icing gel.

imitation vinegar means a food that is prepared by mixing water and acetic acid.

infant formula means an infant formula product that:

- (a) is represented as a breast-milk substitute for infants; and
- (b) satisfies by itself the nutritional requirements of infants under the age of 4 to 6 months.

infant formula product means a product based on milk or other edible food constituents of animal or plant origin which is nutritionally adequate to serve as the sole or principal liquid source of nourishment for infants, depending on the age of the infant.

instant coffee means the dried soluble solids prepared from the water extraction of coffee.

instant tea means dried soluble solids prepared from the water extraction of tea.

iodised salt or **iodised reduced sodium salt mixture**, means a food that is salt, or a reduced sodium salt mixture, as appropriate, or such a food containing any of the following:

- (a) potassium iodide;
- (b) potassium iodate;
- (c) sodium iodide;
- (d) sodium iodate;

added in an amount that is equivalent to:

- (e) no less than 25 mg/kg of iodine; and
- (f) no more than 65 mg/kg of iodine.

jam:

- (a) means:
 - (i) a product prepared by processing one or more of the following:
 - (A) fruit;
 - (B) concentrated fruit juice;
 - (C) fruit juice;
 - (D) water extracts of fruit; or
 - (ii) such a product processed with sugars or honey; and
- (b) includes conserve; and

(c) does not include marmalade.

juice:

(a) means the liquid portion, with or without pulp, obtained from:

(i) a fruit or a vegetable; or

(ii) in the case of citrus fruit, other than lime—the endocarp only of the fruit; and

(b) includes a product that results from concentrating juice and then reconstituting it with water.

juice blend means the food made from a blend of more than one juice (including a blend of one or more fruit juices and one or more vegetable juices).

kava means plants of the species *Piper methysticum*.

kava root means the peeled root or peeled rootstock of kava.

liqueur means an alcoholic beverage that is a spirit, flavoured by or mixed with other foods, which contains more than 15% alcohol by volume, measured at 20°C.

manufactured meat means processed meat containing no less than 660 g/kg of meat.

margarine means an edible oil spread containing no less than 800 g/kg of edible oils.

mead means:

(a) a food that is the product prepared from the complete or partial fermentation of honey; or

(b) such a food with any of the following added during production:

(i) fruit juice and fruit juice products;

(ii) vegetable juice and vegetable juice products;

(iii) sugars;

(iv) honey;

(v) spices;

(vi) alcohol;

(vii) water.

meat:

(a) means the whole or part of the carcass of any of the following animals, if slaughtered other than in a wild state:

(i) buffalo, camel, cattle, deer, goat, hare, pig, poultry, rabbit or sheep;

(ii) any other animal permitted for human consumption under a law of a State, Territory or New Zealand; and

(b) does not include:

(i) fish; or

(ii) avian eggs; or

(iii) foetuses or part of foetuses.

meat flesh means meat that consists of skeletal muscle and any attached:

(a) animal rind; or

(b) fat; or

(c) connective tissue; or

(d) nerve; or

(e) blood; or

(f) blood vessels; or

(g) skin, in the case of poultry.

meat pie means a pie containing no less than 250 g/kg of meat flesh.

milk means:

(a) the mammary secretion of milking animals, obtained from one or more milkings for consumption as liquid milk or for further processing, but excluding colostrums; or

(b) such a product with *phytosterols, phytosterols and their esters added.

mineral water or **spring water** means ground water obtained from subterranean water-bearing strata that, in its natural state, contains soluble matter.

non-alcoholic beverage:

- (a) means:
 - (i) packaged water; or
 - (ii) a water-based beverage, or a water-based beverage that contains other foods (other than alcoholic beverages); or
 - (iii) an electrolyte drink; and
- (b) does not include a brewed soft drink.

offal:

- (a) includes blood, brain, heart, kidney, liver, pancreas, spleen, thymus, tongue and tripe; and
- (b) excludes meat flesh, bone and bone marrow.

peanut butter means a peanut based spread.

perry means the fruit wine prepared from the juice or must of pears or pears and apples and with no more than 25% of the juice or must of apples.

pre-term formula means an infant formula product specifically formulated to satisfy particular needs of infants born prematurely or of low birthweight.

processed cheese means a product manufactured from cheese and products obtained from milk, which is heated and melted, with or without added emulsifying salts, to form a homogeneous mass.

processed meat means a food that has, either singly or in combination with other foods, undergone a method of processing other than boning, slicing, dicing, mincing or freezing.

prohibited plant or fungus means:

- (a) a plant or fungus listed in Schedule 23; or
- (b) a part or a derivative of such a plant or fungus; or
- (c) a substance derived from a plant, fungus, part or derivative referred to in paragraph (a) or (b).

reduced sodium salt mixture means a food that:

- (a) is prepared from a mixture of sodium chloride and potassium chloride; and
- (b) contains no more than 200 g/kg sodium; and
- (c) contains no more than 400 g/kg potassium.

restricted plant or fungus means:

- (a) a plant or fungus listed in Schedule 24; or
- (b) a part or a derivative of such a plant or fungus; or
- (c) a substance derived from a plant, fungus, part or derivative referred to in paragraph (a) or (b).

salt means a food that is the crystalline product consisting predominantly of sodium chloride, that is obtained from the sea, underground rock salt deposits or from natural brine.

salt substitute means a food that:

- (a) is made as a substitute for salt; and
- (b) consists of substances that may be used as food additives in relation to salt substitute in accordance with item 12 of the table to Schedule 15; and
- (c) contains no more than 1.2 g/kg of sodium.

sausage means a food that:

- (a) consists of meat that has been minced, meat that has been comminuted, or a mixture of both, whether or not mixed with other foods, and which has been encased or formed into discrete units; and
- (b) does not include meat formed or joined into the semblance of cuts of meat.

skim milk means milk from which milkfat has been removed.

soy-based formula means an infant formula product in which soy protein isolate is the sole source of protein.

special purpose food:

- (a) in Standard 2.9.6—see section 2.9.6—2; and

(b) otherwise—means any of the following:

- (i) an infant formula product;
- (ii) food for infants;
- (iii) a formulated meal replacement;
- (iv) a formulated supplementary food;
- (v) a formulated supplementary sports food;
- (vi) food for special medical purposes.

spirit means an alcoholic beverage consisting of:

(a) a potable alcoholic distillate, including whisky, brandy, rum, gin, vodka and tequila, produced by distillation of fermented liquor derived from food sources, so as to have the taste, aroma and other characteristics generally attributable to that particular spirit; or

(b) such a distillate with any of the following added during production:

- (i) water;
- (ii) sugars;
- (iii) honey;
- (iv) spices.

spring water—see definition of mineral water.

sugar means, unless otherwise expressly stated, any of the following:

- (a) white sugar;
- (b) caster sugar;
- (c) icing sugar;
- (d) loaf sugar;
- (e) coffee sugar;
- (f) raw sugar.

sweet cassava means those varieties of cassava roots grown from *Manihot esculenta Crantz* of the *Euphorbiaceae* family that contain less than 50 mg/kg of hydrogen cyanide (fresh weight basis).

Note Sweet cassava may also be known by other common names including manioc, mandioca, tapioca, aipim and yucca.

tea means the product made from the leaves and leaf buds of one or more of varieties and cultivars of *Camellia sinensis* (L.) O. Kuntz.

vegetable juice means juice made from a vegetable.

vegetable wine—see definition of fruit wine.

vegetable wine product—see definition of fruit wine product.

vinegar means a food that is the sour liquid prepared by acetous fermentation, with or without alcoholic fermentation, of any suitable food, and including blends and mixtures of such liquids.

wholegrain means the intact grain or the dehulled, ground, milled, cracked or flaked grain where the constituents—endosperm, germ and bran—are present in such proportions that represent the typical ratio of those fractions occurring in the whole cereal, and includes wholemeal.

wholemeal means the product containing all the milled constituents of the grain in such proportions that it represents the typical ratio of those fractions occurring in the whole cereal.

wine means:

(a) a food that is the product of the complete or partial fermentation of fresh grapes, or a mixture of that product and products derived solely from grapes; or

(b) such a food with any of the following added during production:

- (i) grape juice and grape juice products;
- (ii) sugars;
- (iii) brandy or other spirit;
- (iv) water that is necessary to incorporate any substance permitted for use as a food additive or a processing aid.

wine product means a food containing no less than 700 mL/L of wine, which has been formulated, processed, modified or mixed with other foods such that it is not wine.

white sugar means purified crystallised sucrose.

yoghurt means a fermented milk where the fermentation has been carried out with lactic acid producing microorganisms.

1.1.2—4 Definition of *characterising component* and *characterising ingredient*

(1) In this Code, in relation to a food for sale:

characterising component means a *component of the food that:

- (a) is mentioned in the name of the food; or
- (b) is usually associated with the name of the food by a consumer; or
- (c) is emphasised on the label of the food in words, pictures or graphics.

characterising ingredient means an ingredient or a category of ingredients of the food that:

- (a) is mentioned in the name of the food; or
- (b) is usually associated with the name of the food by a consumer; or
- (c) is emphasised on the label of the food in words, pictures or graphics.

(2) Despite subsection (1), any of the following is not a ***characterising ingredient***:

- (a) an ingredient or category of ingredients that is used in small amounts to flavour the food;
- (b) an ingredient or category of ingredients that comprises the whole of the food;
- (c) an ingredient or category of ingredients that is mentioned in the name of the food but which is not such as to govern the choice of the consumer, because the variation in the amount is not essential to characterise the food, or does not distinguish the food from similar foods.

(3) Compliance with labelling requirements elsewhere in this Code does not of itself constitute emphasis for the purposes of this section.

1.1.2—5 Definition of *food for special medical purposes*

(1) In this Code:

food for special medical purposes means a food that is:

- (a) specially formulated for the dietary management of individuals:
 - (i) by way of exclusive or partial feeding, who have special medically determined nutrient requirements or whose capacity is limited or impaired to take, digest, absorb, metabolise or excrete ordinary food or certain nutrients in ordinary food; and
 - (ii) whose dietary management cannot be completely achieved without the use of the food; and
- (b) intended to be used under medical supervision; and
- (c) represented as being:
 - (i) a food for special medical purposes; or
 - (ii) for the dietary management of a disease, disorder or medical condition.

(2) Despite subsection (1), a food is not ***food for special medical purposes*** if it is:

- (a) formulated and represented as being for the dietary management of obesity or overweight; or
- (b) an infant formula product.

1.1.2—6 Definition of *formulated caffeinated beverage*

(1) In this Code:

formulated caffeinated beverage means a flavoured, non-alcoholic beverage, or a flavoured, non-alcoholic beverage to which other substances (for example, carbohydrates, amino acids, vitamins) have been added, that:

- (a) contains caffeine; and
- (b) has the purpose of enhancing mental performance.

(2) To avoid doubt, a formulated caffeinated beverage is a water based flavoured drink for the purposes of item 14.1.3 of section S15—5 and of section S18—10.

1.1.2—7 Definition of *medical institution*

(1) In this Code:

medical institution means any of the following:

- (a) an acute care hospital;
- (b) a hospice;
- (c) a low-care aged care establishment;
- (d) a nursing home for the aged;
- (e) a psychiatric hospital;
- (f) a respite care establishment for the aged;
- (g) a same-day aged care establishment;
- (h) a same-day establishment for chemotherapy and renal dialysis services.

(2) In this section:

acute care hospital:

(a) means an establishment that provides:

- (i) at least minimal medical, surgical or obstetric services for inpatient treatment or care; and
- (ii) round-the-clock comprehensive qualified nursing services as well as other necessary professional services;

to patients most of whom have acute conditions or temporary ailments, and have a relatively short average stay; and

(b) includes:

- (i) a hospital specialising in dental, ophthalmic aids and other specialised medical or surgical care; and
- (ii) a public acute care hospital; and
- (iii) a private acute care hospital.

hospice means a freestanding establishment (whether public or private) that provides palliative care to terminally ill patients.

low-care aged care establishment means an establishment where aged persons live independently but on-call assistance, including the provision of meals, is provided when needed.

nursing home for the aged means an establishment (whether private charitable, private for-profit, or government) that provides long-term care involving regular basic nursing care to aged persons.

psychiatric hospital means an establishment (whether public or private) devoted primarily to the treatment and care of inpatients with psychiatric, mental or behavioural disorders.

respite care establishment for the aged means an establishment that provides short-term care, including personal care and regular basic nursing care, to aged persons.

same-day aged care establishment means an establishment where aged persons attend for day or part-day rehabilitative or therapeutic treatment.

same-day establishment for chemotherapy and renal dialysis services means:

- (a) a day centre or hospital, being an establishment (whether public or private) that provides a course of acute treatment, in the form of chemotherapy or renal dialysis services, on a full-day or part-day non-residential attendance basis at specified intervals over a period of time; or
- (b) a free-standing day surgery centre, being a hospital facility (whether public or private) that provides investigation and treatment, in the form of chemotherapy or renal dialysis services, for acute conditions on a day-only basis.

1.1.2—8 Definition of *novel food*

(1) In this Code:

novel food means a *non-traditional food that requires an assessment of the public health and safety considerations having regard to:

- (a) the potential for adverse effects in humans; or
- (b) the composition or structure of the food; or
- (c) the process by which the food has been prepared; or
- (d) the source from which it is derived; or
- (e) patterns and levels of consumption of the food; or

(f) any other relevant matters.

non-traditional food means:

- (a) a food that does not have a history of human consumption in Australia or New Zealand; or
- (b) a substance derived from a food, where that substance does not have a history of human consumption in Australia or New Zealand other than as a *component of that food; or
- (c) any other substance, where that substance, or the source from which it is derived, does not have a history of human consumption as a food in Australia or New Zealand.

(2) Either of the following:

- (a) the presence of a food in a food for special medical purposes;
- (b) the use of a food as a food for special medical purposes;

does not constitute a history of human consumption in Australia or New Zealand in relation to that food for the purposes of this section.

1.1.2—9 Definition of *nutrition content claim*

(1) In this Code:

nutrition content claim means a claim that:

- (a) is about:
 - (i) the presence or absence of any of the following:
 - (A) a biologically active substance;
 - (B) dietary fibre;
 - (C) energy;
 - (D) minerals;
 - (E) potassium;
 - (F) protein;
 - (G) carbohydrate;
 - (H) fat;
 - (I) the components of any one of protein, *carbohydrate or fat;
 - (J) salt;
 - (K) sodium;
 - (L) vitamins; or
 - (ii) *glycaemic index or glycaemic load; and
- (b) does not refer to the presence or absence of alcohol; and
- (c) is not a health claim.

Note See also subsections 2.6.2—5(4) and 2.10.2—8(3).

Inclusion of mandatory information in nutrition information panel does not constitute a nutrition content claim

(2) To avoid doubt, if this Code requires particular information to be included in a nutrition information panel, the inclusion of that information does not constitute a **nutrition content claim**.

Inclusion of voluntary information in nutrition information panel might constitute a nutrition content claim

(3) If this Code permits, but does not require, particular information to be included in a nutrition information panel, the inclusion of that information constitutes a **nutrition content claim** unless:

- (a) this Code provides otherwise; or
- (b) the information is a declaration of:
 - (i) if the food contains less than 2 g of *dietary fibre per serving—dietary fibre; or
 - (ii) trans fatty acid content; or
 - (iii) lactose content.

(4) For a food that contains more than 1.15% alcohol by volume, the inclusion in a nutrition information panel of the information referred to in paragraphs 1.2.8—6(1)(a), (b) and (c), and subparagraphs 1.2.8—6(1)(d)(i), (ii) and (iii) does not constitute a **nutrition content claim**.

1.1.2—10 RDIs and ESADDIs

Note 'RDI' is an abbreviation of recommended dietary intake. 'ESADDI' is an abbreviation of estimated safe and adequate daily dietary intake.

(1) In relation to a food for infants the *RDI or *ESADDI for a vitamin or mineral listed in Column 1 of the table to section S1—2 or S1—3 is shown in Column 5.

(2) In relation to a food intended or represented as suitable for use by children aged 1 to 3 years (including a formulated supplementary food for young children) the *RDI or *ESADDI for a vitamin or mineral listed in Column 1 of the table to section S1—2 or S1—3 is shown in Column 4.

(3) In relation to any other food the *RDI or *ESADDI for a vitamin or mineral listed in Column 1 of the table to section S1—2 or S1—3 is shown in Column 3.

1.1.2—11 Definition of used as a food additive, etc

(1) In this Code, a substance is **used as a food additive** in relation to a food if it is added to the food:

- (a) to perform 1 or more of the technological purposes listed in Schedule 14; and
- (b) it is a substance identified in subsection (2).

(2) For subsection (1), the substances are:

- (a) any of the following:
 - (i) a substance that is identified in Schedule 15 as a substance that may be used as a food additive;
 - (ii) an *additive permitted at GMP;
 - (iii) a *colouring permitted at GMP;
 - (iv) a *colouring permitted to a maximum level; and

Note Schedule 15 lists a number of substances that are not listed in Schedule 16 as additives permitted at GMP foods, colourings permitted at GMP or colourings permitted to a maximum level.

(b) any substance that is:

- (i) a *non-traditional food and
- (ii) has been concentrated, refined, or synthesised, to perform 1 or more of the technological purposes listed in Schedule 14.

Other definitions

(3) In this Code:

additive permitted at GMP means a substance that is listed in section S16—2.

colouring permitted at GMP means a substance that is listed in section S16—3.

colouring permitted to a maximum level means a substance that is listed in section S16—4.

Colours and their aluminium and calcium lakes

(4) A reference to a colour listed in Schedule 15, a *colouring permitted at GMP or a *colouring permitted to a maximum level includes a reference to the aluminium and calcium lakes prepared from that colour.

1.1.2—12 Definition of used as a nutritive substance

(1) In this Code, a substance is **used as a nutritive substance** in relation to a food if it is added to the food:

- (a) to achieve a nutritional purpose; and
- (b) it is a substance identified in subsection (2).

(2) For subsection (1), the substances are:

- (a) any substance that is identified in this Code as one that may be *used as a nutritive substance; and
- (b) a vitamin or a mineral; and
- (c) any substance (other than an inulin-type fructan, a galacto-oligosaccharide or a substance normally consumed as a food) that has been concentrated, refined or synthesised, to achieve a nutritional purpose when added to a food.

Note Provisions that control use of substances as nutritive substance are in Standard 1.3.2 (Vitamins and minerals), Standard 2.9.1 (Infant formula products), Standard 2.9.2 (Food for infants), Standard 2.9.3 (Formulated meal replacements), Standard 2.9.4 (Formulated supplementary sports foods) and Standard 2.9.5 (Food for special medical purposes). Substances referred to in paragraph (2)(a) include, for example, those that are identified in the tables to sections S17—2 and S17—3 (vitamins and minerals) and the tables to sections S28—2, 0, S29—18 and S29—19 (other substances).

1.1.2—13 Definition of used as a processing aid

(1) In this Code, a reference to a substance that is **used as a processing aid** in relation to a food is a reference to a substance that is used during the course of processing:

- (a) to perform a technological purpose in the course of processing; and
- (b) does not perform a technological purpose in a food for sale; and
- (c) is identified in subsection (3).

References to foods that are used as a processing aid

(2) In this Code, a reference to a food that is **used as a processing aid** in relation to another food:

- (a) is a reference to a food that:
 - (i) is not a substance identified in subsection (3); and
 - (ii) is used or added to the other food during the course of processing to perform a technological purpose in the course of processing; and
 - (iii) does not perform a technological purpose in the food for sale; and
- (b) is a reference to so much of the food as is necessary to perform the technological purpose.

Note 1 This Code does not prohibit the use of foods as processing aids (other than foods that are substances referred to in subsection (3)). There are special labelling requirements that apply in relation to foods and substances that are used as processing aids—see paragraphs 1.2.4—3(2)(d) and 1.2.4—3(2)(e) and subparagraph 1.2.8—5(a)(vii).

Note 2 If a food is used as a processing aid in relation to another food, and the amount of the food used is greater than the amount that is necessary to perform the technological purpose, the excess amount of the food is not taken to be used as a processing aid in the other food and is not exempted from a requirement to declare ingredients—see section 1.2.4—3(2)(e).

(3) For subsections (1) and (2), the substances are the following:

- (a) a substance that is listed in Schedule 18;
- (b) an *additive permitted at GMP.

Note 'additive permitted at GMP' is a defined term—see section 1.1.2—11.

1.1.2—14 Calculation and expression of amount of vitamin or mineral

(1) RDIs and ESADDIs for vitamins shall be the sum of the forms of the vitamin occurring naturally in the food and any permitted forms of the vitamin that have been added to the food calculated and expressed in the form specified in Columns 3, 4 or 5 of the table to section S1—2.

(2) RDIs and ESADDIs for minerals shall be the sum of the forms of the mineral occurring naturally in the food and any permitted forms of the mineral that have been added to the food calculated and expressed in the form specified in Column 1 of the table to section S1—3.

(3) When calculating an amount:

- (a) for vitamin A:
 - (i) calculate the amount in terms of retinol equivalents; and
 - (ii) for provitamin A forms of vitamin A, calculate retinol equivalents using the conversion factors in section S1—4; and
- (b) for niacin, exclude the niacin provided from the conversion of the amino acid tryptophan; and
- (c) for vitamin E, calculate the amount in terms of alpha-tocopherol equivalents using the conversion factors in section S1—5.

2015-gs1867

**Standard 1.2.1 - Requirements to Have Labels or Otherwise Provide Information - Food Standards (Proposal P1025 - Code Revision) Variation—Australia
New Zealand Food Standards Code - Amendment No. 154**

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

Division 1 Preliminary

1.2.1—1 Name

This Standard is *Australia New Zealand Food Standards Code - Standard 1.2.1 - Requirements to have labels or otherwise provide information*.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

1.2.1—2 Outline of Standard

- (1) This Standard sets out when a food for sale is required to *bear a label or have other information provided with it, and sets out the information that is to be provided.
- (2) Division 2 sets out the labelling and information requirements for a food that is for retail sale.
- (3) Division 3 sets out the labelling and information requirements for food that is sold to caterers.
- (4) Division 4 sets out the labelling and information requirements for all other sales of food.
- (5) Division 5 sets out general prohibitions relating to labels.
- (6) Division 6 sets out legibility requirements.

1.2.1—3 Definitions

Note In this Code (see section 1.1.2—2):

bear a label: a food for sale is taken to **bear a label** of a specified kind or with specified content if either of the following are part of or attached to the packaging of the food:

- (a) a label of that kind or with that content; or
- (b) labels that together are of that kind or have that content.

caterer means a person, establishment or institution (for example, a catering establishment, a restaurant, a canteen, a school, or a hospital) which handles or offers food for immediate consumption.

label, in relation to a food being sold, means any tag, brand, mark or statement in writing or any representation or design or descriptive matter that:

- (a) is attached to the food or is a part of or attached to its packaging; or
- (b) accompanies and is provided to the purchaser with the food; or
- (c) is displayed in connection with the food when it is sold.

labelling:

- (a) in relation to a food being sold, **labelling** means all of the labels for the food together; and
- (b) a requirement for the labelling of a food for sale to include specified content is a requirement for at least one of the labels to have that content.

Division 2 Retail sales

1.2.1—4 When this Division applies

This Division applies to:

- (a) a retail sale of a food; and
- (b) a sale of a food that is not a retail sale, if the food is sold as suitable for retail sale without any further processing, packaging or labelling.

1.2.1—5 Outline of Division

This Division sets out:

- (a) the circumstances in which food for sale is required to *bear a label—see section 1.2.1—6;
- (b) the country of origin labelling (Australia only) requirement—see section 1.2.1—7;

(c) the other information the label must state—see section 1.2.1—8;

(d) the information requirements for a food for sale that is not required to bear a label—see section 1.2.1—9.

1.2.1—6 When the food for sale must bear a label

(1) If the food for sale is in a package, it is required to *bear a label with the information referred to in subsection 1.2.1—8(1) unless it:

(a) is made and packaged on the premises from which it is sold; or

(b) is packaged in the presence of the purchaser; or

(c) is whole or cut fresh fruit and vegetables (other than seed sprouts or similar products) in a package that does not obscure the nature or quality of the food; or

(d) is delivered packaged, and ready for consumption, at the express order of the purchaser (other than when the food is sold from a vending machine); or

(e) is sold at a *fund raising event; or

(f) is displayed in an *assisted service display cabinet.

Note 1 Even if a food for sale is not required to bear a label under this section, in Australia it still might be required to bear a label under section 1.2.1—7 (Australia only—country of origin labelling requirement).

Note 2 See section 1.2.1—9 for information requirements for food for sale that does not need to bear a label.

(2) If the food for sale has more than 1 layer of packaging and subsection (1) requires it to bear a label, only 1 label is required in relation to the food for sale.

Note See also section 1.2.1—24.

(3) If the food for sale is sold in packaging that includes individual packages for servings that are intended to be used separately (*individual portion packs*), but which:

(a) are not designed for individual sale; and

(b) have a surface area of 30 cm² or greater;

then the *individual portion pack is also required to *bear a label, with the information referred to in subsection 1.2.1—8(3).

(4) If the food for sale is not in a package, it is not required to *bear a label.

Note See section 1.2.1—9 for information requirements for food for retail sale that does not need to bear a label.

1.2.1—7 Australia only—country of origin labelling requirement

(1) In Australia, the following apply:

(a) subject to paragraph (b), if the food for sale is in a package and is required to *bear a label because of section 1.2.1—6, the label must state the country of origin information referred to in section 1.2.11—4;

(b) if the food for sale is unprocessed fruit and vegetables in a package to which section 1.2.11—3 applies, it is required to bear a label, or have labelling that accompanies it or is displayed in connection with its sale, that states the country of origin information referred to in that section;

(c) if the food for sale is not in a package, it is required to bear a label, or have labelling that accompanies it or is displayed in connection with its sale, that states the country of origin information referred to in section 1.2.11—2.

Note A food for sale in Australia may be required to bear a label under this section, even if it is not required under section 1.2.1—6.

(2) This section does not apply to a food that:

(a) is sold to the public by any of the following:

(i) a restaurant;

(ii) a canteen;

(iii) a school;

(iv) a caterer;

(v) a self-catering institution;

(vi) a prison;

(vii) a hospital;

(viii) a *medical institution; and

(b) is offered for immediate consumption.

1.2.1—8 Information required on food that is required to bear a label

General and additional requirements—retail sales

(1) For subsection 1.2.1—6(1), the information is the following information in accordance with the provisions indicated:

General requirements

- (a) name of the food (see section 1.2.2—2);
- (b) lot identification (see section 1.2.2—3);
- (c) name and address of the *supplier (see section 1.2.2—4);
- (d) advisory statements, warning statements and declarations (see sections 1.2.3—2, 1.2.3—3 and 1.2.3—4);
- (e) a statement of ingredients (see section 1.2.4—2);
- (f) date marking information (see section 1.2.5—3);
- (g) storage conditions and directions for use (see section 1.2.6—2);
- (h) information relating to nutrition, health and related claims (see subsection 1.2.7—26(4));
- (i) nutrition information (see Standard 1.2.8);
- (j) information about *characterising ingredients and *characterising components (see section 1.2.10—3);
- (k) information relating to foods produced using gene technology (see section 1.5.2—4);
- (l) information relating to irradiated food (see section 1.5.3—9);

Additional requirements

- (m) for minced meat—the maximum proportion of fat in the minced meat (see section 2.2.1—7);
- (n) for raw meat joined or formed into the semblance of a cut of meat—the required information relating to that meat (see section 2.2.1—8);
- (o) for fermented comminuted processed or manufactured meat—the required information relating to how the meat has been processed (see sections 2.2.1—9 and 2.2.1—10);
- (p) for formed or joined fish—the information relating to that fish (see section 2.2.3—3);
- (q) the process declaration for edible oils (see section 2.4.1—4);
- (r) for juice blend—the name and percentage by volume of each juice in the blend (see section 2.6.1—4);
- (s) information related to the composition of packaged water (see section 2.6.2—5);
- (t) for an electrolyte drink or electrolyte drink base:
 - (i) a declaration of the required compositional information (see section 2.6.2—11); and
 - (ii) if a claim is made that the drink is isotonic, hypertonic or hypotonic—a declaration of the osmolality of the drink (see section 2.6.2—12);
- (u) the required statements relating to kava (see section 2.6.3—4);
- (v) for formulated caffeinated beverages:
 - (i) declarations of average quantities (see section 2.6.4—5); and
 - (ii) any advisory statements (see section 2.6.4—5);
- (w) for a food that contains alcohol—if required:
 - (i) a statement of the alcohol content (see section 2.7.1—3); and
 - (ii) a statement of the number of *standard drinks in the package (see section 2.7.1—4);
- (x) for special purpose foods or *amino acid modified foods to which sections 2.9.6—5 and 2.9.6—6 apply—the required information for such foods;
- (y) the required statements and other information for:
 - (i) infant formula product (see Standard 2.9.1); and
 - (ii) food for infants (see Standard 2.9.2); and
 - (iii) formulated meal replacements and formulated supplementary foods (see Standard 2.9.3); and
 - (iv) formulated supplementary sports foods (see Standard 2.9.4); and
 - (v) foods for special medical purposes (see Standard 2.9.5);

(z) the required information for reduced sodium salt mixtures and salt substitutes (see section 2.10.2—8).

Specific requirement—retail sales of food in hampers

(2) For food sold in a *hamper:

- (a) each package must *bear a label stating the information mentioned in subsection (1); and
- (b) each item of food not in a package must be accompanied by labelling stating the information mentioned in subsection (1); and
- (c) the hamper must bear a label stating the name and address of the *supplier of the hamper (see section 1.2.2—4).

Specific requirement—retail sales of food in individual portion packs

(3) For subsection 1.2.1—6(3), the information is warning statements and declarations in accordance with sections 1.2.3—3 and 1.2.3—4.

Additional requirement—food sold from vending machines

(4) For food sold from a vending machine, it is an additional requirement that labels clearly and prominently displayed in or on the vending machine state the name and *business address of the *supplier of the vending machine.

Note Specific exemptions for some types of package or food are in other standards, for example, elsewhere in Part 1.2.

1.2.1—9 Information requirements for food for sale that is not required to bear a label

(1) This section applies to a food for sale that is not required to *bear a label because of section 1.2.1—6.

Information that must accompany or be displayed with the food

(2) The information specified in subsection (3) must, in accordance with the provisions indicated, be stated in labelling that:

- (a) accompanies the food; or
- (b) is displayed in connection with the display of the food.

(3) For subsection (2), the information is:

- (a) any *warning statement required by section 1.2.3—3; and
- (b) if the food for sale is not in a package—information relating to foods produced using gene technology (see section 1.5.2—4);
- (c) information relating to irradiated food (see section 1.5.3—9); and
- (d) for food sold from a vending machine—any advisory statement required by section 1.2.3—2 and any declaration required by section 1.2.3—4;
- (e) if the food for sale is not in a package—for fermented comminuted processed or manufactured meat—the *prescribed name (see sections 2.2.1—9 and 2.2.1—10);
- (f) if the food for sale is not in a package—for a food for sale that consists of kava root:
 - (i) any statements relating to kava (see section 2.6.3—4); and
 - (ii) the name and address of the *supplier (see section 1.2.2—4).

Information that must accompany food for sale

(4) The following information must be stated in labelling that accompanies the food for sale, in accordance with the provisions indicated:

- (a) if the food for sale is not in a package—the directions relating to use and storage required by paragraph 1.2.6—2(b); and
- (b) in any case—the information related to use required by paragraph 1.2.6—2(c).

Information that must be declared or provided to the purchaser

(5) The following information must be declared or provided to the purchaser, in accordance with the provisions indicated:

- (a) any required statement indicating the presence of offal must be declared (see section 2.2.1—6);
- (b) for raw meat joined or formed into the semblance of a cut of meat—any required information relating to that meat must be provided (see section 2.2.1—8);
- (c) for formed or joined fish—any required information relating to that fish must be provided (see section 2.2.3—3).

Information that may either accompany or be displayed with the food or which must be provided to the purchaser on request

(6) The information specified in subsection (7) must, in accordance with the provisions indicated, be stated in labelling that is:

- (a) displayed in connection with the display of the food; or
- (b) provided to the purchaser on request.

(7) For subsection (6), the information is:

- (a) name of food (see section 1.2.2—2);
- (b) any advisory statements and declarations (see sections 1.2.3—2 and 1.2.3—4);
- (c) information relating to nutrition, health and related claims (see subsection 1.2.7—27(4));
- (d) if a *claim requiring nutrition information is made—the information required for a nutrition information panel (see subsections 1.2.7—27(2) and 1.2.7—27(3), and Standard 1.2.8);
- (e) if the food is not required to *bear a label because of subsection 1.2.1—6(4) or paragraph 1.2.1—6(1)(a)—information about *characterising ingredients and *characterising components (section 1.2.10—3);
- (f) for minced meat—if required, the maximum proportion of fat in the minced meat (see section 2.2.1—7);
- (g) for formulated caffeinated beverages—any advisory statements (section 2.6.4—5).

Division 3 Sales of food to caterers

1.2.1—10 When this Division applies

This Division applies to a sale of food to a caterer, other than a sale to which Division 2 applies.

1.2.1—11 Outline of Division

This Division sets out the following:

- (a) the circumstances in which the food for sale to a *caterer is required to *bear a label—see section 1.2.1—12;
- (b) when information must be provided with the food—see section 1.2.1—13; and
- (c) the country of origin labelling requirement—see section 1.2.1—14;
- (d) the other information the label must state—see section 1.2.1—15;
- (e) the information requirements for a food that is not required to bear a label—see sections 1.2.1—16 and 1.2.1—17.

1.2.1—12 When food sold to a caterer must bear a label

(1) If the food sold to a *caterer is in a package, it is required to *bear a label with the information required by section 1.2.1—15.

(2) If:

- (a) the food for sale is required to *bear a label; and
- (b) the food for sale has more than one layer of packaging; and
- (c) the information required by sections 1.2.2—2 and 1.2.2—3 is in a label on the outer package; and
- (d) the information required by section 1.2.2—4 is:
 - (i) in a label on the outer package; or
 - (ii) in documentation that accompanies the food for sale;

the label referred to in subsection (1) need not be on the outer package.

(3) A food for sale is not required to *bear a label if:

- (a) the food is not in a package; or
- (b) the food is whole or cut fresh fruit and vegetables (other than seed sprout or similar products) in a package that does not obscure the nature or quality of the food.

1.2.1—13 When information must be provided with food sold to a caterer

If food sold to a *caterer is not required by section 1.2.1—12 to *bear a label, labelling containing the information required by section 1.2.1—15 must be provided to the caterer with the food.

1.2.1—14 Australia only—country of origin labelling requirement

In Australia, if the food sold to a *caterer is in a package, it is required to *bear a label with the country of origin information in accordance with section 1.2.11—4.

1.2.1–15 Information required to be on labelling for food sold to a caterer

Subject to this section, labelling that is required for food sold to a *caterer under section 1.2.1–12 must state the following information in accordance with the provisions indicated:

- (a) name of food (see section 1.2.2–2);
- (b) lot identification (see section 1.2.2–3);
- (c) advisory statements, warning statements and declarations (see sections 1.2.3–2, 1.2.3–3 and 1.2.3–4);
- (d) date marking information (see section 1.2.5–3);
- (e) any storage conditions and directions for use (see section 1.2.6–2);
- (f) information relating to foods produced using gene technology (see section 1.5.2–4);
- (g) information relating to irradiated food (see section 1.5.3–9).

1.2.1–16 Other information that must be provided with food sold to a caterer

(1) The information referred to in subsection 1.2.1–8(1) (General and additional requirements—retail sales) must be:

- (a) set out in the label (if any); or
- (b) provided in documentation.

(2) In the case of the information referred to in paragraph 1.2.1–8(1)(c) (name and address of the supplier), if the information is provided in documentation, the documentation must accompany the food for sale.

(3) Subsection (1) does not apply to:

- (a) the information that is referred to in subsection 1.2.1–15 (Information required to be on labelling for food sold to a caterer); or
- (b) the information referred to in paragraph 1.2.1–8(1)(k) (information about characterising ingredients and components).

1.2.1–17 Information that can be requested in relation to food sold to a caterer

The *caterer must be provided with any information:

- (a) requested by the caterer; or
- (b) required by the *relevant authority to be provided;

that is necessary to enable the *caterer to comply with any compositional, labelling or declaration requirement of this Code in a sale of the food or of another food using it as an ingredient.

Division 4 Other sales

1.2.1–18 When this Division applies

(1) This Division applies to sales of food other than:

- (a) sales to which Division 2 or Division 3 apply; or
- (b) intra-company transfers.

(2) In this section:

intra-company transfer means a transfer of a food between elements of a single company, between subsidiaries of a parent company or between subsidiaries of a parent company and the parent company.

1.2.1–19 Outline of Division

This Division sets out the following:

- (a) the circumstances in which the food for sale is required to *bear a label—see section 1.2.1–20;
- (b) the information requirements for a food for sale that is not required to bear a label—see section 1.2.1–21.

1.2.1–20 Labelling requirements

(1) If the food for sale is not in a package, it is not required to *bear a label.

(2) If the food for sale is in a package, it is required to *bear a label that states the following information in accordance with the provisions indicated:

- (a) name of food (see section 1.2.2–2);
- (b) lot identification (see section 1.2.2–3);
- (c) unless provided in documentation accompanying the food for sale—the name and address of the *supplier (see section 1.2.2–4).

(3) The label may be:

- (a) on the package; or
- (b) if there is more than 1 layer of packaging—on the outer layer; or
- (c) if the food for sale is in a transportation outer—clearly discernible through the transportation outer.

1.2.1—21 When information can be requested

(1) The purchaser must be provided with any information:

- (a) requested by the purchaser; or
- (b) required by the *relevant authority to be provided;

that is necessary to enable the purchaser to comply with any compositional, labelling or declaration requirement of this Code in a sale of the food or of another food using it as an ingredient.

(2) If requested by the purchaser or required by the relevant authority, the information must be provided in writing.

Division 5 General prohibitions relating to labels

1.2.1—22 Prohibition on altering labels

(1) A person who sells a food for sale that is packaged, or deals with a packaged food for sale before its sale, must not deface the label on the package unless:

- (a) the *relevant authority has given its permission; and
- (b) if the relevant authority has imposed any conditions on its permission—those conditions have been complied with.

(2) Despite subsection (1), a person who sells a food that is packaged, or deals with a packaged food before its sale, may re-label the food if the label contains incorrect information, by placing a new label over the incorrect one in such a way that:

- (a) the new label is not able to be removed; and
- (b) the incorrect information is not visible.

(3) In this section:

deface includes alter, remove, erase, obliterate and obscure.

1.2.1—23 Application of labelling provisions to advertising

If this Code prohibits a label on or relating to food from including a statement, information, a design or a representation, an advertisement for that food must not include that statement, information, design or representation.

Division 6 Legibility requirements

1.2.1—24 General legibility requirements

(1) If this Code requires a word, statement, expression or design to be contained, written or set out on a label—any words must be in English and any word, statement, expression or design must, wherever occurring:

- (a) be legible; and
- (b) be prominent so as to contrast distinctly with the background of the label.

(2) If a language other than English is also used on a label, the information in that language must not negate or contradict the information in English.

1.2.1—25 Legibility requirements for warning statements

A *warning statement on a label must be written:

- (a) for a small package—in a *size of type of at least 1.5 mm;
- (b) otherwise—in a size of type of at least 3 mm.

2015-gs1868

Standard 1.2.2 - Information Requirements - Food Identification - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92

of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

1.2.2—1 Name

This Standard is *Australia New Zealand Food Standards Code* - Standard 1.2.2 - Information requirements - food identification.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

1.2.2—2 Name of food

(1) For the labelling provisions, the name of a food is:

- (a) if the food has a *prescribed name—the prescribed name; and
- (b) otherwise—a name or description:
 - (i) sufficient to indicate the true nature of the food; and
 - (ii) that includes any additional words this Code requires to be included in the name of food.

Note 1 The labelling provisions are set out in Standard 1.2.1.

Note 2 In this Code, the following foods have these names as prescribed names:

- (i) 'fermented processed meat - not heat treated' (Standard 2.2.1);
- (ii) 'fermented processed meat - heat treated' (Standard 2.2.1);
- (iii) 'fermented processed meat - cooked' (Standard 2.2.1);
- (iv) 'fermented manufactured meat - not heat treated' (Standard 2.2.1);
- (v) 'fermented manufactured meat - heat treated' (Standard 2.2.1);
- (vi) 'fermented manufactured meat - cooked' (Standard 2.2.1);
- (vii) 'follow-on formula' (Standard 2.9.1);
- (viii) 'formulated meal replacement' (Standard 2.9.3);
- (ix) 'formulated supplementary food' (Standard 2.9.3);
- (x) 'formulated supplementary food for young children' (Standard 2.9.3);
- (xi) 'formulated supplementary sports food' (Standard 2.9.4);
- (xii) 'honey' (Standard 2.8.2);
- (xiii) 'infant formula' (Standard 2.9.1).

(2) If this Code includes a definition of a particular food, that fact alone does not establish that the defined term is the name of the food for this section.

1.2.2—3 Lot identification

For the labelling provisions, a requirement to state the *lot identification does not apply to:

- (a) an individual portion of ice cream or ice confection; or
- (b) a food for sale that is in a small package, if:
 - (i) the *small package is stored or displayed for sale in a bulk package or a bulk container; and
 - (ii) the labelling of the bulk package or bulk container includes the lot identification.

Note The labelling provisions are set out in Standard 1.2.1.

1.2.2—4 Name and address of supplier

For the labelling provisions, a reference to the name and address of the *supplier of a food or food for sale is a reference to the name and *business address in either Australia or New Zealand of a person who is a supplier.

Note The labelling provisions are set out in Standard 1.2.1.

2015-gs1869

Standard 1.2.3 - Information Requirements - Warning Statements, Advisory Statements and Declarations - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

1.2.3—1 Name

This Standard is *Australia New Zealand Food Standards Code - Standard 1.2.3 - Information requirements - warning statements, advisory statements and declarations*.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

1.2.3—2 Mandatory advisory statements

(1) For the labelling provisions, if a food is listed in Column 1 of the table in Section S9—2, the corresponding advisory statement in Column 2 of that table is required.

(2) For the labelling provisions, an advisory statement to the effect that excess consumption may have a laxative effect is required for a food that contains:

(a) one or more of the following substances, either alone or in combination, at a level of or in excess of 10 g/100 g:

- (i) lactitol;
- (ii) maltitol;
- (iii) maltitol syrup;
- (iv) mannitol;
- (v) xylitol; or

(b) one or more of the following substances, either alone or in combination, at a level of or in excess of 25 g/100 g:

- (i) erythritol;
- (ii) isomalt;
- (iii) polydextrose;
- (iv) sorbitol; or

(c) one or more of the substances listed in paragraph (a), in combination with one or more of the substances listed in paragraph (b), at a level of or in excess of 10 g/100 g.

Note The labelling provisions are set out in Standard 1.2.1.

1.2.3—3 Mandatory warning statement—royal jelly

For the labelling provisions, if a food is or includes as an ingredient royal jelly, the following *warning statement is required: "This product contains royal jelly which has been reported to cause severe allergic reactions and in rare

cases, fatalities, especially in asthma and allergy sufferers’.

Note The labelling provisions are set out in Standard 1.2.1.

1.2.3—4 Mandatory declaration of certain foods or substances in food

(1) For the labelling provisions, if any of the following foods or substances is present in a food for sale in a manner listed in subsection (2), a declaration that the food or substance is present is required:

- (a) added sulphites in concentrations of 10 mg/kg or more;
- (b) any of the following foods, or products of those foods:
 - (i) cereals containing *gluten, namely, wheat, rye, barley, oats and spelt and their hybridised strains other than where these substances are present in beer and spirits;
 - (ii) crustacea;
 - (iii) egg;
 - (iv) fish, except for isinglass derived from swim bladders and used as a clarifying agent in beer or wine;
 - (v) milk;
 - (vi) peanuts;
 - (vii) soybeans;
 - (viii) sesame seeds;
 - (ix) tree nuts, other than coconut from the fruit of the palm *Cocos nucifera*.

(2) For subsection (1), the food or substance may be present as:

- (a) an ingredient or as an ingredient of a *compound ingredient; or
- (b) a substance *used as a food additive, or an ingredient or component of such a substance; or
- (c) a substance or food *used as a processing aid, or an ingredient or component of such a substance or food.

Note The labelling provisions are set out in Standard 1.2.1.

2015-gs1870

Standard 1.2.4 - Information Requirements - Statement of Ingredients - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

1.2.4—1 Name

This Standard is *Australia New Zealand Food Standards Code - Standard 1.2.4 - Information requirements - statement of ingredients*.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

1.2.4—2 Requirement for statement of ingredients

(1) In this Code, a **statement of ingredients** for a food for sale is a statement of ingredients that complies with this Code.

(2) To avoid doubt, if:

- (a) the label lists the name of the food in accordance with paragraph 1.2.1—8(1)(a); and
- (b) a statement of ingredients that complies with this Standard would list only the name of the food in accordance with paragraph 1.2.1—8(1)(a);

the label is taken to contain a statement of ingredients.

(3) For the labelling provisions, a requirement for a statement of ingredients does not apply to:

- (a) water that is packaged and labelled in accordance with Standard 2.6.2; or
- (b) a *standardised alcoholic beverage; or
- (c) a food for sale that is contained in a *small package.

Note 1 The labelling provisions are set out in Standard 1.2.1.

Note 2 Despite subsection (3), the presence of some ingredients must be declared—see Standard 1.2.3.

1.2.4—3 Requirement to list all ingredients

(1) Subject to subsection (2), a statement of ingredients must list each ingredient in the food for sale.

(2) A statement of ingredients need not list:

- (a) an ingredient of a *flavouring substance; or

Note Despite paragraph (a), subsection 1.2.4—7(5) and 1.2.4—7(6) require some ingredients of flavouring substances to be specifically declared or listed in the statement of ingredients.

- (b) a volatile ingredient which is completely removed during processing; or

(c) added water that:

- (i) is added to reconstitute dehydrated or concentrated ingredients; or
- (ii) forms part of broth, brine or syrup that is declared in the statement of ingredients or is part of the name of the food; or
- (iii) constitutes less than 5% of the food; or

- (d) a substance that is *used as a processing aid in accordance with Standard 1.3.3; or
- (e) a food that is used as a processing aid.

1.2.4—4 Ingredients to be listed by common, descriptive or generic name

A statement of ingredients must identify each ingredient:

- (a) in the case of offal—in accordance with section 2.2.1—6; or

(b) in any other case, using any of:

- (i) a name by which the ingredient is commonly known; or
- (ii) a name that describes the true nature of the ingredient; or
- (iii) a generic name for the ingredient that is specified in Schedule 10, in accordance with any conditions specified in that Schedule.

1.2.4—5 Ingredients to be listed in descending order of ingoing weight

(1) A statement of ingredients must list each ingredient in descending order of ingoing weight.

(2) The ingoing weight of an ingredient may be determined in accordance with its weight before dehydration or concentration, if the ingredient:

- (a) is a dehydrated or concentrated ingredient; and
- (b) is reconstituted during preparation, manufacture or handling of the food.

(3) Despite subsection (1), if a food is represented as one that is to be reconstituted in accordance with directions:

- (a) the ingredients may be listed in descending order of their weight in the reconstituted food; and
- (b) if the ingredients are listed on this basis, this must be made clear on the label.

(4) For subsection (1), the ingoing weight of water, or of a volatile ingredient, **IW**, must be calculated in accordance with the following equation:

$$IW = X - Y$$

where:

X is the weight of the water or volatile ingredient that is added to the food.

Y is the sum of:

- (a) the weight of any water or volatile ingredient that is removed; and
- (b) the weight of any water or volatile ingredient that is used for reconstitution of dehydrated or concentrated ingredients;

during preparation, manufacture or handling of the food.

(5) A *compound ingredient must be listed in a statement of ingredients by listing, in accordance with subsection (1):

- (a) the compound ingredient by name as an ingredient of the food for sale, in accordance with subsection (6); or
- (b) each ingredient of the compound ingredient individually as an ingredient of the food for sale.

(6) If a *compound ingredient is listed in accordance with paragraph (5)(a), it must be followed by a list, in brackets, of:

- (a) if the compound ingredient comprises 5% or more of the food for sale—all ingredients that make up the compound ingredient; or
- (b) if the compound ingredient comprises less than 5% of the food for sale—the following ingredients:
 - (i) any ingredient of the compound ingredient that is required to be listed in accordance with section 1.2.3–4; and
 - (ii) any substance *used as a food additive in the compound ingredient which performs a technological purpose in the food for sale.

(7) Paragraph (5)(a) does not apply to food for infants.

Note See Standard 2.9.2.

(8) Despite subsection (6), the ingredients of a *standardised alcoholic beverage do not need to be listed in a statement of ingredients if the alcoholic beverage has been listed as an ingredient of the food for sale.

1.2.4–6 Declaration of alternative ingredients

If the composition of a food for sale is subject to minor variations by the substitution of an ingredient which performs a similar function, the statement of ingredients may list both ingredients in a way which makes it clear that alternative or substitute ingredients are being declared.

1.2.4–7 Declaration of substances used as food additives

(1) A substance (including a vitamin or mineral) *used as a food additive must be listed in a statement of ingredients by specifying:

- (a) if the substance can be classified into a class of additives listed in Schedule 7 (whether prescribed or optional)—that class name, followed in brackets by the name or *code number of the substance as indicated in Schedule 8; or
- (b) otherwise—the name of the substance as indicated in Schedule 8.

(2) For the purposes of paragraph (1)(a), if the substance can be classified into more than 1 class, the most appropriate class name must be used.

(3) Despite paragraph (1)(a), if the substance is an enzyme:

- (a) it may be listed as ‘enzyme’; and
- (b) the specific name of the enzyme need not be listed.

(4) If a *flavouring substance is an ingredient, it must be listed in the statement of ingredients by using:

- (a) the word ‘flavouring’ or ‘flavour’; or
- (b) a more specific name or description of the flavouring substance.

(5) If any of the following substances are added to a food for sale as a *flavouring substance or as an ingredient of a flavouring substance, the name of the substance must be specifically declared in accordance with subsection (1):

- (a) L-glutamic acid;
- (b) monosodium glutamate;
- (c) monopotassium L-glutamate;
- (d) calcium di-L-glutamate;
- (e) monoammonium L-glutamate;

- (f) magnesium di-L-glutamate;
- (g) disodium guanylate;
- (h) disodium inosinate;
- (i) disodium-5'-ribonucleotides.

(6) If caffeine is added to a food for sale (whether as a *flavouring substance or otherwise), it must be listed in the statement of ingredients as caffeine.

1.2.4—8 Declaration of vitamins and minerals

Where a vitamin or mineral is added to a food, the vitamin or mineral may be declared in accordance with section 1.2.4—7 using the class name 'vitamin' or 'mineral'.

2015-gs1871

Standard 1.2.5 - Information Requirements - Date Marking of Food for Sale - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

1.2.5—1 Name

This Standard is *Australia New Zealand Food Standards Code - Standard 1.2.5 - Information requirements - date marking of food for sale*.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

1.2.5—2 Definitions

Note In this Code (see section 1.1.2—2):

baked-for date, in relation to bread, means:

- (a) if the time at which the bread was baked is before midday—the baked-on date;
- (b) if the time at which the bread was baked is after midday—the day after the baked-on date.

Note For example, bread that is baked after midday on one day may have a 'baked-for date' of the following day.

baked-on date, in relation to bread, means the date on which the bread was baked.

best-before date, for a food for sale, means the date up to which the food for sale will remain fully marketable and will retain any specific qualities for which express or implied claims have been made, if the food for sale:

- (a) remains in an intact package during its storage; and
- (b) is stored in accordance with any storage conditions applicable under Standard 1.2.6.

use-by date, for a food for sale, means the date after which it is estimated that the food for sale should not be consumed because of health or safety reasons, if the food for sale:

- (a) remains in an intact package during its storage; and
- (b) is stored in accordance with any storage conditions applicable under Standard 1.2.6.

1.2.5—3 Food for sale must be date marked on labels

(1) For the labelling provisions, the date marking information is:

- (a) if there is a *use-by date for the food—that date; or
- (b) otherwise—any of:
 - (i) the best-before date of the food; or
 - (ii) for bread that has a shelf life of less than 7 days:
 - (A) the *best-before date; or
 - (B) the *baked-for date; or
 - (C) the *baked-on date.

(2) The date marking information is not required if:

- (a) the *best-before date of the food is 2 years or more after the date it is determined; or
- (b) the food is an individual portion of ice cream or ice confection.

(3) Despite subsection (1), if the food is in a small package, the only date-marking information required is the *use-by date (if any).

Note The labelling provisions are set out in Standard 1.2.1.

1.2.5—4 Prohibition on sale of food after its use-by date

A food must not be sold after its *use-by date.

1.2.5—5 Required wording and form for dates for labels

(1) The date marking information may only be expressed in accordance with this section.

(2) A *best-before date, a *use-by date, a *baked-for date and a *baked-on date must:

- (a) be expressed using the following wording:
 - (i) for a best-before date—the words ‘Best Before’;
 - (ii) for a use-by date—the words ‘Use By’;
 - (iii) for a baked-for date—the words ‘Baked For’ or ‘Bkd For’;
 - (iv) for a baked-on date—the words ‘Baked On’ or ‘Bkd On’; and
- (b) be accompanied by:
 - (i) the relevant date; or
 - (ii) a reference to where the date is located on the label.

(3) In a *best-before date or a *use-by date:

- (a) the day must be expressed in numerical form; and
- (b) the month may be expressed in:
 - (i) numerical form; or
 - (ii) upper or lower case letters; and
- (c) the year must be expressed in numerical form and may be expressed using the full year or only the last 2 digits of the year.

(4) A *best-before date and a *use-by date must at least consist of:

- (a) if the best-before date or use-by date is not more than 3 months from the date it is applied:
 - (i) the day and month, in that order; or
 - (ii) if the month is expressed in letters—the day and the month, in any order; or
- (b) if the best-before date or a use-by date is more than 3 months from the date it is applied—the month and the year, in that order.

Example

For subparagraph (a)(i)—‘23 Dec’ or ‘23 12’ or ‘23 12 2015’ or ‘23 Dec 2015’.

For subparagraph (a)(ii)—‘23 Dec’ or ‘Dec 23’ or ‘23 Dec 2015’ or ‘Dec 23 2015’.

For paragraph (b)—‘Dec 2015’ or ‘12 2015’ or ‘23 12 2015’ or ‘23 Dec 2015’.

(5) The day, month and year must be expressed so that it is apparent which number is the day, the month or the year.

1.2.5—6 Packed-on dates and manufacturer’s or packer’s codes

To avoid doubt, section 1.2.5—5 does not prevent the addition of a packed-on date or a manufacturer's or a packer's code on the label on a package of food.

2015-gs1872

Standard 1.2.6 - Information Requirements - Directions for Use and Storage - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

1.2.6—1 Name

This Standard is *Australia New Zealand Food Standards Code - Standard 1.2.6 - Information requirements - directions for use and storage*.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

1.2.6—2 Directions for use, and statement of storage conditions

For the labelling provisions, storage conditions and directions for use of a food are:

- (a) if specific storage conditions are required to ensure that the food will keep until the *use-by date or the *best-before date—a statement of those conditions; and
- (b) if the food must be used or stored in accordance with certain directions for health or safety reasons—those directions; and
- (c) if the food is or contains:
 - (i) raw bamboo shoots—a statement indicating that bamboo shoots should be fully cooked before being consumed; or
 - (ii) raw sweet cassava—a statement indicating that sweet cassava should be peeled and fully cooked before being consumed.

Note The labelling provisions are set out in Standard 1.2.1.

2015-gs1873

Standard 1.2.7 - Nutrition, Health and Related Claims - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

Division 1 Preliminary**1.2.7—1 Name**

This Standard is *Australia New Zealand Food Standards Code* - Standard 1.2.7 - Nutrition, health and related claims.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

1.2.7—2 Definitions

In Standard 1.2.7 and Standard 1.2.8:

fruit means the edible portion of a plant or constituents of the edible portion that are present in the typical proportion of the whole fruit (with or without the peel or water); and does not include nuts, spices, herbs, fungi, legumes and seeds.

vegetable means the edible portion of a plant or constituents of the edible portion that are present in the typical proportion of the whole vegetable (with or without the peel or water) and does not include nuts, spices, herbs, fungi, dried legumes (including dried legumes that have been cooked or rehydrated) and seeds.

Note 1 In this Code (see section 1.1.2—2):

biomarker means a measurable biological parameter that is predictive of the risk of a serious disease when present at an abnormal level in the human body.

carbohydrate, other than in the definition of **beer** (section 1.1.2—3), means available carbohydrate or available carbohydrate by difference.

claim means an express or implied statement, representation, design or information in relation to a food or a property of food which is not mandatory in this Code.

endorsement means a nutrition content claim or a health claim that is made with the permission of an endorsing body.

endorsing body means a not-for-profit entity that:

- (a) has a nutrition- or health-related purpose or function; and
- (b) permits a supplier to make an endorsement.

fat, in Standards 1.2.7 and 1.2.8 and Schedules 4 and 11, means total fat.

food group means any of the following groups:

- (a) bread (both leavened and unleavened), grains, rice, pasta and noodles;
- (b) fruit, vegetables, herbs, spices and fungi;
- (c) milk, skim milk, cream, fermented milk, yoghurt, cheese, processed cheese, butter, ice cream, condensed milk, dried milk, evaporated milk, and dairy analogues derived from legumes and cereals listed in section S17—4;
- (d) meat, fish, eggs, nuts, seeds and dried legumes;
- (e) fats including butter, edible oils and edible oil spreads.

general level health claim means a health claim that is not a high level health claim.

general level health claims table means the table to section S4—5.

health claim means a claim which states, suggests or implies that a food or a property of food has, or may have, a health effect.

Note See also subsection 2.10.2—8(3).

health effect means an effect on the human body, including an effect on one or more of the following:

- (a) a biochemical process or outcome;
- (b) a physiological process or outcome;

- (c) a functional process or outcome;
- (d) growth and development;
- (e) physical performance;
- (f) mental performance;
- (g) a disease, disorder or condition.

high level health claim means a health claim that refers to a serious disease or a biomarker of a serious disease.

high level health claims table means the table to section S4—4.

meet the NPSC means that the nutrient profiling score of a food described in Column 1 of the table to section S4—6 is less than the number specified for that food in Column 2 of that table.

NPSC means the nutrient profiling scoring criterion (see section S4—6).

property of food means a component, ingredient, constituent or other feature of food.

nutrient profiling score means the final score calculated pursuant to the method referred to in section 1.2.7—26.

reference food, in relation to a claim, means a food that is:

- (a) of the same type as the food for which the claim is made and that has not been further processed, formulated, reformulated or modified to increase or decrease the energy value or the amount of the nutrient for which the claim is made; or
- (b) a dietary substitute for the food in the same food group as the food for which the claim is made.

serious disease means a disease, disorder or condition which is generally diagnosed, treated or managed in consultation with or with supervision by a health care professional.

sugars, in Standard 1.2.7, Standard 1.2.8 and Schedule 4 (except where it appears with an asterisk as 'sugars*')—means monosaccharides and disaccharides. (Elsewhere in the Code it has a different definition).

Note 2 Section 1.1.2—9 (Definition of **nutrition content claim**) provides as follows:

(1) In this Code:

nutrition content claim means a claim that:

(a) is about:

(i) the presence or absence of any of the following:

- (A) a biologically active substance;
- (B) dietary fibre;
- (C) energy;
- (D) minerals;
- (E) potassium;
- (F) protein;
- (G) carbohydrate;
- (H) fat;
- (I) the components of any one of protein, carbohydrate or fat;
- (J) salt;
- (K) sodium;
- (L) vitamins; or

(ii) glycaemic index or glycaemic load; and

(b) does not refer to the presence or absence of alcohol; and

(c) is not a health claim.

Note See also subsections 2.6.2—5(4) and 2.10.2—8(3).

Inclusion of mandatory information in nutrition information panel does not constitute a nutrition content claim

(2) To avoid doubt, if this Code requires particular information to be included in a nutrition information panel, the inclusion of that information does not constitute a **nutrition content claim**.

Inclusion of voluntary information in nutrition information panel might constitute a nutrition content claim

(3) If this Code permits, but does not require, particular information to be included in a nutrition information panel, the inclusion of that information constitutes a **nutrition content claim** unless:

- (a) this Code provides otherwise; or
- (b) the information is a declaration of:
 - (i) if the food contains less than 2 g of dietary fibre per serving—dietary fibre; or
 - (ii) trans fatty acid content; or
 - (iii) lactose content.

(4) For a food that contains more than 1.15% alcohol by volume, the inclusion in a nutrition information panel of the information referred to in paragraphs 1.2.8—6(1)(a), (b) and (c), and subparagraphs 1.2.8—6(1)(d)(i), (ii) and (iii) does not constitute a **nutrition content claim**.

Note 3 In this Standard, the following terms are also defined: fvnl, information period, nutrition content claim table and required records.

Division 2 Outline of Standard

1.2.7—3 Outline

This Standard:

- (a) sets out:
 - (i) the claims that may be made on labels or in advertisements about the nutritional content of food (described as ‘nutrition content claims’); and
 - (ii) the claims that may be made on labels or in advertisements about the relationship between a food or a property of a food, and a *health effect (described as ‘health claims’); and
- (b) describes the conditions under which such claims may be made; and
- (c) describes the circumstances in which endorsements may be provided on labels or in advertisements.

Division 3 Claims framework and general principles

1.2.7—4 Nutrition content claims or health claims not to be made about certain foods

(1) A *nutrition content claim or *health claim must not be made about:

- (a) kava; or
- (b) an infant formula product.

(2) A *nutrition content claim (other than a claim about energy content or carbohydrate content) or a *health claim must not be made about a food that contains more than 1.15% alcohol by volume.

1.2.7—5 Standard does not apply to certain foods

This Standard does not apply to:

- (a) food that is intended for further processing, packaging or labelling prior to retail sale; or
- (b) food that is delivered to a vulnerable person by a delivered meal organisation; or
- (c) food, other than food in a package, that is provided to a patient in a hospital or a *medical institution.

1.2.7—6 Standard does not apply to certain claims or declarations

This Standard does not apply to:

- (a) a claim that is expressly permitted by this Code; or
- (b) a claim about the risks or dangers of alcohol consumption or about moderating alcohol intake; or
- (c) a declaration that is required by an application Act.

1.2.7—7 Form of food to which provisions of this Standard apply

If this Standard imposes a prerequisite, condition, qualification or any other requirement on the making of a claim, that prerequisite, condition, qualification or requirement applies to whichever of the following forms of the food is applicable:

- (a) if the food can be either prepared with other food or consumed as sold—the food as sold;
- (b) if the food is required to be prepared and consumed according to directions—the food as prepared;
- (c) if the food requires reconstituting with water—the food after it is reconstituted with water and ready for consumption;
- (d) if the food requires draining before consuming—the food after it is drained and ready for consumption.

1.2.7–8 Claims not to be therapeutic in nature

A claim must not:

- (a) refer to the prevention, diagnosis, cure or alleviation of a disease, disorder or condition; or
- (b) compare a food with a good that is:
 - (i) represented in any way to be for therapeutic use; or
 - (ii) likely to be taken to be for therapeutic use, whether because of the way in which the good is presented or for any other reason.

1.2.7–9 Claims not to compare vitamin or mineral content

A claim that directly or indirectly compares the vitamin or mineral content of a food with that of another food must not be made unless the claim is permitted by this Code.

1.2.7–10 Standard does not prescribe words

Nothing in this Standard is to be taken to prescribe the words that must be used when making a claim.

Note see also section 1.1.1–8.

Division 4 Requirements for nutrition content claims

1.2.7–11 Presentation of nutrition content claims

A nutrition content claim must be stated together with a statement about the form of the food to which the claim relates, unless the form of the food to which the claim relates is the food as sold.

1.2.7–12 Nutrition content claims about properties of food in section S4–3

(1) If a *property of food is mentioned in Column 1 of the nutrition content claims table (section S4–3), a nutrition content claim may only be made about that property of food in accordance with this section.

(2) If a *claim is made in relation to a food about a *property of food mentioned in Column 1 of the nutrition content claims table, the food must meet the corresponding general claim conditions, if any, in Column 2 of the table.

(3) If a *claim made in relation to a food about a *property of food mentioned in Column 1 of the nutrition content claims table uses a descriptor mentioned in Column 3 of the table, or a synonym of that descriptor, the food must meet:

- (a) the general claim conditions for the relevant property of food in Column 2 of the table; and
- (b) the specific claim conditions in Column 4 of the table for the relevant descriptor.

(4) If, in relation to a claim mentioned in subsection (3), there is an inconsistency between a general claim condition in Column 2 of the table and a specific claim condition in Column 4 of the table, the specific claim condition prevails.

(5) A descriptor must not be used in a *nutrition content claim about lactose or *trans fatty acids unless the descriptor:

- (a) is mentioned in Column 3 of the nutrition content claims table and corresponds with that property of food; or
- (b) is a synonym of the descriptor referred to in paragraph (a).

(6) A descriptor must not be used in a *nutrition content claim about glycaemic load unless that descriptor is expressed as a number or in numeric form.

(7) A *nutrition content claim in relation to *gluten may only:

- (a) use a descriptor that is mentioned in Column 3 of the nutrition content claims table in conjunction with gluten, or a synonym of such a descriptor; or
- (b) state that a food contains gluten or is high in gluten.

(8) Subject to this section and section 1.2.7–15 (Nutrition content claims must not imply slimming effects), any descriptor that is not mentioned in Column 3 of the nutrition content claims table, including a descriptor expressed as a number or in numeric form, may be used in conjunction with a *property of food that is mentioned in Column 1 of the table.

(9) In this Division:

nutrition content claims table means the table to section S4–3.

1.2.7–13 Nutrition content claims about properties of food not in section S4–3

(1) A *nutrition content claim about a *property of food that is not mentioned in the table to section S4–3 may state only:

- (a) that the food contains or does not contain the property of food; or
- (b) that the food contains a specified amount of the property of food in a specified amount of that food; or
- (c) a combination of paragraph (a) and (b).

(2) A statement made for the purposes of paragraph (1)(a) must not use a descriptor listed in Column 3 of the nutrition content claims table, or any other descriptor, except a descriptor that indicates that the food does not contain the property of food.

1.2.7—14 Nutrition content claims about choline, fluoride or folic acid

(1) A *nutrition content claim about choline, fluoride or folic acid may state only:

- (a) that the food contains choline, fluoride or folic acid; or
- (b) that the food contains a specified amount of choline, fluoride or folic acid in a specified amount of that food; or
- (c) a combination of paragraph (a) and (b).

(2) A statement made for the purposes of paragraph (1)(a) must not use a descriptor listed in Column 3 of the nutrition content claims table, or any other descriptor.

(3) A nutrition content claim about choline, fluoride or folic acid may be made only if a *health claim about that substance is made in relation to the same food.

1.2.7—15 Nutrition content claims must not imply slimming effects

A *nutrition content claim that meets the conditions to use the descriptor diet must not use another descriptor that directly or indirectly refers to slimming or a synonym for slimming.

1.2.7—16 Comparative claims

A comparative claim about a food (***claimed food***) must include together with the claim:

- (a) the identity of the *reference food; and
- (b) the difference between the amount of the *property of food in the claimed food and the *reference food.

(2) In this section, a nutrition content claim is a ***comparative claim*** if:

- (a) it:
 - (i) directly or indirectly compares the nutrition content of one food or brand of food with another; and
 - (ii) includes claims using any of the following descriptors:
 - (A) light or lite;
 - (B) increased;
 - (C) reduced;
 - (D) words of similar import; or
- (b) it:
 - (i) uses the descriptor diet; and
 - (ii) meets the conditions for making that claim by having at least 40% less energy than the same amount of *reference food.

Division 5 Requirements for health claims

1.2.7—17 Application or proposal to vary S4—5 taken to be a high level health claims variation

An application or a proposal to add a *general level health claim to the table to section S4—5 is taken to be an application or proposal for a ***high level health claims variation***.

Note The term ***high level health claims variation*** is defined in section 4 of the FSANZ Act. The effect of this provision is that an application or a proposal to add a general level health claim to the table to S4—5 will be assessed under the provisions in Subdivision G of each of Divisions 1 and 2 of Part 3 of the FSANZ Act, as appropriate.

1.2.7—18 Conditions for making health claims

(1) A *health claim must not be made unless:

- (a) the food to which the health claim relates meets the NPSC; and
- (b) the health claim complies with the requirements in:
 - (i) if the health claim is a high level health claim—subsection (2); or
 - (ii) if the health claim is a general level health claim—subsection (3).

(2) For subparagraph (1)(b)(i), the requirements are:

- (a) the food or the *property of food is mentioned in Column 1 of the high level health claims table; and
- (b) the *health effect claimed for that food or property of food is mentioned in the corresponding row in Column 2 of the table; and
- (c) the food complies with the relevant conditions in Column 5 of the table.

(3) For subparagraph (1)(b)(ii), the requirements are:

- (a) each of the following:
 - (i) the food or the *property of food is mentioned in Column 1 of the general level health claims table;
 - (ii) the *health effect claimed for that food or property of food is mentioned in the corresponding row in Column 2 of the table; and
 - (iii) the food complies with the relevant conditions in Column 5 of the table; or
- (b) the person who is responsible for making the *health claim has notified the Chief Executive Officer of the Authority (FSANZ) of the details of a relationship between a food or *property of food and a *health effect that has been established by a process of systematic review that is described in Schedule 6.

(4) Despite paragraph (1)(a), a special purpose food does not need to meet the NPSC.

Note See Part 9 of Chapter 2.

1.2.7–19 Requirement when making a general level health claim under paragraph 1.2.7–18(3)(b)

(1) A person who gives the notice mentioned in paragraph 1.2.7–18(3)(b) is required to:

- (a) provide the name of the person that is giving the notice and the address in Australia or New Zealand of that person; and
- (b) consent to the publication by the Authority of the information given for the purposes of paragraph 1.2.7–18(3)(b) and paragraph (1)(a); and
- (c) certify that the notified relationship between a food or *property of food and a *health effect has been established by a process of systematic review that is described in Schedule 6; and
- (d) if requested by a relevant authority, provide records to the *relevant authority that demonstrate that:
 - (i) the systematic review was conducted in accordance with the process of systematic review described in Schedule 6; and
 - (ii) the notified relationship is a reasonable conclusion of the systematic review.

(2) A certificate provided for a body corporate must be signed by a senior officer of the body corporate.

1.2.7–20 How health claims are to be made

(1) If a *health claim is a *high level health claim based on a relationship described in the *high level health claims table or a *general level health claim based on a relationship described in the *general level health claims table, the health claim must:

- (a) state:
 - (i) the food or the *property of food mentioned in Column 1 of the relevant table; and
 - (ii) the specific *health effect mentioned in Column 2 of the relevant table that is claimed for the food or the property of food; and
- (b) if column 3 of the relevant table refers to a relevant population group to which the specific health effect relates—include a statement of that population group in conjunction with the health claim; and
- (c) include, together with the health claim, the information referred to in subsection (3).

(2) If a *health claim is a *general level health claim based on a relationship that has been notified under paragraph 1.2.7–18(3)(b), the health claim must:

- (a) state the food or the *property of food and the specific health effect; and
- (b) include together with the health claim a statement about the relevant population group, if any, that is a reasonable conclusion of the systematic review mentioned in paragraph 1.2.7–18(3)(b); and
- (c) include, together with the health claim, the information referred to in subsection (3).

(3) For paragraphs (1)(c) and (2)(c), the information is:

- (a) a dietary context statement that complies with subsection (4); and
- (b) a statement of the form of the food to which the *health claim relates.

(4) Despite paragraph (3)(a), a dietary context statement need not be included on a label on a food for sale that is

contained in a small package.

(5) Despite paragraph (3)(b), if the form of the food to which the claim relates is the food as sold, the form of the food to which the claim relates need not be stated.

(6) A dietary context statement must:

(a) state that the *health effect must be considered in the context of a healthy diet involving the consumption of a variety of foods; and

(b) be appropriate to the type of food or the *property of food that is the subject of the claim and the health effect claimed; and

(c) either:

(i) if the *health claim is a *high level health claim based on a relationship described in the *high level health claims table or a *general level health claim based on a relationship described in the general level health claims table—include words to the effect of the relevant dietary context statement in the corresponding row of column 4 of the relevant table, if any; or

(ii) if the health claim is a general level health claim based on a relationship that has been notified under paragraph 1.2.7—18(3)(b)—include words to the effect of a relevant dietary context statement that is a reasonable conclusion of the systematic review.

1.2.7—21 Split health claims

The matters referred to in paragraph 1.2.7—20(1)(a) or paragraph 1.2.7—20(2)(a) may also appear in another statement on the label or in an advertisement if:

(a) the information required by subsection 1.2.7—20(1) or subsection 1.2.7—20(2) appears on a label or in an advertisement; and

(b) the other statement indicates where on the label or advertisement the information required by subsection 1.2.7—20(1) or subsection 1.2.7—20(2) is located.

1.2.7—22 Statements for claims about phytosterols, phytostanols and their esters

A dietary context statement for a claim about *phytosterols, phytostanols and their esters need not include a statement required by paragraph 1.2.7—20(6)(a) if the claim appears together with the mandatory advisory statement required by subsection 1.2.3—2(1).

Division 6 Endorsements

1.2.7—23 Endorsing bodies

(1) An *endorsing body must:

(a) not be related to; and

(b) be independent of; and

(c) be free from influence by;

the *supplier of food in relation to which an *endorsement is made.

(2) In this section, an *endorsing body is *related to* a *supplier if the supplier:

(a) has a financial interest in the endorsing body; or

(b) established, either by itself or with others, the endorsing body; or

(c) exercises direct or indirect control over the endorsing body.

1.2.7—24 Criteria for endorsements

(1) A *supplier of food may make or include an *endorsement on a label or in an advertisement for the food, or otherwise use the endorsement, if:

(a) the supplier keeps the required records for the information period; and

(b) the supplier upon request by the relevant authority, makes the required records available for inspection within the time specified by the relevant authority; and

(c) the endorsement complies with section 1.2.7—8; and

(d) the *endorsing body complies with section 1.2.7—23.

(2) If a label on, or an advertisement for, imported food makes or includes an endorsement, the importer of the food must:

(a) keep the required records for the information period as if the importer of the food were the *supplier of the food; and

(b) upon request by the relevant authority, make the required records available for inspection within the time

specified by the relevant authority.

(3) An *endorsement must not refer to a *serious disease except in a reference to the *endorsing body if the serious disease is part of the name of the endorsing body.

(4) This Standard, other than section 1.2.7–8, does not apply in relation to a claim in an endorsement.

(5) In this section:

information period, in relation to food, means the period:

(a) during which the food is available for sale or advertised for sale; and

(b) the period of 2 years after the food was last sold, or advertised or available for sale, whichever is the latest.

required records means a document or documents that demonstrate that:

(a) a *supplier using an *endorsement has obtained the permission of the *endorsing body to use the endorsement; and

(b) the endorsing body has a nutrition- or health-related function or purpose; and

(c) the endorsing body is a not-for-profit entity; and

(d) the endorsing body is not related to the supplier using the endorsement.

Division 7 Additional labelling of food required to meet the NPSC

1.2.7–25 Method for calculating a nutrient profiling score

The method for calculating a *nutrient profiling score is described in Schedule 5.

1.2.7–26 Labelling of food required to meet the NPSC

(1) This section applies if a food must *meet the NPSC in order to make a claim.

Note See paragraph 1.2.7–18(1)(a) and subsection 1.2.7–18(4) for when a food must meet the NPSC in order to make a claim.

(2) The particulars of a *property of food must be declared in the nutrition information panel if:

(a) the property of food, other than *fvnl*, is relied on to meet the NPSC; and

(b) those particulars are not otherwise required to be included in the nutrition information panel.

(3) The calcium content of a food must be declared in the nutrition information panel if the food:

(a) is classified in Category 3 of section S4–6 for the purposes of determining the food's nutrient profiling score; and

(b) is a cheese or processed cheese.

(4) For the labelling provisions, if:

(a) a food scores V points under section S5–4; and

(b) the claim is not a *health claim about fruits and vegetables;

the information relating to nutrition, health and related claims is the percentage of each element of *fvnl* that is relied on to meet the NPSC.

Note The labelling provisions are set out in Standard 1.2.1.

(5) In this section:

fvnl is as defined in section S5–4 for the purpose of calculating V points.

1.2.7–27 Labelling exemptions for certain foods

Subsections 1.2.7–26(2), (3) and (4) do not apply to food in a small package.

2015-gs1874

Standard 1.2.8 - Nutrition Information Requirements - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1–3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1–3.

Division 1 Preliminary

1.2.8–1 Name

This Standard is *Australia New Zealand Food Standards Code* - Standard 1.2.8 - Nutrition information requirements.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

1.2.8–2 Purpose

This Standard sets out nutrition information requirements in relation to foods for sale that are required to be labelled under this Code, and for foods for sale that are exempt from these labelling requirements. This Standard sets out when nutrition information must be provided, and the manner in which such information must be provided.

Note Standard 1.2.7 also sets out additional nutrition information requirements in relation to nutrition content claims and health claims. Information provided voluntarily in a nutrition information panel is a nutrition content claim.

Note 2 This Standard does not apply to infant formula products. Standard 2.9.1 sets out specific nutrition labelling requirements for infant formula products.

1.2.8–3 Application of Standard

This Standard does not apply to infant formula products.

Note See Standard 2.9.1.

1.2.8–4 Definitions

Note In this Code (see section 1.1.2–2):

average energy content means the average energy content calculated in accordance with section S11–2.

available carbohydrate means available carbohydrate calculated in accordance with section S11–3.

available carbohydrate by difference means available carbohydrate by difference calculated in accordance with section S11–3.

biologically active substance means a substance, other than a nutrient, with which health effects are associated.

claim means an express or implied statement, representation, design or information in relation to a food or a property of food which is not mandatory in this Code.

claim requiring nutrition information:

(a) means:

- (i) a nutrition content claim; or
- (ii) a health claim; and

(b) does not include:

- (i) a declaration that is required by an application Act; or
- (ii) an endorsement.

dietary fibre means that fraction of the edible part of plants or their extracts, or synthetic analogues that:

(a) are resistant to digestion and absorption in the small intestine, usually with complete or partial fermentation in the large intestine; and

(b) promote one or more of the following beneficial physiological effects:

- (i) laxation;

- (ii) reduction in blood cholesterol;
- (iii) modulation of blood glucose;

and includes:

- (c) polysaccharides or oligosaccharides that have a degree of polymerisation greater than 2; and
- (d) lignins.

fat, in Standards 1.2.7 and 1.2.8 and Schedules 4 and 11, means total fat.

monounsaturated fatty acids means the total of cis-monounsaturated fatty acids.

polyunsaturated fatty acids means the total of polyunsaturated fatty acids with cis-cis-methylene interrupted double bonds.

saturated fatty acids means the total of fatty acids containing no double bonds.

sugars, in Standard 1.2.7, Standard 1.2.8 and Schedule 4 (except where it appears with an asterisk as 'sugars*')—means monosaccharides and disaccharides. (Elsewhere in the Code it has a different definition).

trans fatty acids means the total of unsaturated fatty acids where one or more of the double bonds are in the trans configuration.

unit quantity means:

- (a) for a food consisting of a solid or semi-solid food—100 grams; or
- (b) for a food consisting of a beverage or other liquid food—100 millilitres.

Note 2 In Standard 1.2.7 and Standard 1.2.8:

fruit means the edible portion of a plant or constituents of the edible portion that are present in the typical proportion of the whole fruit (with or without the peel or water); and does not include nuts, spices, herbs, fungi, legumes and seeds.

vegetable means the edible portion of a plant or constituents of the edible portion that are present in the typical proportion of the whole vegetable (with or without the peel or water) and does not include nuts, spices, herbs, fungi, dried legumes (including dried legumes that have been cooked or rehydrated) and seeds.

Division 2 Nutrition information panels

1.2.8—5 When nutrition information panel is required

(1) For the labelling provisions, the required information on packaged food is a nutrition information panel.

(2) A nutrition information panel is not required for:

(a) the following foods, unless a *claim requiring nutrition information is made in relation to the food:

- (i) a *standardised alcoholic beverage;
- (ii) a herb, a spice or a herbal infusion;
- (iii) vinegar or imitation vinegar;
- (iv) iodised salt, reduced sodium salt mixture, salt or salt substitute;
- (v) tea or coffee, or instant tea or instant coffee;
- (vi) a substance that is approved for use as a food additive;
- (vii) a substance that is approved for use as a processing aid;
- (viii) a food that is sold to be *used as a processing aid;
- (ix) fruit, vegetables, meat, poultry, and fish that comprise a single ingredient or category of ingredients;
- (x) gelatine;
- (xi) water (including mineral water or spring water) or ice;
- (xii) prepared filled rolls, sandwiches, bagels and similar products;
- (xiii) jam setting compound;
- (xiv) a kit which is intended to be used to produce a standardised alcoholic beverage;
- (xv) a beverage containing no less than 0.5% alcohol by volume that is not a standardised alcoholic beverage;
- (xvi) kava; or

(b) a food in a small package, other than food for infants.

Note 1 See section 1.2.8—14 for the requirement for a food in a small package.

Note 2 The labelling provisions are set out in Standard 1.2.1.

1.2.8—6 What must be on nutrition information panel

(1) A nutrition information panel must contain the following information:

- (a) the number of servings in the package, expressed as either:
 - (i) the number of servings of the food; or
 - (ii) if the weight or the volume of the food as packaged is variable—the number of servings of the food per kilogram, or other unit as appropriate;
- (b) the *average quantity of the food in a serving expressed in:
 - (i) for a solid or semi-solid food—grams; or
 - (ii) for a beverage or other liquid food—millilitres;
- (c) the *unit quantity of the food;
- (d) for a serving of the food and a unit quantity of the food:
 - (i) the *average energy content expressed in kilojoules or both in kilojoules and in calories or kilocalories; and
 - (ii) the average quantity of
 - (A) protein, carbohydrate, sugars, fat and,
 - (B) subject to subsection (4), saturated fatty acids,
 expressed in grams; and
 - (iii) the average quantity of sodium, expressed in milligrams or both milligrams and millimoles; and
 - (iv) the name and the average quantity of any other nutrient or *biologically active substance in respect of which a *claim requiring nutrition information is made, expressed in grams, milligrams, micrograms or other units as appropriate;
- (e) any other matter this Code requires to be included.

(2) A nutrition information panel must be set out in the format in section S12—2, unless this Code provides otherwise.

Declaration of fatty acids required for certain claims

(3) If a *claim requiring nutrition information is made in respect of:

- (a) cholesterol; or
- (b) *saturated,* trans, *polyunsaturated or *monounsaturated fatty acids; or
- (c) omega-3, omega-6 or omega-9 fatty acids;

a nutrition information panel must include declarations of the trans, polyunsaturated and monounsaturated fatty acids in accordance with section S12—3.

Voluntary declaration of fatty acids in edible oils and edible oil spreads

(4) If a *claim requiring nutrition information is made in relation to the *polyunsaturated fatty acid content or *monounsaturated fatty acid content of an edible oil or an edible oil spread, the nutrition information panel may list the minimum or maximum amount of the following in a serving and a *unit quantity of the food:

- (a) *saturated fatty acids;
- (b) polyunsaturated fatty acids;
- (c) monounsaturated fatty acids;
- (d) *trans fatty acids.

Note See section 1.2.7—12 for when claims may be made in relation to the polyunsaturated or monounsaturated fatty acid content of foods.

Claims in respect of dietary fibre, sugars or carbohydrate

(5) If a *claim requiring nutrition information is made in respect of:

- (a) fibre or any specifically named fibre; or
- (b) *sugars or any other type of *carbohydrate;

a nutrition information panel must include a declaration of the presence or absence of *dietary fibre in accordance with section S12—3.

(6) The absence of *dietary fibre under subsection (5) must be indicated by using the symbol '0'.

Declarations about carbohydrates

- (7) If *unavailable carbohydrate has been subtracted in the calculation of *available carbohydrate by difference, a *nutrition information panel must include a declaration of unavailable carbohydrate.
- (8) The reference to 'unavailable carbohydrate' in subsection (7) does not include dietary fibre.

Declarations about certain substances

(9) If:

- (a) one or more *components (other than organic acids) listed in subsection S11—2(3) is present in the food, singly or in combination, in an amount of no less than 5 g/100 g; and
- (b) either of the following is satisfied:
- (i) if *available carbohydrate by difference is used—any of those substances have been subtracted in the calculation;
- (ii) if *available carbohydrate is used—any of those substances have been quantified or added to the food;

the nutrition information panel must include individual declarations of those substances.

Claims about phytosterols, phytostanols or their esters

(10) If a *claim requiring nutrition information is made in relation to phytosterols, phytostanols or their esters, the nutrition information panel must include declarations of:

- (a) the substances, using the same name for the substance as used in the advisory statement required by subsection 1.2.3—2(1); and
- (b) the amount of the substances, calculated as *total plant sterol equivalents content.

1.2.8—7 How to express particular matters in nutrition information panel

(1) The nutrition information panel must clearly indicate that:

- (a) any average quantities set out in the panel are average quantities; and
- (b) any minimum or maximum quantities set out in the panel are minimum or maximum quantities.

(2) On a nutrition information panel:

- (a) 'serving' may be replaced by:
- (i) 'slice', 'pack' or 'package'; or
- (ii) 'metric cup' or 'metric tablespoon' or other appropriate word or words expressing a unit or common measure; and
- (b) 'Carbohydrate' may be replaced by 'Carbohydrate, total'.

(3) The following must be expressed in a nutrition information panel to not more than 3 significant figures:

- (a) the average energy content;
- (b) the average, minimum or maximum quantities of nutrients and biologically active substances.

(4) If the *average energy content of a serving or a *unit quantity of the food is less than 40 kJ, that average energy content may be expressed in the panel as 'LESS THAN 40 kJ'.

(5) If the *average quantity of any of the following in a serving or a *unit quantity of the food is less than 1 gram, that average quantity may be expressed in the nutrition information panel as 'LESS THAN 1 g':

- (a) protein;
- (b) fat;
- (c) classes of fatty acids;
- (d) carbohydrate;
- (e) sugars;
- (f) dietary fibre.

(6) If the *average quantity of sodium or potassium in a serving or a *unit quantity of the food is less than 5 milligrams, that average quantity may be expressed in the nutrition information panel as 'LESS THAN 5 mg'.

(7) The declaration of *dietary fibre in a nutrition information panel must be a declaration of dietary fibre determined in accordance with section S11—4.

(8) In a nutrition information panel:

- (a) *monounsaturated fatty acids must be declared as monounsaturated fat; and
- (b) *polyunsaturated fatty acids must be declared as polyunsaturated fat; and

- (c) *saturated fatty acids must be declared as saturated fat; and
- (d) *trans fatty acids must be declared as trans fat.

1.2.8—8 Percentage daily intake information

- (1) A nutrition information panel may include information relating to the percentage daily intake of nutrients set out in the panel.
- (2) If information relating to percentage daily intake is included, the panel may include the percentage daily intake of *dietary fibre per serving.
- (3) If information relating to percentage daily intake is included, the panel must include:
 - (a) the percentage daily intake per serving, calculated using the associated reference value listed below, of the following items:

Reference values for per cent daily intake information

<i>Item</i>	<i>Reference value</i>
energy	8 700 kJ
protein	50 g
fat	70 g
saturated fatty acids	24 g
carbohydrate	310 g
sodium	2 300 mg
sugars	90 g
dietary fibre (if declared)	30 g

- (b) either of the following statements:
 - (i) 'based on an average adult diet of 8 700 kJ';
 - (ii) 'Percentage daily intakes are based on an average adult diet of 8 700 kJ'.

Note For an example nutrition information panel illustrating percentage daily intake information, see section S12—4.

1.2.8—9 Percentage recommended dietary intake information

- (1) This section applies if:
 - (a) a *claim requiring nutrition information is made about or based on a vitamin or mineral (the ***relevant vitamin or mineral***); and
 - (b) the relevant vitamin or mineral has an *RDI (see sections S1—2 and S1—3); and
 - (c) the food to which the claim relates is not a food for infants.
- (2) Subject to section 1.2.8—10, the percentage of the *RDI for the relevant vitamin or mineral contributed by one serving of the food must be set out in the nutrition information panel.
- (3) The percentage *RDI under subsection (2) must be calculated using the nutrient values set out in the nutrition information panel.
- (4) Despite paragraph (1)(c), percentage recommended dietary intake information may be included in the *nutrition information panel for a *food for infants.

1.2.8—10 Information referred to in sections 1.2.8—8 and 1.2.8—9 may be presented outside nutrition information panel

- (1) The information that is permitted to be included in a nutrition information panel by section 1.2.8—8 or that is required to be included by subsection 1.2.8—9(2) may also be presented outside the nutrition information panel if:
 - (a) the serving size is presented together with the information; and
 - (b) the food does not contain more than 1.15% alcohol by volume.
- (2) If more than 1 piece of such information is presented outside the nutrition information panel, those pieces of information must be presented together.
- (3) Information presented in accordance with this section does not constitute a nutrition content claim.

1.2.8—11 Requirement for dehydrated or concentrated food

If the label on a package of a food for sale indicates that the food should be reconstituted with water before consumption, the nutrition information panel must express the information required by this Standard as a proportion of the reconstituted food.

1.2.8—12 Food intended to be drained before consumption

If the labelling for a food for sale contains directions indicating that the food should be drained before consumption, the nutrition information panel must:

- (a) express the information required by this Standard as a proportion of the drained food; and
- (b) clearly indicate that the information relates to the drained food.

1.2.8—13 Food intended to be prepared or consumed with other food

(1) This section applies to a food for sale if the labelling indicates that it is intended to be prepared or consumed with at least one other food.

(2) The nutrition information panel may comply with the requirement in subsection (4).

(3) If a *claim requiring nutrition information is made about the food, the nutrition information panel must comply with the requirements in subsections (4) and (5).

(4) The requirement is that the nutrition information panel includes an additional column at the right hand side of the panel, specifying, in the same manner as set out in the panel:

- (a) a description of the additional food; and
- (b) the amount of the additional food; and
- (c) the *average energy content of the combined foods; and
- (d) the average quantities of nutrients contained in the combined foods; and
- (e) the average quantities of biologically active substances contained in the combined foods.

(5) The requirement is that the nutrition information panel specifies the weight or volume of the serving size of the food as prepared.

1.2.8—14 Requirement for food for sale in small packages

(1) For the labelling provisions, for a food for sale in a small package, the following nutrition information is required if a *claim requiring nutrition information is made:

- (a) the *average quantity of the food in a serving, expressed:
 - (i) for a solid or semi-solid food—in grams; and
 - (ii) for a beverage or other liquid food—in millilitres; and
- (b) if a claim is about a matter in Column 1 of the table to section S13—2, the particulars specified in Column 2, expressed:
 - (i) as minimum, maximum or average quantities, unless otherwise specified; and
 - (ii) with a clear indication of whether the particulars are minimum, maximum or average quantities.
- (c) if the claim is about carbohydrate, dietary fibre, sugars or any other carbohydrate:
 - (i) if unavailable carbohydrate has been subtracted in the calculation of *available carbohydrate by difference—a declaration of unavailable carbohydrate (not including dietary fibre); and
 - (ii) the presence in the food of any substance other than organic acids that is listed in the table to subsection S11—2(3), if those substances are present in the food, either singly or in combination, in an amount of no less than 5 g/100 g.

Note The labelling provisions are set out in Standard 1.2.1.

(2) Where appropriate, the word ‘serving’ may be replaced by:

- (a) the word ‘slice’, ‘pack’ or ‘package’; and
- (b) the words ‘metric cup’, ‘metric tablespoon’ or other appropriate words expressing a unit or common measure.

(3) To avoid doubt, the information required by this section need not be set out in the form of a nutrition information panel.

2015-gs1875

**Standard 1.2.10 - Information Requirements - Characterising Ingredients and Components of Food - Food Standards (Proposal P1025 - Code Revision)
Variation—Australia New Zealand Food Standards Code - Amendment No. 154**

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

1.2.10—1 Name

This Standard is *Australia New Zealand Food Standards Code* - Standard 1.2.10 - Information requirements - characterising ingredients and components of food.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

1.2.10—2 Definitions

Note Section 1.1.2—4 (Definition of *characterising component* and *characterising ingredient*) provides as follows:

(1) In this Code, in relation to a food for sale:

characterising component means a component of the food that:

- (a) is mentioned in the name of the food; or
- (b) is usually associated with the name of the food by a consumer; or
- (c) is emphasised on the label of the food in words, pictures or graphics.

characterising ingredient means an ingredient or a category of ingredients of the food that:

- (a) is mentioned in the name of the food; or
- (b) is usually associated with the name of the food by a consumer; or
- (c) is emphasised on the label of the food in words, pictures or graphics.

(2) Despite subsection (1), any of the following is not a **characterising ingredient**:

- (a) an ingredient or category of ingredients that is used in small amounts to flavour the food; or
- (b) an ingredient or category of ingredients that comprises the whole of the food; or
- (c) an ingredient or category of ingredients that is mentioned in the name of the food but which is not such as to govern the choice of the consumer, because the variation in the amount is not essential to characterise the food, or does not distinguish the food from similar foods.

(3) Compliance with labelling requirements elsewhere in this Code does not of itself constitute emphasis for the purposes of this section.

1.2.10—3 Requirement to declare characterising ingredients and components

(1) For the labelling provisions, information about *characterising ingredients and *characterising components is a declaration of the proportion of each characterising ingredient and characterising component of the food:

- (a) calculated in accordance with sections 1.2.10—4 to 1.2.10—7; and
- (b) expressed in accordance with section 1.2.10—8.

(2) If:

- (a) the proportion of a *characterising component of a food is declared in accordance with this Standard; and
- (b) an ingredient or category of ingredients contains that characterising component;

the proportion of a characterising ingredient containing that characterising component does not need to be declared.

(3) For the labelling provisions, information about *characterising ingredients and *characterising components is not required for the following:

- (a) prepared filled rolls, sandwiches, bagels or similar products;
- (b) a food for sale that is sold at a *fund-raising event;

- (c) a food for sale that is in a small package;
- (d) infant formula product;
- (e) cured and/or dried meat flesh in whole cuts or pieces;
- (f) a standardised alcoholic beverage;
- (g) a beverage containing no less than 0.5% alcohol by volume, other than one referred to in paragraph (f).

Note The labelling provisions are set out in Standard 1.2.1.

1.2.10—4 Method of calculating proportion of characterising ingredients

(1) Subject to sections 1.2.10—5 and 1.2.10—6, the proportion, P_{CI} of a *characterising ingredient must be calculated using the following equation:

$$P_{CI} = \frac{IW}{TW} \times 100$$

where:

IW is:

- (a) if the proportion of the characterising ingredient is declared in accordance with paragraph 1.2.10—8(4)(b)—the minimum ingoing weight of that ingredient; or
- (b) otherwise—the ingoing weight of the characterising ingredient.

TW is the total weight of all ingoing ingredients.

(2) The weight of added water or volatile ingredients removed during the course of manufacture of the food must not be included in the weight of the ingoing ingredients when calculating P_{CI}

(3) If a concentrated or dehydrated ingredient or category of ingredients is reconstituted during manufacture of the food, the weight of the reconstituted ingredient or category of ingredients may be used when calculating P_{CI}

(4) If a food requires reconstitution prior to consumption, P_{CI} may be calculated as a proportion of the food as reconstituted.

1.2.10—5 Calculating proportion of characterising ingredients where moisture loss occurs

If moisture loss occurs in the processing of a food, the proportion of a characterising ingredient in the food may be calculated taking into account any such moisture loss, on the basis of the weight of the characterising ingredient in the food.

1.2.10—6 Calculating proportion of characterising ingredient or characterising component where proportion is declared in nutrition information panel

Unless otherwise specified, where the proportion of a *characterising ingredient is declared in a nutrition information panel, the amount declared must be the *average quantity of the characterising ingredient present in the food.

1.2.10—7 Method of calculating proportion of characterising components

(1) The proportion of a *characterising component, P_{CC} in a food must be calculated using the following equation:

$$P_{CC} = \frac{W}{TW} \times 100$$

TW is the total weight of the food.

W is:

- (a) the weight of the characterising component of the food; or
- (b) if the proportion of the characterising component is declared in accordance with paragraph 1.2.10—8(4)(b)—the minimum weight of that component.

(2) If a food requires reconstitution prior to consumption, P_{CC} may be calculated as a proportion of the food as reconstituted.

1.2.10—8 Declaration of characterising ingredients and components

(1) The proportion of a *characterising ingredient or *characterising component must:

- (a) be declared as a percentage; or
- (b) unless otherwise specified, be declared as the *average quantity per serving and per unit quantity, when declared in a nutrition information panel.

- (2) If the proportion of a *characterising ingredient is declared in accordance with paragraph (1)(a) in a statement of ingredients, the percentage must immediately follow the common, descriptive or generic name of the ingredient.
- (3) The percentage may be rounded to:
- (a) the nearest whole number; or
 - (b) if the percentage is below 5%—the nearest 0.5 decimal place.
- (4) The proportion of a *characterising ingredient or *characterising component must be declared as:
- (a) the actual percentage; or
 - (b) if the minimum weight of a characterising ingredient or characterising component was used when performing the calculation in section 1.2.10—4 or 1.2.10—7 as appropriate—a minimum percentage; or
 - (c) unless otherwise specified—the *average quantity when declared in a nutrition information panel.
- (5) If a minimum percentage is declared, that fact must be clearly indicated.
- (6) The proportion of a *characterising ingredient or *characterising component of a food that requires reconstitution prior to consumption may be declared as a percentage of the food as reconstituted if:
- (a) in the case of a characterising ingredient—the proportion of the characterising ingredient was calculated in accordance with subsection 1.2.10—4(4); and
 - (b) in any case—the fact that the ingredient or component is a proportion of the food as reconstituted is clearly indicated.

2015-gs1876

Standard 1.2.11 - Information Requirements - Country of Origin Labelling - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 This Standard applies in Australia only.

1.2.11—1 Name

This Standard is *Australia New Zealand Food Standards Code - Standard 1.2.11 - Information requirements - country of origin labelling*.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

1.2.11—2 Labelling requirements—unpacked food

(1) This section applies to a food for sale that:

- (a) is any of the following:
 - (i) fish, including fish that has been mixed or coated with 1 or more other foods;
 - (ii) pork;
 - (iii) fruit and vegetables;
 - (iv) beef;
 - (v) veal;
 - (vi) lamb;

- (vii) hogget;
- (viii) mutton;
- (ix) chicken;
- (x) a mix of any of the above foods; and

(b) is displayed for retail sale other than in a package.

(2) A reference to a food listed in paragraph (1)(a) includes a reference to a food that has been:

- (a) cut, filleted, sliced, minced or diced; or
- (b) pickled, cured, dried, smoked, frozen or preserved by other means; or
- (c) marinated; or
- (d) cooked.

(3) For the labelling provisions, the country of origin information is a statement that:

- (a) identifies the country or countries of origin of the food; or
- (b) indicates that the food is a mix of local and imported foods; or
- (c) indicates that the food is a mix of imported foods.

Note The labelling provisions are set out in Standard 1.2.1.

(4) If the country of origin information is displayed in connection with the food when it is sold, the *size of type must be:

- (a) if the food is in a refrigerated assisted service display cabinet—at least 5 mm; or
- (b) otherwise—at least 9 mm.

Note See also section 1.2.1—24.

1.2.11—3 Labelling requirements—packaged fresh fruit and vegetables

(1) This section applies to a food for sale that:

- (a) is unprocessed *fruit and vegetables, whether whole or cut; and
- (b) is displayed for retail sale in a package that does not obscure the nature or quality of the fruit and vegetables.

(2) For the labelling provisions, the country of origin information is a statement that:

- (a) identifies the country or countries of origin of the fruit and vegetables; or
- (b) indicates that the fruit or vegetables are a mix of local and imported fruit and vegetables; or
- (c) indicates that the fruit and vegetables are a mix of imported foods.

Note The labelling provisions are set out in Standard 1.2.1.

1.2.11—4 Labelling requirements—packaged food other than fresh fruit and vegetables

(1) This section applies to a packaged food for sale other than one to which section 1.2.11—3 applies.

(2) For the labelling provisions, the country of origin information is:

- (a) a statement on the package that identifies the country where the food was made, produced or grown; or
- (b) a statement on the package:
 - (i) that identifies the country where the food was manufactured or packaged; and
 - (ii) to the effect that the food is constituted from ingredients imported into that country or from local and imported ingredients.

Note The labelling provisions are set out in Standard 1.2.1.

2015-gs1877

Standard 1.3.1 - Food Additives - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

Note 3 Paragraph 1.1.1—10(4)(a) provides that a food for sale must not have, as an ingredient or a component, a substance that is used as a food additive, unless expressly permitted by this Code. This Standard contains the relevant permissions.

1.3.1—1 Name

This Standard is *Australia New Zealand Food Standards Code* - Standard 1.3.1 - Food Additives.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

1.3.1—2 Definitions

Note Section 1.1.2—11 (Definition of *used as a food additive*) provides as follows:

(1) A substance is *used as a food additive* in relation to a food if it is added to the food and:

- (a) performs 1 or more of the technological purposes listed in Schedule 14; and
- (b) is a substance identified in subsection 1.1.2—11(2).

(2) For subsection 1.1.2—11(1), the substances are:

- (a) any of the following:
 - (i) a substance that is identified in Schedule 15;
 - (ii) an additive permitted at GMP;
 - (iii) a colouring permitted at GMP;
 - (iv) a colouring permitted to a maximum level; and

Note Schedule 15 lists a number of substances that are not additives permitted at GMP, colourings permitted at GMP or colourings permitted to a maximum level.

(b) any substance that that is:

- (i) a *non-traditional food and
- (ii) has been concentrated or refined, or synthesised, to perform 1 or more of the technological purposes listed in Schedule 14.

Other definitions

(3) In this Code:

additive permitted at GMP means a substance that is listed in section S16—2.

colouring permitted at GMP means a substance that is listed in section S16—3.

colouring permitted to a maximum level means a substance that is listed in section S16—4.

Colours and their aluminium and calcium lakes

(4) A reference to a colour listed in Schedule 15, a colouring permitted at GMP or a colouring permitted to a maximum level includes a reference to the aluminium and calcium lakes prepared from that colour.

1.3.1—3 When food additives may be used as ingredients in foods

Listed food additives may be ingredients of a food

(1) A substance may be *used as a food additive in relation to food if:

- (a) the substance is permitted to be used as a food additive for that food by Schedule 15; and
- (b) any restrictions on the use of that substance as a food additive set out in this Standard or in Schedule 15 are complied with; and

(c) if the table to section S15—5 indicates that the maximum permitted level is 'GMP'—the proportion of the substance is no more than required under GMP.

Carry-over of food additive

(2) A substance that is permitted for use as a food additive may be present in any food as a result of carry-over from a raw material or an ingredient if the level of the substance in the food is no greater than would be introduced by the use of the raw material or ingredient under proper technological conditions and GMP.

1.3.1—4 Maximum permitted levels of food additives in foods

(1) An *additive permitted at GMP or a *colouring permitted at GMP that is permitted to be *used as a food additive by Schedule 15 may be present in a food for sale as a result of use in accordance with GMP.

(2) If a substance is *used as a food additive in a food for sale, the level of the substance as a *component of the food must comply with any limitation in Schedule 15 for a food of that kind.

(3) For a *colouring permitted to a maximum level that is permitted to be *used as a food additive by Schedule 15, the level of all such colours together in a food for sale must be no more than:

- (a) in a beverage—70 mg/L; and
- (b) in another food—290 mg/kg.

(4) Unless the contrary intention appears, if a food for sale is not intended to be consumed except after preparation in accordance with directions on the label, a limitation in Schedule 15 on the level of a substance that is *used as a food additive in the food applies to the level of the substance in the food when prepared for consumption according to the directions.

(5) A substance permitted to be *used as a food additive in a food may be added to an ingredient intended for use in the preparation of a food for sale at a higher level than would otherwise be allowed in the ingredient, provided that the level in the food for sale complies with the maximum permitted level in subsection (3) or Schedule 15.

(6) In this Standard:

- (a) annatto and annatto extracts include norbixin and bixin, calculated as bixin;
- (b) benzoic acid and its salts are calculated as benzoic acid;
- (c) cyclamate and its salts are calculated as cyclohexyl-sulphamic acid;
- (d) ethyl lauroyl arginate is calculated as ethyl-N α -lauroyl-L-arginate HCl;
- (e) unless the contrary intention appears, nitrates or nitrites refers to the total of nitrates and nitrites, calculated as sodium nitrite;

Note Nitrites have code numbers 249 and 250. Nitrates have code numbers 251 and 252.

Example A contrary intention for the purpose of paragraph (e) appears in item 1.6 of the table to section S15—5 for cheese and cheese products.

- (f) propionic acid and its salts are calculated as propionic acid;
- (g) saccharin and its calcium and sodium salts are calculated as saccharin;
- (h) sorbic acid and its salts are calculated as sorbic acid;
- (i) steviol glycosides are calculated as steviol equivalents in accordance with subsection (7);
- (j) sulphur dioxide and sulphites, including hydrosulphites, bisulphites and metabisulphites, are calculated as sulphur dioxide.

(7) To calculate the steviol equivalent levels for a steviol glycoside, the following equation is used:

$$[SE] = \sum [SG] \times CF$$

where:

[SE] is the concentration as steviol equivalents.

[SG] is the concentration of individual steviol glycoside.

CF is the conversion factor, as follows:

- (a) dulcoside A—0.40;
- (b) rebaudioside A—0.33;
- (c) rebaudioside B—0.40;
- (d) rebaudioside C—0.33;
- (e) rebaudioside D—0.28;

- (f) rebaudioside F—0.34;
- (g) rubusoside—0.50;
- (h) steviol—1.00;
- (i) steviolbioside—0.50;
- (j) stevioside—0.40.

1.3.1—5 Limitation on use of intense sweeteners

Unless Schedule 15 expressly provides otherwise, a substance that may be *used as a food additive to perform the technological purpose of an intense sweetener may be added to a food only:

- (a) as a flavour enhancer; or
- (b) in an amount necessary to replace, either wholly or partially, the sweetness normally provided by sugars.

1.3.1—6 Food additives performing the same purpose

(1) If a food contains a mixture of substances that are *used as food additives to perform the same technological purpose, the sum of the proportions of these substances in the food must not be more than 1.

(2) In this section:

sum of the proportions is calculated in accordance with the following equation:

$$\text{sum of the proportions} = \sum_{i=1}^N \frac{\text{Conc}_i}{\text{MPL}_i}$$

where:

N is the number of substances used as food additives in the food that perform the same technological purpose.

Conc_i is the concentration of the *i*th food additive in the food.

MPL_i is the maximum permitted level of the *i*th food additive in the food.

(3) When calculating the sum of the proportions, exclude any substances that may be present in a food in accordance with GMP.

2015-gs1878

Standard 1.3.2 - Vitamins and Minerals - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

Note 3 Paragraph 1.1.1—10(4)(b) provides that a food for sale must not have as an ingredient or a component, a substance used as a nutritive substance unless expressly permitted by this Code. This Standard deals with vitamins and minerals used as nutritive substances.

Note 4 This Standard limits the claims that can be made about the vitamin and mineral content of foods. Standard 1.2.7 relates to the claims that can be made about nutrition content, including the presence of vitamins and minerals in food. There are also provisions in other standards that affect claims about specific foods. See for example:

- Standard 2.1.1 (cereal and cereal products);
- Standard 2.4.2 (edible oil spreads);
- Standard 2.9.1 (infant formula products);
- Standard 2.9.2 (food for infants);
- Standard 2.9.3 (formulated meal replacements and formulated supplementary foods);
- Standard 2.9.4 (formulated supplementary sports foods);
- Standard 2.9.5 (food for special medical purposes);
- Standard 2.9.6 (transitional standard for special purpose foods (including amino acid modified foods)).

1.3.2—1 Name

This Standard is *Australia New Zealand Food Standards Code* – Standard 1.3.2 – Vitamins and minerals.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

1.3.2—2 Definitions and interpretation

Note In this Code (see section 1.1.2—2):

reference quantity means:

- (a) for a food listed in the table to section S17—4, either:
 - (i) the amount specified in the table for that food; or
 - (ii) for a food that requires dilution or reconstitution according to directions—the amount of the food that, when diluted or reconstituted, produces the quantity referred to in subparagraph (i); or
- (b) for all other foods:
 - (i) a normal serving; or
 - (ii) for a food that requires dilution, reconstitution, draining or preparation according to directions—the amount of the food that, when diluted, reconstituted, drained or prepared produces a normal serving.

RDI—see section 1.1.2—10.

used as a nutritive substance—see section 1.1.2—12.

1.3.2—3 Listed vitamins and minerals may be used as nutritive substance in foods

Unless this Code provides otherwise, a vitamin or mineral may be *used as a nutritive substance in a food if:

- (a) the vitamin or mineral is in a permitted form specified in section S17—2 or section S17—3; and
- (b) the vitamin or mineral is listed in relation to that type of food in section S17—4; and
- (c) the total amount of the naturally occurring and added vitamin or mineral present in a *reference quantity of the food is no more than the amount (if any) specified in relation to that vitamin or mineral in section S17—4.

1.3.2—4 Restrictions on claims in relation to vitamins and minerals added to foods

(1) This section applies if a vitamin or mineral has been *used as a nutritive substance in a food listed in section S17—4.

(2) A claim must not be made that the percentage *RDI of the vitamin or mineral (including the amount added and the amount naturally present) in a *reference quantity of the food is greater than the percentage that is specified as the maximum percentage RDI claim for that vitamin or mineral in the table to section S17—4.

1.3.2—5 Calculation of maximum amount of a vitamin or mineral which may be claimed in a reference quantity of food

(1) If:

- (a) a food for sale contains more than one ingredient; and
- (b) at least one ingredient contains a vitamin or mineral that has been *used as a nutritive substance in accordance with this Standard;

the maximum claim permitted in relation to that vitamin or mineral in a *reference quantity of the food is calculated in accordance with this section.

(2) First, the maximum amount permitted to be claimed in a *reference quantity of the food, M_{rq} is calculated

using the following equation:

$$M_{rq} = Q_1 + Q_2 + \dots + Q_i$$

where:

Q_i for a particular ingredient that contains that vitamin or mineral, is:

(a) for an unfortified ingredient—the *average quantity of the vitamin or mineral present in the amount of the ingredient in a *reference quantity of the food; and

(b) for a fortified ingredient—the maximum amount that may be claimed for that vitamin or mineral in the reference quantity of the ingredient adjusted to the amount of the ingredient in a reference quantity of the food.

(3) Then, M_{rq} is rounded to the nearest 2 significant figures.

2015-gs1879

Standard 1.3.3 - Processing Aids - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1–3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1–3.

Note 3 Paragraph 1.1.1–10(4)(c) provides that a food for sale must not have, as an ingredient or a component, a substance that is used as a processing aid, unless expressly permitted by this Code. Section 1.1.2–13 defines the expression ‘used as a processing aid’. This Standard contains the relevant permissions.

Division 1 Preliminary

1.3.3–1 Name

This Standard is *Australia New Zealand Food Standards Code* - Standard 1.3.3 - Processing aids.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

1.3.3–2 Definitions

Note Section 1.1.2–13 (Definition of **used as a processing aid**) provides as follows:

References to substances that are used as a processing aid

(1) In this Code, a reference to a substance that is **used as a processing aid** in relation to a food is a reference to a substance that is used during the course of processing:

- (a) to perform a technological purpose in the course of processing; and
- (b) does not perform a technological purpose in the food for sale; and
- (c) is identified in subsection (3).

References to foods that are used as a processing aid

(2) In this Code, a reference to a food that is **used as a processing aid** in relation to another food:

- (a) is a reference to a food that:
 - (i) is not a substance identified in subsection (3); and
 - (ii) is used or added to the other food during the course of processing to perform a technological purpose

in the course of processing; and

(iii) does not perform a technological purpose in the food for sale; and

(b) is a reference to so much of the food as is necessary to perform the technological purpose.

Note 1 This Code does not prohibit the use of foods as processing aids (other than foods that are substances referred to in subsection (3)). There are special labelling requirements that apply in relation to foods and substances that are used as processing aids—see paragraphs 1.2.4–3(2)(d), 1.2.4–3(2)(e) and subparagraph 1.2.8–5(a)(vii).

Note 2 If a food is used as a processing aid in relation to another food, and the amount of the food used is greater than the amount that is necessary to perform the technological purpose, the excess amount of the food is not taken to be used as a processing aid in the other food and is not exempted from a requirement to declare ingredients—see section 1.2.4–3(2)(e).

(3) For subsections (1) and (2), the substances are the following:

(a) a substance that is listed in Schedule 18;

(b) an additive permitted at GMP.

Note ‘additive permitted at GMP’ is a defined term—see section 1.1.2–11.

1.3.3–3 Permission to use substance as processing aid

A substance may be used as a processing aid in relation to food if:

(a) the substance is permitted to be used as processing aid for that food by this Standard; and

(b) the proportion of the substance that is used is no more than the maximum level necessary to achieve the technological purpose under conditions of GMP.

Note No permission is required to use a food (other than a substance referred to in paragraph (2)(a) of the definition of **used as a food additive**) as a processing aid.

Division 2 Processing aids that may be used with any food

1.3.3–4 Generally permitted processing aids for all foods

(1) A substance listed in subsection (2) may be *used as a processing aid in any food if it is used at a level necessary to achieve a technological purpose in the processing of that food.

(2) For subsection (1), the substances are:

(a) an *additive permitted at GMP; or

(b) any substance listed in section S18–2.

Restriction on the use of carbon monoxide in the processing of fish

(3) Despite subsection (1), carbon monoxide (other than carbon monoxide that is naturally present or occurring in smoke used in the processing of fish) must not be used in the processing of fish if its use results in a change to or fixes the colour of the flesh of the fish.

1.3.3–5 Processing aids for certain purposes for all foods

A substance listed in section S18–3 may be *used as a processing aid in any food, if the substance is:

(a) used to perform a technological purpose listed in relation to that substance; and

(b) not present in the food at a level greater than the maximum permitted level indicated in the corresponding row of the table.

Note The purposes listed in section S18–3 are the following:

- anti-foaming;
- catalysis;
- decolouring, clarifying, filtering or adsorbing;
- desiccating;
- ion exchange;
- lubricating, releasing or anti-stick;
- a carrier, solvent or diluent.

1.3.3–6 Enzymes

An enzyme listed in section S18–4 may be *used as a processing aid to perform any technological purpose if the enzyme is derived from the corresponding source specified in the table.

Note 1 Section S18—4 lists enzymes of animal origin, enzymes of plant origin and enzymes of microbial origin.

Note 2 Some enzymes identified in section S18—4 are protein engineered. If such an enzyme is used as a processing aid, the resulting food may have as an ingredient a food produced using gene technology, and the labelling and other requirements relating to foods produced using gene technology will apply—see Standard 1.2.1 and Standard 1.5.2, in particular section 1.5.2—3(b).

1.3.3—7 Microbial nutrients and microbial nutrient adjuncts

A substance listed in section S18—5 may be *used as a processing aid to perform the technological purpose of a microbial nutrient or a microbial nutrient adjunct in the course of manufacture of any food.

Division 3 Processing aids that can be used with specified foods

1.3.3—8 Processing aids for water

A substance listed in section S18—6 may be *used as a processing aid in the course of manufacture of:

- (a) packaged water; or
- (b) water that is used as an ingredient;

if the substance is not present in the water at a level greater than the maximum permitted indicated in the corresponding row of the table.

Note This section contains the permissions for fluoride to be used in water that is used as an ingredient in other foods, but not in water presented in packaged form. Standard 2.6.2 contains a permission to add fluoride to water presented in packaged form.

1.3.3—9 Bleaching, washing and peeling agents—various foods

A substance listed in section S18—7 may be *used as a processing aid to perform the technological purpose of:

- (a) a bleaching agent; or
- (b) a washing agent; or
- (c) a peeling agent;

for a food if the substance:

- (d) is used in relation to a food listed in the corresponding row of the table; and
- (e) is not present in the food at a level greater than the maximum permitted indicated in the corresponding row of the table.

1.3.3—10 Extraction solvents—various foods

A substance listed in section S18—8 may be *used as a processing aid to perform the technological purpose of an extraction solvent if the substance:

- (a) is used in relation to a food listed in the corresponding row of the table; and
- (b) is not present in the food at a level greater than the maximum permitted indicated in the corresponding row of the table.

1.3.3—11 Processing aids that perform various technological purposes

A substance specified in a row in the table to section S18—9 may be *used as a processing aid:

- (a) in relation to:
 - (i) if a food is specified in that row—that food; or
 - (ii) if no food is specified in that row—any food; and
- (b) for the corresponding technological purpose specified in that row; and
- (c) if the substance is not present in the food at a level greater than the maximum permitted level indicated in that row.

1.3.3—12 Microbial control agent—dimethyl dicarbonate

(1) Dimethyl dicarbonate may be *used as a processing aid to perform the technological purpose of a microbial control agent during the manufacture of a food for sale listed in section S18—10 at a concentration no greater than the corresponding maximum permitted addition level indicated in the table.

(2) Dimethyl dicarbonate must not be present in a food for sale.

(Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1–3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1–3.

Note 3 Subsection 1.1.1–10(6) provides that a food for sale must comply with any provisions of this Code relating to the composition of, or the presence of specified substances in, food of that kind. This Standard contains provisions relating to the presence of other substances in food.

Note 4 Limits have been set under this Standard when it has been determined that there is a potential risk to public health and safety if the prescribed limits are exceeded, that should be managed by a standard. This Standard is to be read in the context of the requirements imposed in the application Acts that food must be safe and suitable for human consumption. For example, the concentration of contaminants and natural toxicants should be kept as low as reasonably achievable.

1.4.1–1 Name

This Standard is *Australia New Zealand Food Standards Code - Standard 1.4.1 - Contaminants and natural toxicants*.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

1.4.1–2 Interpretation

(1) The limits prescribed by this Standard apply to the portion of foods that is ordinarily consumed.

(2) In this Standard and Schedule 19, a reference to a particular food is to the food as described in Schedule 22.

1.4.1–3 Levels of contaminants and natural toxicants in food

(1) The level of a contaminant or natural toxicant listed in section S19–4, S19–5 or S19–6 in a food listed in relation to that contaminant or toxicant must not be greater than the corresponding amount listed in that Schedule.

Note Schedule 19 sets out maximum levels of:

- metal contaminants;
- non-metal contaminants;
- natural toxicants; and
- average and maximum levels of mercury in fish.

(2) The level of mercury in fish and fish products, calculated in accordance with section S19–7, must comply with the requirements of subsection S19–7(1) or S19–7(2), as appropriate.

(3) For a food for sale with 2 or more ingredients, 1 or more of which is listed in Schedule 19, the level of a contaminant or toxicant listed in Schedule 19 in the food for sale must not be greater than the amount, **ML**, given by the following equation:

$$ML = \frac{\sum_{j=1}^N (ML_j Total_j) + CF \times (Total - \sum_{j=1}^N Total_j)}{Total}$$

where:

N is the number of ingredients of the food for sale for which a maximum level of a contaminant or toxicant is specified in Schedule 19.

ML_j is:

- (a) in the case of mercury—the mean level of mercury that is permitted under section S19—7; or
- (b) otherwise—the maximum level of the contaminant or toxicant that is permitted, in accordance with subsection (1);

in a particular ingredient (the *jth ingredient*) of the food for sale.

Total_j is the total weight of the *jth* ingredient of the food for sale (in g).

CF is:

- (a) in the case of lead—0.01 mg/kg; and
- (b) in the case of cadmium—0.005 mg/kg; and
- (c) for other substances—0 mg/kg.

Note CF is the background calculation factor, and allows for a representative contaminant level for those foods for which a maximum level is not specified in Schedule 19. The contaminants occur at low levels in such foods.

Total is the total weight of the food for sale (in g).

2015-gs1881

Standard 1.4.2 - Agvet Chemicals - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 This Standard is the Maximum Residue Limits Standard for the purposes of the FSANZ Act.

Note 3 This Standard applies in Australia only. In New Zealand, maximum residue limits for agricultural compounds are set out in a Maximum Residue Limits Standard issued under the *Food Act 2014*

Note 4 The application Acts provide that food is unsuitable if the food contains, among other things, a chemical agent that is foreign to the nature of the food. Food is not unsuitable if, when it is sold, it does not contain an agvet chemical in an amount that contravenes the Code.

Paragraph 1.1.1—10(4)(d) provides that a food for sale must not have, as an ingredient or a component, a detectable amount of an agvet chemical or a metabolite or a degradation product of the agvet chemical; unless expressly permitted by this Code.

Sections 1.4.2—4 and 1.4.2—5 and associated Schedules set out the relevant permissions. Permitted residues are identified in section S20—3.

1.4.2—1 Name

This Standard is *Australia New Zealand Food Standards Code* - Standard 1.4.2 - Agvet chemicals.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

1.4.2—2 Purpose of Standard

The purpose of this Standard and Schedule 20, Schedule 21 and Schedule 22 is to set out the maximum residue limits and extraneous residue limits for agricultural or veterinary chemicals that are permitted in foods for sale.

Note Maximum residue limits have been determined:

- (a) by the amount of residues of such chemicals that could be present in food when they are used at the minimum effective level and using Good Agricultural Practice (GAP); and
- (b) after an assessment of the potential risk to public health and safety at that level.

1.4.2—3 Definitions and interpretation

Note In this Code (see section 1.1.2—2):

agvet chemical means an agricultural chemical product or a veterinary chemical product, within the meaning of the Agvet Code.

Note The Agvet Code is the Code set out in the Schedule to the *Agricultural and Veterinary Chemicals Code Act 1994* (Cth). See subsection 4(1) of the FSANZ Act.

extraneous residue limit or **ERL**, for an agvet chemical in a food, means the amount identified in Schedule 21 for the permitted residue of that agvet chemical in that food.

maximum residue limit or **MRL**, for an agvet chemical in a food, means the amount identified in Schedule 20 for the permitted residue of that agvet chemical in that food.

(1) In this Standard:

permitted residue, of an *agvet chemical, means a chemical that is identified in Schedule 20 or Schedule 21 as being a permitted residue in relation to the agvet chemical.

(2) When calculating the amount of a permitted residue in a food:

- (a) only calculate the amount that is in the portion of the commodity that is specified in Schedule 22; and
- (b) if the permitted residue consists of more than 1 chemical, calculate the amount of all such chemicals that are present in the food.

(3) Unless a maximum amount of a permitted residue of an *agvet chemical is specified for a processed food, the same maximum amount applies to both the processed and the unprocessed food.

(4) In this Standard, and in Schedule 20 and Schedule 21, a reference to a particular food is to the food as described in Schedule 22.

1.4.2—4 Maximum residue limit of agvet chemicals in foods

(1) A food for sale may contain a permitted residue of an *agvet chemical if:

- (a) the agvet chemical is listed in Schedule 20; and
- (b) the food consists of, or has as an ingredient, a food that is listed in relation to that agvet chemical in Schedule 20; and
- (c) the amount of the permitted residue of the agvet chemical in the food complies with subsection (2) or subsection (3), as appropriate.

(2) For a food for sale that consists of a food that is listed in relation to that *agvet chemical in Schedule 20, the amount of the permitted residue of the agvet chemical in the food complies with this subsection if the amount is not greater than the amount identified in relation to that food for that agvet chemical in Schedule 20.

(3) For a food for sale that has 2 or more ingredients, 1 or more of which is a food that is listed in relation to the *agvet chemical in Schedule 20, the amount of the permitted residue of the agvet chemical in the food complies with this subsection if the amount is not greater than the amount **MRL** calculated in accordance with the following equation:

$$MRL = \sum_{j=1}^N \frac{Weight(j)}{Weight} \times MRL(j)$$

where:

N is the number of ingredients of the food that are listed in Schedule 20 in relation to that agvet chemical.

Weight(j) is the weight of the j^{th} such ingredient.

Weight is the total weight of the food.

MRL(j) is the amount identified in relation to the j^{th} ingredient for a permitted residue of that agvet chemical in Schedule 20.

1.4.2—5 Extraneous residue limit of agvet chemicals in foods

(1) A food for sale may contain a permitted residue of an *agvet chemical if:

- (a) the agvet chemical is listed in Schedule 21; and

(b) the food consists of, or has as an ingredient, a food that is listed in relation to that agvet chemical in Schedule 21 and

(c) the amount of the permitted residue of the agvet chemical in the food complies with subsection 1.4.2—4(2) or subsection 1.4.2—4(3), as appropriate; and

(d) the presence of the permitted residue of the agvet chemical in the food arose from environmental sources, and not from direct or indirect use of an agvet chemical on food.

(2) For a food for sale that consists of a food that is listed in relation to that *agvet chemical in Schedule 21, the amount of the permitted residue of the agvet chemical in the food complies with this subsection if the amount is not greater than the amount identified in relation to that food for that agvet chemical in Schedule 21.

(3) For a food for sale that has 2 or more ingredients, 1 or more of which is a food that is listed in relation to the *agvet chemical in or Schedule 21, the amount of the agvet chemical in the food complies with this subsection if the amount is not greater than the amount **MRL** calculated in accordance with the following equation:

$$MRL = \sum_{j=1}^N \frac{Weight(j)}{Weight} \times MRL(j)$$

where:

N is the number of ingredients of the food that are listed in Schedule 21 in relation to that agvet chemical.

Weight(j) is the weight of the j^{th} such ingredient.

Weight is the total weight of the food.

MRL(j) is the amount identified in relation to the j^{th} ingredient for that agvet chemical in Schedule 21.

2015-gs1882

Standard 1.4.4 - Prohibited and Restricted Plants and Fungi - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

Note 3 Paragraphs 1.1.1—10(3)(a) and (4)(e) provide that a food for sale must not consist of, or have as an ingredient or a component, a prohibited or restricted plant or fungus, or coca bush, unless expressly permitted by this Code. This Standard contains the relevant permissions.

1.4.4—1 Name

This Standard is *Australia New Zealand Food Standards Code* - Standard 1.4.4 - Prohibited and restricted plants and fungi.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

1.4.4—2 Definitions

Note In this Code (see section 1.1.2—3):

coca bush means:

(a) *Eurythroxyllum coca*; or

(b) a substance derived from *Eurythroxyllum coca*.

prohibited plant or fungus means:

(a) a plant or fungus listed in Schedule 23; or

(b) a part or a derivative of such a plant or fungus; or

(c) a substance derived from a plant, fungus, part or derivative referred to in paragraph (a) or (b).

restricted plant or fungus means:

(a) a plant or fungus listed in Schedule 24; or

(b) a part or a derivative of such a plant or fungus; or

(c) a substance derived from a plant, fungus, part or derivative referred to in paragraph (a) or (b).

1.4.4—3 Exception to prohibition relating to restricted plants and fungi

A restricted plant or fungus may be used as an ingredient in a food only if it complies with the requirements for natural toxicants in section 1.4.1—3 and subsection S19—6(1).

1.4.4—4 Exception relating to coca bush

Coca bush may be used as an ingredient in a food if the cocaine has been removed.

2015-gs1883

Standard 1.5.1 - Novel Foods - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

Note 3 Paragraphs 1.1.1—10(3)(b) and (4)(f) provide that a food for sale must not consist of, or have as an ingredient or a component, a novel food, if the food is offered for retail sale, unless expressly permitted by this Code. This Standard contains the relevant permissions.

1.5.1—1 Name

This Standard is *Australia New Zealand Food Standards Code* - Standard 1.5.1 - Novel foods.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

1.5.1—2 Definitions

Note Section 1.1.2—8 (Definition of **novel food**) provides as follows:

(1) In this Code:

novel food means a non-traditional food that requires an assessment of the public health and safety considerations having regard to:

(a) the potential for adverse effects in humans; or

(b) the composition or structure of the food; or

(c) the process by which the food has been prepared; or

(d) the source from which it is derived; or

(e) patterns and levels of consumption of the food; or

(f) any other relevant matters.

Note Possible categories of novel foods are described in guidelines issued by FSANZ. Categories of novel foods may include, but are not limited to, the following:

- plants or animals and their components;
- plant or animal extracts;
- herbs, including extracts;
- dietary macro-components;
- single chemical entities;
- microorganisms, including probiotics;
- foods produced from new sources, or by a process not previously applied to food.

non-traditional food means:

- (a) a food that does not have a history of human consumption in Australia or New Zealand; or
- (b) a substance derived from a food, where that substance does not have a history of human consumption in Australia or New Zealand other than as a component of that food; or
- (c) any other substance, where that substance, or the source from which it is derived, does not have a history of human consumption as a food in Australia or New Zealand.

(2) The presence of a food in a food for special medical purposes or the use of a food as a food for special medical purposes does not constitute a history of human consumption in Australia or New Zealand in relation to that food for the purposes of this section.

1.5.1–3 Sale of novel foods

Despite paragraphs 1.1.1–10(3)(b) and (4)(f), a food offered for retail sale may consist of, or have as an ingredient, a *novel food if:

- (a) the novel food is listed in the table to section S25–2; and
- (b) any conditions of use specified in the corresponding row of that table are complied with.

Note Novel foods are added to the table to section S25–2 by variations to the Code. When added for the first time, the conditions may include some that apply to the novel food only during the first 15 months after gazettal of the variation. Conditions may also deal with matters such as the following:

- the need for preparation or cooking instructions, warning statements or other advice;
- the need to meet specific requirements of composition or purity;
- the class of food within which the food must be sold;
- during the first 15 months after gazettal, the brand under which the food may be sold.

2015-gs1884

Standard 1.5.2 - Food Produced Using Gene Technology - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1–3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1–3.

Note 3 Paragraphs 1.1.1—10(3)(c) and (4)(g) provide that a food for sale must not consist of, or have as an ingredient or a component, a food produced using gene technology, unless expressly permitted by this Code. This Standard contains the relevant permissions. Schedule 26 provides definitions of the terms ‘conventional breeding’, ‘line’ and ‘transformation event’, and lists approved foods produced using gene technology and any conditions for use of the food.

1.5.2—1 Name

This Standard is *Australia New Zealand Food Standards Code* - Standard 1.5.2 - Food produced using gene technology.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

1.5.2—2 Definitions

Note In this Code (see section 1.1.2—2):

food produced using gene technology means a food which has been derived or developed from an organism which has been modified by gene technology.

Note This definition does not include food derived from an animal or other organism which has been fed food produced using gene technology, unless the animal or other organism is itself a product of gene technology.

gene technology means recombinant DNA techniques that alter the heritable genetic material of living cells or organisms.

Note 2 Definitions for genetically modified food, novel DNA and novel protein are in section 1.5.2—4

Note 3 Definitions for conventional breeding, line and transformation event are in Schedule 26.

1.5.2—3 When food produced using gene technology is permitted for sale

A food for sale may consist of, or have as an ingredient, a *food produced using gene technology if the food produced using gene technology:

- (a) is listed in Schedule 26 and complies with any corresponding conditions listed in that Schedule; or
- (b) is a substance that is permitted for use as a food additive by Standard 1.3.1 or as a processing aid by Standard 1.3.3.

1.5.2—4 Requirement to label food as ‘genetically modified’

(1) This section applies to a food for sale that consists of, or has as an ingredient, food that is a genetically modified food, unless:

- (a) the genetically modified food:
 - (i) has been highly refined where the effect of the refining process is to remove novel DNA or novel protein; and
 - (ii) is not listed in subsections S26—3(2) and (3) as subject to the condition that its labelling must comply with this section; or
- (b) both of the following are satisfied:
 - (i) the genetically modified food is a substance *used as a processing aid or *used as a food additive in the food in accordance with this Code;
 - (ii) no novel DNA or novel protein from the substance remains present in the food; or
- (c) the genetically modified food is a *flavouring substance that is present in the food in a concentration of no more than 1 g of flavouring/kg of food; or
- (d) the genetically modified food is:
 - (i) unintentionally present in the food; and
 - (ii) present in an amount of no more than 10 g in a kilogram of each ingredient; or
- (e) the food is:
 - (i) intended for immediate consumption; and
 - (ii) prepared and sold from food premises and vending vehicles, including restaurants, take away outlets, caterers, or self-catering institutions.

(2) For the labelling provisions, the information relating to *foods produced using gene technology includes the statement ‘genetically modified’ in conjunction with the name of the genetically modified food.

Note The labelling provisions are set out in Standard 1.2.1. Labelling provisions apply to both packaged and unpackaged foods produced using gene technology.

(3) If the genetically modified food is an ingredient, *used as a food additive or *used as a processing aid the information may be included in the statement of ingredients.

Example Ingredients: Soy Protein Isolate (genetically modified).

(4) To avoid doubt, this Code does not require any statement about the genetic status of a food or one of its ingredients other than as required by this section or by a condition in Schedule 26.

(5) In this section:

novel DNA and **novel protein** mean DNA or protein which, as a result of the use of gene technology, is different in chemical sequence or structure from DNA or protein present in counterpart food that has not been produced using gene technology, other than protein that:

- (a) is *used as a processing aid or *used as a food additive; and
- (b) has an amino acid sequence that is found in nature.

genetically modified food means a *food produced using gene technology that

- (a) contains novel DNA or novel protein; or
- (b) is listed in Section S26—3 as subject to the condition that its labelling must comply with this section.

2015-gs1885

Standard 1.5.3 - Irradiation of Food - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

Note 3 Paragraphs 1.1.1—10(3)(d) and (4)(h) provide that a food for sale must not consist of, or have as an ingredient or a component, a food that has been irradiated, unless expressly permitted by this Code. Division 2 of this Standard contains the relevant permissions.

Subsection 1.1.1—14(2) provides that, if this Code sets requirements for record-keeping in relation to food, those requirements must be complied with. Division 3 contains such requirements.

Division 1 Preliminary

1.5.3—1 Name

This Standard is *Australia New Zealand Food Standards Code* - Standard 1.5.3 - Irradiation of food.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

1.5.3—2 Definitions

Note In this Code (see section 1.1.2—2):

irradiation, in relation to food, means subjecting the food to ionising radiation, other than ionising radiation imparted to food by measuring or inspection instruments, and **irradiate** and **irradiated** have corresponding meanings.

Division 2 Irradiation of food

1.5.3—3 Irradiation of fruit and vegetables

(1) Fruit and vegetables listed in subsection (2) may be irradiated for the purpose of pest disinfestation for a phytosanitary objective, if the absorbed dose is:

- (a) no lower than 150 Gy; and
- (b) no higher than 1 kGy.

(2) For subsection (1), the fruit and vegetables are:

Fruit and vegetables—table to subsection (2)

bread fruit
capsicum
carambola
custard apple
litchi
longan
mango
mangosteen
papaya (paw paw)
persimmon
rambutan
tomato

1.5.3—4 Irradiation of herbs and spices

(1) Herbs and spices may be irradiated for the purpose of controlling sprouting and pest disinfestation, including the control of weeds, if the absorbed dose is no higher than 6 kGy.

(2) Herbs and spices may be irradiated for the purpose of bacterial decontamination, if the absorbed dose is:

- (a) no lower than 2 kGy; and
- (b) no higher than 30 kGy.

(3) In this section:

herbs and spices means the herbs and spices described in Schedule 22.

1.5.3—5 Irradiation of plant material for a herbal infusion

(1) Plant material for a herbal infusion may be irradiated for the purpose of controlling sprouting and pest disinfestation, including the control of weeds, if the absorbed dose is no higher than 6 kGy.

(2) Plant material for a herbal infusion may be irradiated for the purpose of bacterial decontamination, if the absorbed dose is:

- (a) no lower than 2 kGy; and
- (b) no higher than 10 kGy.

(3) In this section:

plant material for a herbal infusion means fresh, dried or fermented leaves, flowers and other parts of plants used to make beverages, but does not include tea.

1.5.3—6 Re-irradiation of food

Food that has been irradiated may be re-irradiated if any of the following conditions is met:

- (a) the food is prepared from food, including ingredients, that have been irradiated at levels that do not exceed 1 kGy;
- (b) the food contains less than 50 g/kg of irradiated ingredients;
- (c) the required full dose of ionising radiation was applied to the food in divided doses for a specific technological reason.

1.5.3—7 Sources of radiation that may be used

Food may be irradiated in accordance with this Division using any of the following forms of ionising radiation:

- (a) gamma rays from the radionuclide cobalt 60;
- (b) X-rays generated by or from machine sources operated at an energy level not exceeding 5 megaelectronvolts;
- (c) electrons generated by or from machine sources operated at an energy level not exceeding

10 megaelectronvolts.

Division 3 Record-keeping for and labelling of irradiated food

1.5.3—8 Record-keeping

(1) A person who irradiates food must keep records in relation to:

- (a) the nature and quality of the food treated; and
- (b) the *lot identification; and
- (c) the minimum durable life of the food treated; and
- (d) the process used; and
- (e) compliance with the process used; and
- (f) the minimum and maximum dose absorbed by the food; and
- (g) an indication whether or not the product has been irradiated previously and if so, details of such treatment; and
- (h) the date of *irradiation.

(2) The records must be kept at the facility where the food was irradiated.

(3) The records must be kept for a period of time that exceeds the minimum durable life of the irradiated food by 1 year.

1.5.3—9 Labelling and other information—retail and catering

For the labelling provisions, the information relating to irradiated foods is:

- (a) if the food has been irradiated—a statement to the effect that the food has been treated with ionising radiation; and
- (b) if the food has as an ingredient or *component a food that has been irradiated—a statement to the effect that the ingredient or component has been treated with ionising radiation.

Note 1 The labelling provisions are set out in Standard 1.2.1. Labelling provisions apply to both packaged and unpackaged irradiated foods.

Note 2 For paragraph (b), the statement may be on the statement of ingredients or elsewhere on the label.

2015-gs1886

Standard 1.6.1 - Microbiological Limits in Food - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

Note 3 Section 1.1.1—11 provides that a food for sale must not have an unacceptable level of microorganisms, as determined in accordance with this standard. This standard sets out how to determine whether a lot of food has an unacceptable level of microorganisms.

1.6.1—1 Name

This Standard is *Australia New Zealand Food Standards Code - Standard 1.6.1 - Microbiological limits in food*.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia*

New Zealand Act 1991 (Cth). See also section 93 of that Act.

1.6.1—2 Unacceptable microbiological levels

A *lot of a food has an unacceptable level of microorganisms if:

- (a) the food is listed in the table to section S27—3; and
- (b) the lot is tested in accordance with section 1.6.1—3; and
- (c) the test indicates that:
 - (i) the number of sample units having a level of a microorganism greater than that listed in the corresponding row of Column 4 (**m**) is greater than the number listed in the corresponding row of Column 3 (**c**); or
 - (ii) the level of the microorganism in any of the sample units is greater than the number (if any) listed in the corresponding row of Column 5 (**M**).

Note For the meaning of *lot*, see section 1.1.2—2.

1.6.1—3 Assessment of microbiological levels

- (1) Microbiological levels in food must be assessed in accordance with this section.
- (2) For a particular *lot of a food listed in Column 1 of the table section S27—3, the number of sample units taken must be the number of sample units set out in the corresponding row of Column 2 (**n**).
- (3) Despite subsection (2), if the food is the subject of a consumer complaint or a suspected food poisoning incident, an *authorised officer may take or otherwise obtain fewer sample units than the number referred to in that subsection or take smaller samples.
- (4) An *authorised officer who takes or otherwise obtains a sample of food for the purpose of submitting it for microbiological analysis:
 - (a) must not divide that sample into separate parts; and
 - (b) where the sample consists of one or more sealed packages of a kind ordinarily sold by retail—must submit for such analysis that sample in that package or those packages in an unopened and intact condition.
- (5) The following reference methods must be used to determine whether a food has exceeded the maximum permissible levels of microorganisms specified in the Schedule in relation to that food:
 - (a) for a food other than packaged water, packaged ice or mineral water
 - (i) the relevant method prescribed by Australian Standard AS5013; or
 - (ii) the relevant method referenced by Australian Standard AS5013 and prescribed by the International Organization for Standardization; or
 - (iii) any equivalent method as determined by:
 - (A) Australian New Zealand Standard *AS/NZS 4659; or
 - (B) ISO 16140:2003; and
 - (b) for packaged water, packaged ice or mineral water—the relevant method prescribed by Australian New Zealand Standard AS/NZS 4276.
- (6) A reference to a Standard in subsection (5) is a reference to that Standard as in force at the commencement of this provision.

1.6.1—4 Food in which growth of *Listeria monocytogenes* will not occur

- (1) For the purposes of the Schedule, growth of *Listeria monocytogenes* will not occur in a *ready-to-eat food if:
 - (a) the food has a pH less than 4.4 regardless of water activity; or
 - (b) the food has a water activity less than 0.92 regardless of pH; or
 - (c) the food has a pH less than 5.0 in combination with a water activity of less than 0.94; or
 - (d) the food has a refrigerated shelf life no greater than 5 days; or
 - (e) the food is frozen (including foods consumed frozen and those intended to be thawed immediately before consumption); or
 - (f) it can be validated that the level of *Listeria monocytogenes* will not increase by greater than 0.5 log cfu/g over the food’s stated shelf life.
- (2) For the purposes of the Schedule, a *ready-to-eat food that does not receive a *listericidal process during manufacture is taken to be a food in which growth of *Listeria monocytogenes* will not occur if the level of *Listeria monocytogenes* will not exceed 100 cfu/g within the food’s expected shelf life.

(3) For the purposes of subclause (2), a *ready-to-eat food that does not receive a *listericidal process during manufacture is taken to include:

- (a) ready-to-eat processed finfish; and
- (b) fresh cut and packaged horticultural produce.

2015-gs1887

Standard 1.6.2 - Processing Requirements for Meat - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1–3.

Note 2 This Standard applies in Australia only. For New Zealand purposes, processing requirements for meat products are regulated under the *Animal Products Act 1999* (NZ) and the *Food Act 2014* (NZ).

1.6.2—1 Name

This Standard is *Australia New Zealand Food Standards Code* - Standard 1.6.2 - Processing requirements for meat.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

1.6.2—2 Game meat

(1) Game meat, except game birds, must be obtained:

- (a) from a game carcass that has been subjected to a post mortem inspection that is conducted in accordance with relevant State or Territory law; or
- (b) in accordance with a quality assurance program that:
 - (i) is conducted in accordance with relevant State or Territory law; and
 - (ii) is designed to ensure that the game meat is fit for human consumption.

(2) A food for sale must not consist of, or have as an ingredient, game offal, other than bone or cartilage attached to game meat flesh.

(3) In this section:

game meat means the whole or part of the carcass of any bird, buffalo, camel, deer, donkey, goat, hare, horse, kangaroo, rabbit, pig, possum or wallaby that has been slaughtered in the wild state, but does not include avian eggs, fetuses, parts of fetuses or pouch young.

game meat flesh means skeletal game meat muscle, including any attached fat, connective tissue, nerve, blood, blood vessels and, in the case of birds, skin.

game offal means game meat other than game meat flesh.

1.6.2—3 Fermented meat products

(1) Fermented comminuted processed meat is heat treated if it has had its core temperature maintained at 55°C for a period of at least 20 minutes, or an equivalent combination of time and higher temperature.

Note Standard 1.2.1 and Standard 2.2.1 provide for the labelling of heat treated fermented comminuted processed meat.

(2) Fermented comminuted processed meat is cooked if it has had its core temperature maintained at 65°C for a period of at least 10 minutes, or an equivalent combination of time and higher temperature.

Note Standard 1.2.1 and Standard 2.2.1 provide for the labelling of cooked fermented comminuted processed meat.

(3) A fermented meat product must not contain mechanically separated meat or rendered trimmings unless it has been cooked so that its core temperature is maintained at 65°C for a period of at least 10 minutes, or an equivalent combination of time and higher temperature.

(4) In this section:

mechanically separated meat means meat that has been separated from bone by a mechanical process that results in *comminuted meat.

rendered trimmings means the cooked meat fractions derived from the rendering of meat trimmings, excluding ligamentum nuchae.

2015-gs1888

Standard 2.1.1 - Cereal and Cereal Products - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

Division 1 Preliminary

2.1.1—1 Name

This Standard is *Australia New Zealand Food Standards Code* - Standard 2.1.1 - Cereal and cereal products.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

Division 2 Bread and bread products

2.1.1—2 Definitions

Note In this Code (see section 1.1.2—3):

bread means:

- (a) a food that is made by baking a yeast-leavened dough prepared from one or more cereal flours or meals and water; or
- (b) such a food with other foods added.

wheat flour includes wholemeal wheat flour.

wholegrain means the intact grain or the dehulled, ground, milled, cracked or flaked grain where the constituents—endosperm, germ and bran—are present in such proportions that represent the typical ratio of those fractions occurring in the whole cereal, and includes wholemeal.

wholemeal means the product containing all the milled constituents of the grain in such proportions that it represents the typical ratio of those fractions occurring in the whole cereal.

2.1.1—3 Requirement for food sold as bread

A food that is sold as bread must be bread.

2.1.1—4 Application of sections 2.1.1—5 and 2.1.1—6

Sections 2.1.1—5 and 2.1.1—6 do not apply to:

- (a) the following foods, or to wheat flour used to make those products:
- (i) pizza bases;
 - (ii) breadcrumbs;
 - (iii) pastries;
 - (iv) cakes, including brioche, panettone and stollen;
 - (v) biscuits;
 - (vi) crackers; or
- (b) bread that is represented as organic.

2.1.1—5 Requirement for folic acid and thiamin in bread flour

Note This section applies in Australia only.

Wheat flour that is sold as suitable for making bread to which this section applies must contain:

- (a) no less than 2 mg/kg, and no more than 3 mg/kg, of folic acid; and
- (b) no less than 6.4 mg/kg thiamin.

2.1.1—6 Requirement for iodised salt in bread

(1) Iodised salt must be used for making bread to which this section applies where salt would ordinarily be used.

(2) This section does not prevent:

- (a) the addition of salt other than iodised salt to the surface of bread; or

Example The addition of rock salt

- (b) the addition of other food containing salt other than iodised salt during the making of bread.

Division 3 Wholegrain cereals and cereal products

2.1.1—7 Requirement for food sold as wholemeal or wholegrain product

A food that is sold as, or as being made from:

- (a) 'wholemeal'; or
- (b) 'wholegrain';

must consist of, or have as an ingredient, wholemeal or wholegrain as appropriate.

2015-gs1889

Standard 2.2.1 - Meat and Meat Products - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

Division 1 Preliminary

2.2.1—1 Name as an ingredient or a component

This Standard is *Australia New Zealand Food Standards Code* - Standard 2.2.1 - Meat and meat products.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia*

New Zealand Act 1991 (Cth). See also section 93 of that Act.

2.2.1—2 Definitions

Note In this Code (see section 1.1.2—3):

cured and/or dried meat flesh in whole cuts or pieces includes any attached bone.

dried meat means meat that has been dried but does not include slow cured dried meat.

manufactured meat means processed meat containing no less than 660 g/kg of meat.

meat:

(a) means the whole or part of the carcass of any of the following animals, if slaughtered other than in a wild state:

(i) buffalo, camel, cattle, deer, goat, hare, pig, poultry, rabbit or sheep;

(ii) any other animal permitted for human consumption under a law of a State, Territory or New Zealand; and

(b) does not include:

(i) fish; or

(ii) avian eggs; or

(iii) foetuses or part of foetuses.

meat flesh means meat that consists of skeletal muscle and any attached:

(a) animal rind; or

(b) fat; or

(c) connective tissue; or

(d) nerve; or

(e) blood; or

(f) blood vessels; or

(g) skin, in the case of poultry.

meat pie means a pie containing no less than 250 g/kg of meat flesh.

offal includes blood, brain, heart, kidney, liver, pancreas, spleen, thymus, tongue and tripe, and excludes meat flesh, bone and bone marrow.

processed meat means a food which has, either singly or in combination with other foods, undergone a method of processing other than boning, slicing, dicing, mincing or freezing.

sausage means a food that:

(a) consists of meat that has been minced, meat that has been comminuted, or a mixture of both, whether or not mixed with other foods, and which has been encased or formed into discrete units; and

(b) does not include meat formed or joined into the semblance of cuts of meat.

Division 2 Requirements for sale

2.2.1—3 Requirement for food sold as sausage

A food that is sold as sausage must be sausage and:

(a) contain no less than 500 g/kg of fat free meat flesh; and

(b) have a proportion of fat that is no more than 500 g/kg of the fat free meat flesh content.

2.2.1—4 Requirement for food sold as meat pie

A food that is sold as a meat pie must be a meat pie.

2.2.1—5 Requirements for food sold as dried meat or cured and/or dried meat flesh in whole cuts or pieces, manufactured meat or processed meat

(1) A food that is sold as a dried meat must be dried to a water activity of no more than 0.85.

(2) A food that is sold as cured and/or dried meat flesh in whole cuts or pieces must contain not less than 160 g/kg of meat protein on a fat free basis.

(3) A food that is sold as manufactured meat must contain not less than 660 g/kg of meat.

(4) A food that is sold as processed meat must contain not less than 300 g/kg of meat.

Division 3 Information requirements

2.2.1—6 Statement indicating the presence of offal

For the labelling provisions:

- (a) brain, heart, kidney, liver, tongue or tripe must be identified as:
 - (i) offal; or
 - (ii) by the specific name of the type of offal; and
- (b) any other type of offal must be identified by the specific name of the type of offal.

Note The labelling provisions are set out in Standard 1.2.1.

2.2.1—7 Proportion of fat in minced meat

For the labelling provisions, a statement of the maximum proportion of fat in minced meat, in g/100 g, is required if a claim is made in relation to the fat content of minced meat.

Note The labelling provisions are set out in Standard 1.2.1.

2.2.1—8 Information about raw meat joined or formed into the semblance of a cut of meat

For the labelling provisions, for a food that consists of raw meat that has been formed or joined in the semblance of a cut of meat, whether coated or not, using a binding system without the application of heat, the following information is required:

- (a) a declaration that the food consists of meat that is formed or joined; and
- (b) in conjunction with that information, cooking instructions that would result in microbiological safety of the food being achieved.

Note The labelling provisions are set out in Standard 1.2.1.

2.2.1—9 Labelling of fermented comminuted processed meat

(1) The *prescribed name for fermented comminuted processed meat is:

- (a) if the meat has not been heat treated or cooked—‘fermented processed meat - not heat treated’; and
- (b) if the meat has been heat treated—‘fermented processed meat - heat treated’; and
- (c) if the meat has been cooked—‘fermented processed meat - cooked’.

(2) For the labelling provisions, if the label on a package containing fermented comminuted processed meat contains a trade name, the following words are required to be included on the label in association with the trade name:

- (a) if the meat has not been heat treated or cooked—‘fermented’;
- (b) if the meat has been heat treated—‘fermented heat treated’;
- (c) if the meat has been cooked—‘fermented cooked’.

Note The labelling provisions are set out in Standard 1.2.1.

(3) The labelling may refer to a heating process only if:

- (a) the reference is included for compliance with this section; or
- (b) the heating process is a cooking instruction for the consumer.

2.2.1—10 Labelling of fermented comminuted manufactured meat

(1) The *prescribed name for fermented comminuted manufactured meat is:

- (a) if the meat is not heat treated or cooked—‘fermented manufactured meat - not heat treated’; and
- (b) if the meat has been heat treated—‘fermented manufactured meat - heat treated’; and
- (c) if the meat has been cooked—‘fermented manufactured meat - cooked’.

(2) For the labelling provisions, if the label on a package containing fermented comminuted manufactured meat contains a trade name, the following words are required to be included in association with the trade name:

- (a) if the meat has not been heat treated or cooked—‘fermented’;
- (b) if the meat has been heat treated—‘fermented heat treated’;
- (c) if the meat has been cooked—‘fermented cooked’.

Note The labelling provisions are set out in Standard 1.2.1.

(3) The labelling may refer to a heating process only if:

- (a) the reference is included for compliance with this section; or
- (b) the heating process is a cooking instruction for the consumer.

2.2.1—11 Fermented comminuted meat—unpackaged

(1) This section applies to fermented comminuted meat that is not required to *bear a label because it is not in a package.

Note See subsections 1.2.1—6(4) and 1.2.1—9(4).

(2) For the labelling provisions, despite paragraphs 2.2.1—9(1)(a) and 2.2.1—10(1)(a), the words ‘not heat treated’ need not be displayed.

Note The labelling provisions are set out in Standard 1.2.1.

Division 4 Sourcing requirements

2.2.1—12 Bovine must be free from bovine spongiform encephalopathy

Note This section applies in Australia only.

(1) Bovine meat, and ingredients derived from bovines, must be derived from animals free from bovine spongiform encephalopathy.

(2) Subsection (1) does not apply to:

- (a) collagen from bovine skins and hides (including sausage casings produced from this type of collagen); or
- (b) bovine fat or bovine tallow that:
 - (i) is an ingredient of a food; and
 - (ii) comprises no more than 300 g/kg of the food; or
- (c) gelatine sourced from bovine skins or hides; or
- (d) dairy products sourced from bovines.

2015-gs1890

Standard 2.2.2 - Eggs and Egg Products - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:
This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 This Standard applies in Australia only.

2.2.2—1 Name

This Standard is *Australia New Zealand Food Standards Code - Standard 2.2.2 - Eggs and egg products*.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

2.2.2—2 Definitions

Note In section 2.2.2—3 and Standard 4.2.5:

unacceptable egg means -

- (a) a cracked egg or a dirty egg; or
- (b) egg product which has not been processed in accordance with clause 21; or
- (c) egg product which contains a pathogenic micro-organism, whether or not the egg product has been processed in accordance with clause 21.

In this definition, ‘clause 21’ is a reference to clause 21 of Standard 4.2.5, which relates to ‘Processing egg

product', and applies in Australia only.

2.2.2—3 Sale or supply of unacceptable eggs

(1) Unacceptable eggs must not be sold in a retail sale or to a caterer.

(2) In this section:

unacceptable egg has the same meaning as it has in Standard 4.2.5.

2.2.2—4 Traceability

Eggs for retail sale or for sale to a *caterer must be individually marked with the producer's or processor's unique identification.

2015-gs1891

Standard 2.2.3 - Fish and Fish Products - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

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Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

Note 3 This Code does not define specific names for fish. An Australian Fish Names Standard (AS SSA 5300) has been published which provides guidance on standard fish names to be used in Australia.

1. Hard copies of the Australian Fish Names Standard (AS 5300) are available from FRDC's Online Shop at <http://www.seafood.net.au/shop>.
2. A searchable database of Australian Standard Fish Names is available at <http://www.fishnames.com.au>.
3. New Zealand common, Māori, and scientific names for fish species are available at <http://www.foodsafety.govt.nz/industry/sectors/seafood/fish-names/index.htm>.

2.2.3—1 Name

This Standard is *Australia New Zealand Food Standards Code - Standard 2.2.3 - Fish and fish products*.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

2.2.3—2 Definitions

Note In this Code (see section 1.1.2—3):

fish means a cold-blooded aquatic vertebrate or aquatic invertebrate including shellfish, but not including amphibians or reptiles.

2.2.3—3 Labelling of formed or joined fish

For the labelling provisions, for a food that consists of raw fish that has been formed or joined in the semblance of a cut or fillet of fish using a binding system without the application of heat, whether coated or not, the following information is required:

- (a) a declaration that the food is either formed or joined;
- (b) in conjunction with that declaration, cooking instructions that would result in microbiological safety of the food being achieved.

Note 1 The labelling provisions are set out in Standard 1.2.1.

Note 2 Section 1.4.1—3 and section S19—6 prescribe the maximum level of histamine permitted in fish and fish

products.

2015-gs1892

Standard 2.3.1 - Fruit and Vegetables - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

2.3.1—1 Name

This Standard is *Australia New Zealand Food Standards Code - Standard 2.3.1 - Fruit and vegetables*.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

2.3.1—2 Definitions

Note In this Code (see section 1.1.2—3):

fruit and vegetables means any of fruit, vegetables, nuts, spices, herbs, fungi, legumes and seeds.

Note In Standards 1.2.7 and 1.2.8 the separate terms fruit and vegetable have different definitions and do not include nuts, spices, herbs, fungi, legumes and seeds.

2.3.1—3 Requirement for food sold as fruit and vegetables in brine, etc

(1) A food that is fruit and vegetables in brine, oil, vinegar or water must not have a pH greater than 4.6.

(2) Subsection (1) does not apply to commercially canned fruit and vegetables.

2015-gs1893

Standard 2.3.2 - Jam - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

2.3.2—1 Name

This Standard is *Australia New Zealand Food Standards Code* - Standard 2.3.2 - Jam.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

2.3.2—2 Definitions

Note In this Code (see section 1.1.2—3):

jam:

- (a) means:
 - (i) a product prepared by processing one or more of the following:
 - (A) fruit;
 - (B) concentrated fruit juice;
 - (C) fruit juice;
 - (D) water extracts of fruit; or
 - (ii) such a product processed with sugars or honey; and
- (b) includes conserve; and
- (c) does not include marmalade.

2.3.2—3 Requirement for food sold as jam

(1) A food that is sold as jam must:

- (a) be jam; and
- (b) contain no less than 650 g/kg of water-soluble solids.

(2) A food that is sold as jam with the name of one or more fruits appearing in the labelling must be made from no less than 400 g/kg of those fruits.

2015-gs1894

Standard 2.4.1 - Edible Oils - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

2.4.1—1 Name

This Standard is *Australia New Zealand Food Standards Code* - Standard 2.4.1 - Edible oils.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

2.4.1—2 Definitions

Note In this Code (see section 1.1.2—3):

edible oil means the triglycerides, diglycerides, or both the triglycerides and diglycerides of fatty acids of plant or animal origin, including aquatic plants and aquatic animals, with incidental amounts of free fatty acids, unsaponifiable constituents and other lipids including naturally occurring gums, waxes and phosphatides.

2.4.1—3 Requirement for food sold as edible oil

(1) A food that is sold as an edible oil must be edible oil.

(2) A representation that a food is a particular kind of edible oil is taken to be a representation that it is an edible oil.

2.4.1—4 Process declaration for edible oils

For the labelling provisions, if:

- (a) a food is, or has as an ingredient, an edible oil; and
- (b) the label lists the specific source name of the oil; and
- (c) the oil has undergone a process that has altered its fatty acid composition;

the required process declaration is a statement that describes the nature of that process.

Note 1 An example of a process that alters the fatty acid composition of fatty acids in edible oil is the process of hydrogenation.

Note 2 The labelling provisions are set out in Standard 1.2.1.

2015-gs1895

Standard 2.4.2 - Edible Oil Spreads - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

2.4.1—1 Name

This Standard is *Australia New Zealand Food Standards Code - Standard 2.4.2 - Edible oil spreads*.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

2.4.2—2 Definitions

Note In this Code (see section 1.1.2—3):

edible oil means the triglycerides, diglycerides, or both the triglycerides and diglycerides of fatty acids of plant or animal origin, including aquatic plants and aquatic animals, with incidental amounts of free fatty acids, unsaponifiable constituents and other lipids including naturally occurring gums, waxes and phosphatides.

edible oil spread means:

- (a) a spreadable food composed of edible oils and water in the form of an emulsion of the type water-in-oil; or
- (b) such a food with any of the following added:
 - (i) water;
 - (ii) edible proteins;
 - (iii) salt;
 - (iv) lactic acid producing microorganisms;

- (v) flavour producing microorganisms;
- (vi) milk products;
- (vii) no more than 82 g/kg of total plant sterol equivalents content.

margarine means an edible oil spread containing no less than 800g/kg of edible oils.

2.4.2–3 Requirements for sale as edible oil spread or margarine

Application of section to New Zealand

(1) Subsections (3) and (5) do not apply to edible oil spread or margarine produced in, or imported into, New Zealand.

Requirement for food sold as edible oil spread

(2) A food that is sold as an edible oil spread must be edible oil spread.

Requirement for food sold as table edible oil spread

(3) A food that is sold as a ‘table’ edible oil spread must be edible oil spread containing no less than 55 µg/kg of vitamin D.

Requirement for food sold as margarine

(4) A food that is sold as ‘margarine’ must be margarine.

Requirement for food sold as table margarine

(5) A food that is sold as ‘table margarine’ must be margarine containing no less than 55 µg/kg of vitamin D.

2015-gs1896

Standard 2.5.1 - Milk - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1–3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1–3.

Note 3 In Australia, dairy products must be processed in accordance with Standard 4.2.4.

2.5.1–1 Name

This Standard is *Australia New Zealand Food Standards Code* - Standard 2.5.1 - Milk.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

2.5.1–2 Definitions

Note In this Code (see section 1.1.2–3):

milk means:

- (a) the mammary secretion of milking animals, obtained from one or more milkings for consumption as liquid milk or for further processing, but excluding colostrums; or
- (b) such a product with phytosterols, phytostanols and their esters added.

skim milk means milk from which milkfat has been removed.

2.5.1–3 Requirement for food sold as milk

A food that is sold as ‘milk’ must be milk.

2.5.1—4 Requirement for retail sale as cow's milk

(1) This section applies to retail sales.

(2) A food that is sold as cow's milk must:

(a) be:

(i) milk from cows; or

(ii) milk from cows:

(A) to which milk components have been added, or from which they have been withdrawn in order for the product to comply with requirements of this section; and

(B) that has the same whey protein to casein ratio as the original milk; and

(b) contain no less than 32 g/kg of milkfat; and

(c) contain no less than 30 g/kg of protein (measured as crude protein).

2.5.1—5 Requirement for food sold as skim milk

A food that is sold as 'skim milk' must:

(a) be skim milk; and

(b) contain no more than 1.5 g/kg of milkfat; and

(c) for skim milk derived from cow's milk—contain no less than 30 g/kg of protein (measured as crude protein).

2.5.1—6 Compositional requirement for phytosterols, phytostanols and their esters in milk

*Phytosterols, phytostanols and their esters may be added to milk only if:

(a) the milk contains no more than 1.5 g total fat/100 g; and

(b) the *total plant sterol equivalents content is no less than 3 g/L of milk and no more than 4 g/L of milk.

2015-gs1897

Standard 2.5.2 - Cream - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

Note 3 In Australia, dairy products must be processed in accordance with Standard 4.2.4.

2.5.2—1 Name

This Standard is *Australia New Zealand Food Standards Code - Standard 2.5.2 - Cream*.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

2.5.2—2 Definitions

Note In this Code (see section 1.1.2—3):

cream means a milk product comparatively rich in fat, in the form of an emulsion of fat-in-skim milk that is obtained by:

(a) separation from milk; or

(b) separation from milk and the addition of milk or milk products obtained from milk.

2.5.2—3 Requirement for food sold as cream

A food that is sold as 'cream' must:

- (a) be cream; and
- (b) contain no less than 350 g/kg of milkfat.

2015-gs1898

Standard 2.5.3 - Fermented Milk Products - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

Note 3 In Australia, dairy products must be processed in accordance with Standard 4.2.4.

2.5.3—1 Name

This Standard is *Australia New Zealand Food Standards Code - Standard 2.5.3 - Fermented milk products*.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

2.5.3—2 Definitions

Note In this Code (see section 1.1.2—3):

fermented milk means a food obtained by fermentation of milk or products derived from milk, where the fermentation involves the action of microorganisms and results in coagulation and a reduction in pH.

yoghurt means a fermented milk where the fermentation has been carried out with lactic acid producing microorganisms.

2.5.3—3 Requirement for food sold as fermented milk or yoghurt

A food that is sold as fermented milk or 'yoghurt' must:

- (a) be fermented milk or yoghurt as appropriate, or of fermented milk or yoghurt with other foods added; and
- (b) have a pH of no more than 4.5; and
- (c) have no less than 10^6 cfu/g microorganisms used in the fermentation; and
- (d) if the food is derived from cow's milk—contain no less than 30 g/kg protein (measured as crude protein).

2.5.3—4 Compositional requirement for fermented milk or yoghurt used as an ingredient

If a food contains fermented milk or yoghurt as an ingredient, that ingredient must comply with paragraphs 2.5.3—3(a) to (d).

2.5.3—5 Compositional requirement for phytosterols, phytostanols and their esters in yoghurt

*Phytosterols, phytostanols and their esters may be added to yoghurt only if:

- (a) the yoghurt contains no more than 1.5 g total fat/100 g; and
- (b) the yoghurt is supplied in a package, the capacity of which is no more than 200 g; and
- (c) the *total plant sterol equivalents content added is no less than 0.8 g and no more than 1.0 g/package.

2015-gs1899

**Standard 2.5.4 - Cheese - Food Standards (Proposal P1025 - Code Revision)
Variation—Australia New Zealand Food Standards Code - Amendment No. 154**

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1–3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1–3.

Note 3 In Australia, dairy products must be processed in accordance with Standard 4.2.4.

2.5.4–1 Name

This Standard is *Australia New Zealand Food Standards Code - Standard 2.5.4 - Cheese*.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

2.5.4–2 Definitions

Note In this Code (see section 1.1.2–3):

cheese means:

- (a) the ripened or unripened solid or semi-solid milk product, whether coated or not, that is obtained by one or both of the following processes:
 - (i) wholly or partly coagulating milk, or materials obtained from milk, or both, through the action of rennet or other suitable coagulating agents, and partially draining the whey which results from such coagulation;
 - (ii) processing techniques involving concentration or coagulation of milk, or materials obtained from milk, or both, which give an end-product with similar physical, chemical and organoleptic characteristics as the product described in subparagraph (a)(i); or
- (b) such a product with any of the following additional ingredients added during production:
 - (i) water;
 - (ii) lactic acid producing microorganisms;
 - (iii) flavour producing microorganisms;
 - (iv) gelatine;
 - (v) starch;
 - (vi) vinegar;
 - (vii) salt;
 - (viii) tall oil phytosterol esters added in accordance with this Standard.

processed cheese means a product manufactured from cheese and products obtained from milk, which is heated and melted, with or without added emulsifying salts, to form a homogeneous mass.

2.5.4–3 Requirement for food sold as cheese

A food that is sold as cheese or processed cheese must be cheese or processed cheese as appropriate.

2.5.4–4 Compositional requirement for tall oil phytosterol esters in cheese

Tall oil phytosterol esters may only be added to cheese or to processed cheese if:

- (a) the cheese or processed cheese contains no more than 12 g total fat/100 g; and
- (b) the tall oil phytosterol ester is added at no less than 70 g/kg and no more than 90 g/kg.

2015-gs1900

Standard 2.5.5 - Butter - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

Note 3 In Australia, dairy products must be processed in accordance with Standard 4.2.4.

2.5.5—1 Name

This Standard is *Australia New Zealand Food Standards Code - Standard 2.5.5 - Butter*.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

2.5.5—2 Definitions

Note In this Code (see section 1.1.2—3):

butter means:

- (a) a food that is derived exclusively from milk and products obtained from milk, principally in the form of an emulsion of the type water-in-oil; or
- (b) such a food with any of the following added:
 - (i) water;
 - (ii) salt;
 - (iii) lactic acid producing microorganisms;
 - (iv) flavour producing microorganisms.

2.5.5—3 Requirement for food sold as butter

A food that is sold as 'butter' must:

- (a) be butter; and
- (b) contain no less than 80.0% m/m milkfat.

2015-gs1901

Standard 2.5.6 - Ice Cream - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

Note 3 In Australia, dairy products must be processed in accordance with Standard 4.2.4.

2.5.6—1 Name

This Standard is *Australia New Zealand Food Standards Code* - Standard 2.5.6 - Ice cream.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

2.5.6—2 Definitions

Note In this Code (see section 1.1.2—3):

ice cream means a sweet frozen food that is made from cream or milk products or both, and other foods, and is generally aerated.

2.5.6—3 Requirement for food sold as ice cream

A food that is sold as 'ice cream' must:

- (a) be ice cream; and
- (b) contain no less than:
 - (i) 100 g/kg of milk fat; and
 - (ii) 168 g/L of food solids.

2015-gs1902

Standard 2.5.7 - Dried Milk, Evaporated Milk and Condensed Milk - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

Note 3 In Australia, dairy products must be processed in accordance with Standard 4.2.4.

2.5.7—1 Name

This Standard is *Australia New Zealand Food Standards Code* - Standard 2.5.7 - Dried milk, evaporated milk and condensed milk.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

2.5.7—2 Definitions

Note In this Code (see section 1.1.2—3):

adjusted milk, in relation to condensed milk, dried milk or evaporated milk, means milk:

- (a) that is to be used to make the product concerned; and
- (b) to which milk components have been added, or from which they have been withdrawn, in order for the product to comply with requirements of Standard 2.5.7; and
- (c) that has the same whey protein to casein ratio as the original milk.

condensed milk means:

- (a) a food obtained by the partial removal of water from milk or adjusted milk, with the addition of sugars, and the possible addition of salt or water; or
- (b) a food of the same composition obtained by any other process.

dried milk means a powdered food obtained by the partial removal of water from milk or adjusted milk.

evaporated milk means:

- (a) a food obtained by the partial removal of water by heat from milk or adjusted milk, with the possible addition of one or more of the following:
 - (i) salt;
 - (ii) water; or
- (b) a food of the same composition obtained by any other process.

2.5.7—3 Requirement for food sold as condensed milk

- (1) A food that is sold as condensed milk must:
 - (a) be condensed milk; and
 - (b) contain no less than 34% m/m milk protein in milk solids non-fat.
- (2) A food that is sold as condensed whole milk and derived from cow's milk must contain:
 - (a) no less than 8% m/m milkfat; and
 - (b) no less than 28% m/m milk solids.
- (3) A food that is sold as condensed skim milk and derived from cow's milk must contain:
 - (a) no more than 1% m/m milkfat; and
 - (b) no less than 24% m/m milk solids.

2.5.7—4 Requirement for food sold as dried milk

- (1) A food that is sold as dried milk must:
 - (a) be dried milk; and
 - (b) contain no less than 34% m/m milk protein in milk solids non-fat.
- (2) A food that is sold as dried whole milk and derived from cow's milk must contain:
 - (a) no less than 26% m/m milkfat; and
 - (b) no more than 5% m/m water.
- (3) A food that is sold as dried skim milk and derived from cow's milk must contain:
 - (a) no more than 1.5% m/m milkfat; and
 - (b) no more than 5% m/m water.

2.5.7—5 Requirement for food sold as evaporated milk

- (1) A food that is sold as evaporated milk:
 - (a) be evaporated milk; and
 - (b) contain no less than 34% m/m milk protein in milk solids non-fat.
- (2) A food that is sold as evaporated whole milk and derived from cow's milk must contain:
 - (a) no less than 7.5% m/m milkfat; and
 - (b) no less than 25% m/m milk solids; and
- (3) A food that is sold as evaporated skim milk and derived from cow's milk must contain:
 - (a) no more than 1% m/m milkfat; and
 - (b) no less than 20% m/m milk solids.

Standard 2.6.1 - Fruit Juice and Vegetable Juice - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

2.6.1—1 Name

This Standard is *Australia New Zealand Food Standards Code - Standard 2.6.1 - Fruit juice and vegetable juice*.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

2.6.1—2 Definitions

Note In this Code (see section 1.1.2—3):

fruit juice means juice made from a fruit.

juice:

(a) means the liquid portion, with or without pulp, obtained from:

(i) a fruit or a vegetable; or

(ii) in the case of citrus fruit, other than lime—the endocarp only of the fruit; and

(b) includes a product that results from concentrating juice and then reconstituting it with water.

juice blend means a blend of more than one juice (including a blend of one or more fruit juices and one or more vegetable juices).

vegetable juice means juice made from a vegetable.

2.6.1—3 Requirement for food sold as fruit juice or vegetable juice

(1) A food that is sold as fruit juice or as the juice of a specified fruit or fruits must be fruit juice or a blend of fruit juices, and may contain any of the following additional ingredients:

(a) no more than 40 g/kg of sugars;

(b) salt;

(c) herbs and spices.

(2) A food that is sold as vegetable juice or as the juice of a specified vegetable or vegetables must be vegetable juice, or a blend of vegetable juices, and may contain any of the following additional ingredients:

(a) sugars;

(b) salt;

(c) herbs and spices.

2.6.1—4 Name and percentage by volume of juices in juice blend

For the labelling provisions, the name and percentage of each juice in juice blend is not required for orange juice which contains no more than 10% in total of:

(a) mandarin juice; or

(b) tangelo juice; or

(c) mandarin juice and tangelo juice.

Note The labelling provisions are set out in Standard 1.2.1.

2015-gs1904

Standard 2.6.2 - Non-alcoholic Beverages and Brewed Soft Drinks - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

2.6.2—1 Name

This Standard is *Australia New Zealand Food Standards Code - Standard 2.6.2 - Non-alcoholic beverages and brewed soft drinks*.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

2.6.2—2 Definitions

Note In this Code (see section 1.1.2—3):

brewed soft drink means a food that:

- (a) is the product prepared by a fermentation process from water with sugar and one or more of:
 - (i) fruit extractives or infusions; or
 - (ii) vegetable extractives or infusions; and
- (b) contains no more than 1.15% alcohol by volume.

electrolyte drink means a drink formulated and represented as suitable for the rapid replacement of fluid, carbohydrates, electrolytes and minerals.

electrolyte drink base means a solid or liquid which, when made up, makes an electrolyte drink.

formulated beverage means a non-carbonated, ready-to-drink, flavoured beverage that:

- (a) is water-based; and
- (b) contains added vitamins or minerals or both vitamins and minerals; and
- (c) contains no more than 240 mL/L of fruit from one or more of the following sources:
 - (i) fruit juice;
 - (ii) fruit purée;
 - (iii) concentrated fruit juice;
 - (iv) concentrated fruit purée;
 - (v) comminuted fruit;
 - (vi) orange peel extract; and
- (d) contains no more than 75 g/L of sugars; and
- (e) does not contain:
 - (i) carbon dioxide; or
 - (ii) caffeine; and

(f) is not mixed with any other beverage.

fruit drink means a product that is prepared from:

- (a) one or more of the following:
 - (i) fruit juice;
 - (ii) fruit purée;
 - (iii) concentrated fruit juice;
 - (iv) concentrated fruit purée;
 - (v) comminuted fruit;
 - (vi) orange peel extract; and
- (b) one or more of the following:
 - (i) water;
 - (ii) mineralised water; and
 - (iii) sugars.

mineral water or **spring water** means ground water obtained from subterranean water-bearing strata that, in its natural state, contains soluble matter.

non-alcoholic beverage:

- (a) means:
 - (i) packaged water; or
 - (ii) a water-based beverage, or a water-based beverage that contains other foods (other than alcoholic beverages); or
 - (iii) an electrolyte drink; and
- (b) does not include a brewed soft drink.

2.6.2—3 Composition requirement for packaged water

(1) This section applies to a food for sale that consists of water presented in packaged form.

(2) The food for sale may contain carbon dioxide, whether added or naturally occurring.

(3) The food for sale must not contain:

- (a) a chemical (other than fluoride) listed in Table A3.3 *Guideline values for chemicals that are of health significance in drinking-water* of Annex 3 Chemical summary tables in the *Guidelines for drinking-water quality, 4th edition, 2011, World Health Organization, Geneva*, at a level greater than the guideline value for the chemical specified in that Table; or
- (b) fluoride that is naturally-occurring in the water at a level greater than 1.0 mg/L.

Note Subsection (3) and subsection (4), and Schedule 28, will be repealed on 21 February 2015, and subsection (5) will be renumbered as subsection (3). See section 5.1.1—4.

2.6.2—4 Addition of fluoride to packaged water

A food for sale consisting of water presented in packaged form may contain added fluoride only if:

- (a) the water does not contain sugars, sweeteners, flavouring substances or other food; and
- (b) the water is not carbonated; and
- (c) the total amount of the naturally occurring and any added fluoride is no less than 0.6 mg/L and no more than 1.0 mg/L; and
- (d) the form of fluoride added is:
 - (i) hydrofluorosilicic acid (fluorosilicic acid); or
 - (ii) sodium fluoride; or
 - (iii) sodium fluorosilicate (sodium silicofluoride).

2.6.2—5 Labelling—composition of packaged water

(1) For the labelling provisions, for water presented in packaged form that contains added fluoride, a statement to the effect that the water contains added fluoride is required.

Note The labelling provisions are set out in Standard 1.2.1.

(2) For the labelling provisions, a typical analysis that lists the total concentration of any naturally occurring

compound expressed in either mg/L or parts per million may be included.

Note The labelling provisions are set out in Standard 1.2.1.

(3) The typical analysis may also include added fluoride provided that only the total amount of the naturally occurring and added fluoride is specified.

(4) A typical analysis that complies with subsections (2) and (3) is not a nutrition content claim for the purposes of section 1.1.2–9.

2.6.2–6 Requirement for food sold as brewed soft drink

A food that is sold as a brewed soft drink must be a brewed soft drink.

2.6.2–7 Requirement for food sold as fruit drink

A food that is sold as fruit drink must:

- (a) be fruit drink, and;
- (b) contain no less than:
 - (i) in the case of passionfruit juice drink—35 mL/L of passionfruit; and
 - (ii) otherwise—50 mL/L of fruit.

2.6.2–8 Non-alcoholic beverages not to be labelled or presented as alcoholic beverages

A non-alcoholic beverage or brewed soft drink must not be labelled or otherwise presented for sale in a form which expressly or by implication suggests that the product is an alcoholic beverage.

2.6.2–9 Requirements for food sold as electrolyte drink or electrolyte drink base

(1) A food that is sold as an electrolyte drink or an electrolyte drink base must:

- (a) be an electrolyte drink or an electrolyte drink base, as appropriate; and
- (b) contain:
 - (i) no less than 10 mmol/L of sodium; and
 - (ii) no less than 50 g/L and no more than 100 g/L in total of the following:
 - (A) dextrose;
 - (B) fructose;
 - (C) glucose syrup;
 - (D) maltodextrin;
 - (E) sucrose; and
 - (iii) no more than 50 g/L fructose.

(2) For an electrolyte drink base, the amounts in paragraph (1)(b) apply to the electrolyte drink base as ready to drink.

2.6.2–10 Permission to add minerals to electrolyte drink and electrolyte drink base

The following may be added to an electrolyte drink or an electrolyte drink base:

- (a) calcium phosphates;
- (b) potassium phosphates;
- (c) calcium citrates;
- (d) potassium citrates;
- (e) sodium citrates;
- (f) potassium carbonates, including potassium bicarbonate;
- (g) potassium chloride;
- (h) calcium chloride;
- (i) sodium chloride;
- (j) calcium lactate;
- (k) magnesium lactate;
- (l) magnesium sulphate.

2.6.2–11 Labelling of electrolyte drinks and electrolyte drink bases

(1) For the labelling provisions, the following information is required for an electrolyte drink or an electrolyte

drink base:

- (a) the average per 100 mL, of:
 - (i) the average energy content; and
 - (ii) the *carbohydrate present, including each type of monosaccharide and disaccharide; and
 - (iii) added minerals and electrolytes, expressed as milligrams and millimoles;
- (b) the recommended volume and frequency of use.

Note The labelling provisions are set out in Standard 1.2.1.

(2) For an electrolyte drink base, the declaration must be based on the electrolyte drink as ready to drink.

2.6.2—12 Claims in relation to the tonicity of electrolyte drinks

(1) A claim that an electrolyte drink is isotonic may only be made if the electrolyte drink has an average osmolality of 250-340 mOsm/L.

(2) For the labelling provisions, the osmolality of the electrolyte drink must be declared as measured in mOsm/L.

Note The labelling provisions are set out in Standard 1.2.1.

(3) The label on a package of isotonic electrolyte drink may include words to the effect that the product is designed to promote the availability of energy and to prevent or treat mild dehydration that may occur as a result of sustained strenuous exercise.

2.6.2—13 Requirement for food sold as a formulated beverage

A food sold as a formulated beverage must be a formulated beverage.

2015-gs1905

Standard 2.6.3 - Kava - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

Note 3 Paragraphs 1.1.1—10(3)(e) and (4)(i) provide that a food for sale must not consist of, or have as an ingredient or a component, kava or any substance derived from kava, unless expressly permitted by this Code. This Standard contains the relevant permissions.

Note 4 In Australia, this Standard should be considered in conjunction with the *Customs (Prohibited Imports) Regulations 1956* (Cth) and certain State and Territory restrictions on the supply of kava which seek to minimise the detrimental effects associated with kava abuse. Where kava is permitted for supply, the requirements in this Standard complement those restrictions.

2.6.3—1 Name

This Standard is *Australia New Zealand Food Standards Code* - Standard 2.6.3 - Kava.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

2.6.3—2 Definitions

Note In this Code (see section 1.1.2—3):

kava means plants of the species *Piper methysticum*.

kava root means the peeled root or peeled rootstock of kava.

2.6.3—3 Exception to prohibition

The prohibition relating to the use of kava and substances derived from kava in paragraphs 1.1.1—10(3)(e) do not apply to a food that is:

- (a) a beverage obtained by the aqueous suspension of kava root using cold water only, and not using any organic solvent; or
- (b) dried or raw kava root.

2.6.3—4 Labelling of foods containing kava

For the labelling provisions, the following *warning statements are required for a food referred to in paragraph 2.6.3—3(a) or 2.6.3—3(b):

- (a) 'Use in moderation'; and
- (b) 'May cause drowsiness'.

Note The labelling provisions are set out in Standard 1.2.1. For the labelling requirement for unpackaged kava, see paragraph 1.2.1—9(4)(c).

2015-gs1906

Standard 2.6.4 - Formulated Caffeinated Beverages - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

2.6.4—1 Name

This Standard is *Australia New Zealand Food Standards Code - Standard 2.6.4 - Formulated caffeinated beverages*.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

2.6.4—2 Definitions

Note In this Code (see sections 1.1.2—3 and 1.1.2—6):

non-alcoholic beverage:

- (a) means:
 - (i) packaged water; or
 - (ii) a water-based beverage, or a water-based beverage that contains other foods (other than alcoholic beverages); or
 - (iii) an electrolyte drink; and
- (b) does not include a brewed soft drink.

formulated caffeinated beverage means a flavoured, non-alcoholic beverage, or a flavoured, non-alcoholic beverage to which other substances (for example, carbohydrates, amino acids, vitamins) have been added, that:

- (a) contains caffeine; and

(b) has the purpose of enhancing mental performance.

To avoid doubt, a formulated caffeinated beverage is a water based flavoured drink for the purposes of item 14.1.3 of section S15—5, and section S18—10.

In this Standard:

listed substance means a substance listed in Column 1 of the table in section S28—2.

2.6.4—3 Composition—formulated caffeinated beverages

A formulated caffeinated beverage:

- (a) must contain no less than 145 mg/L and no more than 320 mg/L of caffeine in total, from any source; and
- (b) may contain a listed substance.

2.6.4—4 Prohibition on mixing formulated caffeinated beverages

A food for sale (other than a formulated caffeinated beverage) must not be a mixture of a non-alcoholic beverage and a formulated caffeinated beverage.

2.6.4—5 Labelling requirements—formulated caffeinated beverage

Required declarations

(1) For the labelling provisions, the required declarations of average quantities are a declaration of the *average quantity, per serving size and per 100 mL, of:

- (a) caffeine, expressed in milligrams; and
- (b) each listed substance (if any) that the beverage contains, expressed in the units in Column 2 of the table to section S28—2.

Note The labelling provisions are set out in Standard 1.2.1.

(2) The declarations under subsection (1):

- (a) may be adjacent to or follow a nutrition information panel on the label; and
- (b) may be set out in the format in section S12—5; and
- (c) may not be set out in the nutrition information panel.

Required advisory statements

(3) For the labelling provisions, the required advisory statements are statements to the effect that:

- (a) the food contains caffeine; and
- (b) the food is not recommended for:
 - (i) children; or
 - (ii) pregnant or lactating women; or
 - (iii) individuals sensitive to caffeine; and
- (c) if the food contains a listed substance—no more than a one-day quantity should be consumed per day.

Note 1 The labelling provisions are set out in Standard 1.2.1.

Note 2 Subsection 1.2.1—9(7) and paragraph 1.2.1—9(8)(g) each contain a labelling requirement for formulated caffeinated beverages that are not required to bear a label.

Note 3 For a formulated caffeinated beverage, the **one-day quantity** is the maximum amount that should be consumed in a day. For each listed substance that the beverage contains, a one-day quantity will not contain more than the amount in the corresponding row of the table to section S28—2.

(4) For the advisory statement required by paragraph (3)(c), the one-day quantity may be expressed as mL, or as cans or bottles, as appropriate.

(5) For paragraph (3)(c), to determine the **one-day quantity**:

- (a) for each listed substance that the food contains, calculate the equivalent amount in accordance with the equation in subsection (6); and
- (b) select, as the **one-day quantity**, the lowest of the equivalent amounts as so calculated.

(6) For subsection (5), the equation is:

$$\text{equivalent amount} = \frac{\text{permitted amount}}{\text{concentration}} \times 1000$$

where:

permitted amount is, for a listed substance, the permitted amount identified in the table to section S28—2.
concentration is the concentration of the substance in the beverage, in mg/L.

2015-gs1907

Standard 2.7.1 - Labelling of Alcoholic Beverages and Food Containing Alcohol - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

2.7.1—1 Name

This Standard is *Australia New Zealand Food Standards Code - Standard 2.7.1 - Alcoholic beverages*.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

2.7.1—2 Definitions

Note In this Code (see section 1.1.2—2):

standard drink, for a beverage containing alcohol, means the amount which contains 10 grams of ethanol when measured at 20°C.

2.7.1—3 Statement of alcohol content

(1) For the labelling provisions, a statement of the alcohol content is required for:

- (a) a food (including an alcoholic beverage) that contains more than 1.15% alcohol by volume; or
- (b) an alcoholic beverage that contains 1.15% or less alcohol by volume; or
- (c) a beverage that contains not less than 0.5% but not more than 1.15% alcohol by volume.

Note The labelling provisions are set out in Standard 1.2.1.

(2) For paragraph (1)(a), the alcohol content must be expressed in mL/100 g, mL/100 mL or as the percentage of alcohol by volume.

(3) For paragraph (1)(b) or (c), the alcohol content must be expressed in words to the effect 'CONTAINS NOT MORE THAN X% ALCOHOL BY VOLUME'.

(4) The statement must be accurate to within:

- (a) for beer, cider or perry—0.3% alcohol by volume;
- (b) for spirits, liqueurs, fortified wine, fortified fruit or vegetable wine, and all other alcoholic beverages containing more than 1.15% alcohol by volume—0.5% alcohol by volume;
- (c) for wine and fruit wine (including sparkling forms), and wine products and fruit or vegetable wine products containing more than 6.5% alcohol by volume—1.5% alcohol by volume.

2.7.1—4 Statement of the number of standard drinks

(1) For the labelling provisions, a statement of the approximate number of *standard drinks in the food for sale is required for a food that:

- (a) is capable of being consumed as a beverage; and
- (b) contains more than 0.5% alcohol by volume, measured at 20°C.

Note The labelling provisions are set out in Standard 1.2.1.

(2) The statement must be accurate to:

(a) for a food for sale containing 10 or less *standard drinks—the first decimal place; or

(b) for a food for sale containing more than 10 standard drinks—the nearest whole number of standard drinks.

(3) A statement is not required for beverages packaged prior to 20 December 2002.

2.7.1—5 Restriction on representations of low alcohol

An alcoholic beverage which contains more than 1.15% alcohol by volume must not be represented as a low alcohol beverage.

2.7.1—6 Restriction on representation of ‘non-intoxicating’

The label on a package of a beverage containing more than 0.5% alcohol by volume must not include the words ‘non intoxicating’ or words of similar meaning.

2.7.1—7 Restriction on representation as non-alcoholic

A food containing alcohol must not be represented in a form which expressly or by implication suggests that the product is a non-alcoholic confection or non-alcoholic beverage.

2015-gs1908

Standard 2.7.2 - Beer - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

2.7.2—1 Name

This Standard is *Australia New Zealand Food Standards Code - Standard 2.7.2 - Beer*.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

2.7.2—2 Definitions

Note In this Code (see section 1.1.2—3):

beer means:

(a) the product, characterised by the presence of hops or preparations of hops, prepared by the yeast fermentation of an aqueous extract of malted or unmalted cereals, or both; or

(b) such a product with any of the following added during production:

(i) cereal products or other sources of carbohydrate;

(ii) sugar;

(iii) salt;

(iv) herbs and spices.

Note A reference to beer includes a reference to ale, lager, pilsener, porter or stout.

2.7.2—3 Requirement for food sold as beer

A food that is sold as beer must be beer.

Standard 2.7.3 - Fruit Wine, Vegetable Wine and Mead - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

2.7.3—1 Name

This Standard is *Australia New Zealand Food Standards Code - Standard 2.7.3 - Fruit wine, vegetable wine and mead*.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

2.7.3—2 Definitions

Note In this Code (see section 1.1.2—3):

cider means the fruit wine prepared from the juice or must of apples or apples and pears and with no more than 25% of the juice or must of pears.

fruit wine or vegetable wine means:

(a) a food that:

- (i) is prepared from the complete or partial fermentation of fruit, vegetable, grains, cereals or any combination or preparation of those foods; and
- (ii) is not a wine or a wine product; or

(b) such a food with any of the following added during production:

- (i) fruit juice and fruit juice products;
- (ii) vegetable juice and vegetable juice products;
- (iii) sugars;
- (iv) honey;
- (v) spices;
- (vi) alcohol;
- (vii) water.

fruit wine product or vegetable wine product means a food containing no less than 700 mL/L of fruit wine, or vegetable wine, or both fruit and vegetable wine, which has been formulated, processed, modified or mixed with other foods such that it is not a fruit wine or vegetable wine.

mead means:

(a) a food that is prepared from the complete or partial fermentation of honey; or

(b) such a food with any of the following added during production:

- (i) fruit juice and fruit juice products;
- (ii) vegetable juice and vegetable juice products;
- (iii) sugars;

- (iv) honey;
- (v) spices;
- (vi) alcohol;
- (vii) water.

perry means the fruit wine prepared from the juice or must of pears or pears and apples and with no more than 25% of the juice or must of apples.

2.7.3—3 Requirement for food sold as cider, mead, perry, fruit wine and vegetable wine

- (1) Perry may be named pear cider.
- (2) A food that is sold as a 'cider', 'mead', 'perry', a fruit wine or a vegetable wine must be cider, mead, perry, a fruit wine or a vegetable wine, as appropriate.

2015-gs1910

Standard 2.7.4 - Wine and Wine Product - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

Note 3 For Australia, the *Wine Australia Corporation Act 1980* (Cth) is also relevant to the regulation of wine and geographical indications in relation to wine.

For New Zealand, the *Wine Act 2003* (NZ) is also relevant to the regulation of wine, and the *Geographical Indications (Wines and Spirits) Registration Act 2006* (NZ) is relevant to geographical indications in relation to wine.

2.7.4—1 Name

This Standard is *Australia New Zealand Food Standards Code* - Standard 2.7.4 - Wine and wine product.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

2.7.4—2 Definitions

Note In this Code (see section 1.1.2—3):

wine means:

- (a) a food that is the product of the complete or partial fermentation of fresh grapes, or a mixture of that product and products derived solely from grapes; or
- (b) such a food with any of the following added during production:
 - (i) grape juice and grape juice products;
 - (ii) sugars;
 - (iii) brandy or other spirit;
 - (iv) water that is necessary to incorporate any substance permitted for use as a food additive or a processing aid.

wine product means a food containing no less than 700 mL/L of wine, which has been formulated, processed, modified or mixed with other foods such that it is not wine.

2.7.4—3 Requirement for food sold as wine

A food that is sold as wine must be wine.

2.7.4—4 Requirement for food sold as wine product

A food that is sold as wine product must be wine product.

2015-gs1911

Standard 2.7.5 - Spirits - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

2.7.5—1 Name

This Standard is *Australia New Zealand Food Standards Code - Standard 2.7.5 - Spirits*.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

2.7.5—2 Definitions

Note In this Code (see section 1.1.2—3):

brandy means:

- (a) a spirit obtained from the distillation of wine, or fermented preparations of grapes or grape product; or
- (b) such a spirit with any of the following added during production:
 - (i) water;
 - (ii) sugars;
 - (iii) honey;
 - (iv) spices;
 - (v) grape juice;
 - (vi) grape juice concentrates;
 - (vii) wine;
 - (viii) prune juice.

liqueur means an alcoholic beverage that is a spirit, flavoured by or mixed with other foods, which contains more than 15% alcohol by volume, measured at 20°C.

spirit means an alcoholic beverage consisting of:

- (a) a potable alcoholic distillate, including whisky, brandy, rum, gin, vodka and tequila, produced by distillation of fermented liquor derived from food sources, so as to have the taste, aroma and other characteristics generally attributable to that particular spirit; or
- (b) such a distillate with any of the following added during production:
 - (i) water;
 - (ii) sugars;
 - (iii) honey;

(iv) spices.

2.7.5—3 Requirement for food sold as brandy, liqueur or spirit

- (1) A food that is sold as brandy must be brandy.
- (2) A food that is sold as a liqueur must be a liqueur.
- (3) A food that is sold as a spirit must be a spirit and contain at least 37% alcohol by volume.

2.7.5—4 Restriction on use of geographical indications

(1) A *geographical indication must not be used in relation to a spirit, even where the true origin of the spirit is indicated or the geographical indication is used in translation or accompanied by expressions such as 'kind', 'type', 'style', 'imitation' or the like, unless the spirit has been produced in the country, locality or region indicated.

(2) A spirit lawfully exported under a geographical indication, but bottled other than in the territory, locality or region indicated by the geographical indication must not be sold under that geographical indication:

- (a) unless the concentration of alcohol by volume in the spirit is at a level permitted under the laws for that geographical indication of the territory, locality or region indicated by that geographical indication; or
- (b) if any other distinctive quality or characteristic of the spirit is such as to mislead or deceive the public as to the nature of the product identified by the geographical indication.

(3) In this section:

geographical indication means an indication, whether express or implied:

- (a) which identifies a spirit as originating in a particular country, locality or region; and
- (b) where a given quality, reputation or other characteristic of the spirit is essentially attributable to its origin in that particular country, locality or region.

2015-gs1912

Standard 2.8.1 - Sugar and Sugar Products - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

Note 3 The term 'sugars' is used, with different meaning, throughout the Code.

2.8.1—1 Name

This Standard is *Australia New Zealand Food Standards Code - Standard 2.8.1 - Sugars and honey*.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

2.8.1—2 Definitions

Note In this Code (see sections 1.1.2—2 and 1.1.2—3):

icing means a mixture of sugar and other foods for use as a coating and includes frosting, plastic icing and icing gel.

sugar means, unless otherwise expressly stated, any of the following:

- (a) white sugar;

- (b) caster sugar;
- (c) icing sugar;
- (d) loaf sugar;
- (e) coffee sugar;
- (f) raw sugar.

white sugar means purified crystallised sucrose.

2.8.1—3 Requirement for food sold as white sugar

A food that is sold as ‘white sugar’ must:

- (a) be white sugar; and
- (b) have no less than 99.7% sucrose content, calculated on a dry basis.

2.8.1—4 Requirement for food sold as icing

A food that is sold as ‘icing’ must be icing.

2015-gs1913

**Standard 2.8.2 - Honey - Food Standards (Proposal P1025 - Code Revision)
Variation—Australia New Zealand Food Standards Code - Amendment No. 154**

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

2.8.2—1 Name

This Standard is *Australia New Zealand Food Standards Code - Standard 2.8.2 - Honey*.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

2.8.2—2 Definitions

Note In this Code (see section 1.1.2—3):

honey means the natural sweet substance produced by honey bees from the nectar of blossoms or from secretions of living parts of plants or excretions of plant sucking insects on the living parts of plants, which honey bees collect, transform and combine with specific substances of their own, store and leave in the honey comb to ripen and mature.

2.8.2—3 Requirement for food sold as honey

A food that is sold as ‘honey’ must:

- (a) be honey; and
- (b) contain:
 - (i) no less than 60% reducing sugars; and
 - (ii) no more than 21% moisture.

2.8.2—4 Prescribed name

‘Honey’ is a *prescribed name.

2015-gs1914

Standard 2.9.1 - Infant Formula Products - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1–3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1–3.

Division 1 Preliminary

2.9.1–1 Name

This Standard is *Australia New Zealand Food Standards Code* - Standard 2.9.1 - Infant formula products.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

2.9.1–2 Outline of Standard

- (1) This Standard regulates various types of infant formula products.
- (2) Division 1 deals with preliminary matters.
- (3) Division 2 sets out general compositional requirements for infant formula products.
- (4) Division 3 sets out compositional requirements for infant formula and follow-on formula.
- (5) Division 4 sets out compositional requirements for infant formula products for special dietary use.
- (6) Division 5 sets out labelling and packaging requirements for infant formula products.
- (7) Division 6 sets out guidelines for infant formula products. The guidelines are not legally binding.

2.9.1–3 Definitions

Note In this Code (see sections 1.1.2–2 and 1.1.2–3):

follow-on formula means an infant formula product that:

- (a) is represented as either a breast-milk substitute or replacement for infant formula; and
- (b) is suitable to constitute the principal liquid source of nourishment in a progressively diversified diet for infants from the age of 6 months.

infant formula means an infant formula product that:

- (a) is represented as a breast-milk substitute for infants; and
- (b) satisfies by itself the nutritional requirements of infants under the age of 4 to 6 months.

infant formula product means a product based on milk or other edible food constituents of animal or plant origin which is nutritionally adequate to serve by itself either as the sole or principal liquid source of nourishment for infants, depending on the age of the infant.

medium chain triglycerides means triacylglycerols that contain predominantly the saturated fatty acids designated by 8:0 and 10:0.

pre-term formula means an infant formula product specifically formulated to satisfy particular needs of infants born prematurely or of low birthweight.

protein substitute means:

- (a) L-amino acids; or
- (b) the hydrolysate of one or more of the proteins on which infant formula product is normally based; or

(c) a combination of L-amino acids and the hydrolysate of one or more of the proteins on which infant formula product is normally based.

soy-based formula means an infant formula product in which soy protein isolate is the sole source of protein.

2.9.1—4 Interpretation

Interpretation of compositional requirements

(1) Compositional requirements in this Standard apply to:

- (a) a powdered or concentrated form of infant formula product that has been reconstituted with water according to directions; or
- (b) an infant formula product in 'ready to drink' form.

Calculation of energy, protein and potential renal solute load

(2) In this Standard:

- (a) energy must be calculated in accordance with section S29—2; and
- (b) protein content must be calculated in accordance with the equation set out in section S29—3; and
- (c) potential renal solute load must be calculated in accordance with section S29—4.

Division 2 General compositional requirements for infant formula products

2.9.1—5 Use of substances as nutritive substances

Use of nutritive substances

(1) A substance listed in Column 1 of the table to section S29—5 may be *used as a nutritive substance in an infant formula product only if:

- (a) it is in a permitted form listed in Column 2 of the table; and
- (b) the amount of the substance in the product (including any naturally-occurring amount) is no more than the corresponding amount listed in Column 4 of the table.

Labelling of nutritive substances

(2) For the labelling provisions, a label may include words or other indications to the effect that the product contains a substance that is listed in Column 1 or Column 2 of the table to section S29—5 only if the amount of the substance in the product (including any naturally-occurring amount) is at least the corresponding amount listed in Column 3 of that table.

Note The labelling provisions are set out in Standard 1.2.1.

2.9.1—6 Addition of lactic acid producing microorganisms

L(+) lactic acid producing microorganisms may be added to infant formula product.

2.9.1—7 Permitted quantities of added inulin-type fructans and galacto-oligosaccharides

If an inulin-type fructan or a galacto-oligosaccharide is added to an infant formula product, the product must contain (taking into account both the naturally-occurring and added substances) no more than:

- (a) if only *inulin-type fructans are added—110 mg/100 kJ of inulin-type fructans; or
- (b) if only *galacto-oligosaccharides are added—290 mg/100 kJ of galacto-oligosaccharides; or
- (c) if both inulin-type fructans and galacto-oligosaccharides are added:
 - (i) no more than 110 mg/100 kJ of inulin-type fructans; and
 - (ii) no more than 290 mg/100 kJ of combined inulin-type fructans and galacto-oligosaccharides.

2.9.1—8 Restriction on levels of other substances in infant formula product

Infant formula product must not contain:

- (a) detectable gluten; or
- (b) more than 3.8 mg/100 kJ of nucleotide-5'-monophosphates; or
- (c) more than the following amounts of aluminium:
 - (i) for a pre-term formula—0.02 mg/100 mL;
 - (ii) for a soy-based formula—0.1 mg/100 mL;
 - (iii) otherwise—0.05 mg/100 mL.

Note Standard 1.4.1 contains the maximum level (ML) of lead contaminant in infant formula products.

Division 3 Infant formula and follow-on formula

2.9.1—9 Infant formula and follow-on formula—composition

(1) Infant formula must have:

- (a) an energy content of no less than 2500 kJ/L and no more than 3150 kJ/L; and
- (b) a protein content of no less than 0.45 g/100 kJ and no more than 0.7 g/100 kJ; and
- (c) a fat content of no less than 1.05 g/100 kJ and no more than 1.5 g/100 kJ.

(2) follow-on formula must have:

- (a) an energy content of no less than 2500 kJ/L and no more than 3550 kJ/L; and
- (b) a protein content of no less than 0.45 g/100 kJ and no more than 1.3 g/100 kJ; and
- (c) a fat content of no less than 1.05 g/100 kJ and no more than 1.5 g/100 kJ; and
- (d) a potential renal solute load value of no more than 8 mOsm/100 kJ.

2.9.1—10 Infant formula and follow-on formula—protein—further requirements

(1) The L-amino acids listed in the table to section S29—6 must be present in infant formula and follow-on formula at a level no less than the corresponding minimum level specified in the table.

(2) Despite subsection (1), L-amino acids listed in the table to section S29—6 may be added to infant formula or follow-on formula only in an amount necessary to improve protein quality.

2.9.1—11 Infant formula and follow-on formula—fat—further requirements

(1) The fats in infant formula and follow-on formula:

- (a) may contain *medium chain triglycerides only if the medium chain triglyceride is present as the result of its being:
 - (i) a natural constituent of a milk-based ingredient of that formula; or
 - (ii) for a fat soluble vitamin that is specified in the table to section S29—8—a substance that was *used as a processing aid in the preparation of that permitted fat soluble vitamin for use in the formula; and
- (b) must have a ratio of linoleic acid to α -linolenic acid of no less than 5 to 1 and no more than 15 to 1; and
- (c) must have a ratio of total long chain omega 6 series fatty acids ($C \geq 20$) to total long chain omega 3 series fatty acids ($C \geq 20$) that is not less than 1 in an infant formula or follow-on formula which contains those fatty acids; and
- (d) for any long chain *polyunsaturated fatty acids that are present—must have an eicosapentaenoic acid (20:5 n-3) content of no more than the docosahexaenoic acid (22:6 n-3) content; and
- (e) for a fatty acid that is listed in the table to section S29—8—must comply with the limits (if any) specified in the table.

2.9.1—12 Infant formula and follow-on formula—vitamins, minerals and electrolytes—further requirements

(1) Infant formula and follow-on formula must contain the vitamins, minerals and electrolytes specified in Column 1 of the table to section S29—9 in an amount that is:

- (a) no less than the minimum amount specified in Column 2 of the table; and
- (b) no more than the maximum amount (if any) specified in Column 3 of the table.

(2) Any vitamins, minerals or electrolytes that are used as nutritive substances must be in a permitted form as listed in the table to section S29—7.

(3) Infant formula and follow-on formula must contain no less than 0.5 mg of vitamin E/g of polyunsaturated fatty acids.

(4) The ratio of calcium to phosphorus in infant formula and follow-on formula must be no less than 1.2 to 1 and no more than 2 to 1.

(5) The ratio of zinc to copper must be:

- (a) for infant formula—no more than 15 to 1; and
- (b) for follow-on formula—no more than 20 to 1.

Division 4 Infant formula products for special dietary use**2.9.1—13 Products formulated for premature or low birthweight infants**

(1) A compositional requirement of this Standard does not apply to the extent that it would prevent the sale of an infant formula product that has been specifically formulated for premature or low birthweight infants.

(2) If an infant formula product would not comply with this Standard apart from this section, then for the labelling

provisions:

- (a) the following *warning statement is required: 'Suitable only for pre-term infants under specialist medical supervision'; and
- (b) the name of food must include the words 'pre-term'.

Note The labelling provisions are set out in Standard 1.2.1.

2.9.1—14 Products for metabolic, immunological, renal, hepatic and malabsorptive conditions

(1) A compositional requirement of this Standard does not apply to the extent that it would prevent the sale of an infant formula product that is specifically formulated to satisfy particular metabolic, immunological, renal, hepatic or malabsorptive conditions.

(2) If:

- (a) an infant formula product would not comply with this Standard apart from this section; and
- (b) the label contains a statement that the infant formula product is suitable for infants with metabolic, immunological, renal, hepatic or malabsorptive conditions;

then for the labelling provisions, a statement indicating the following is required:

- (c) that the product is not suitable for general use and should be used under medical supervision; and
- (d) the condition, disease or disorder for which the product has been specially formulated; and
- (e) the nutritional modifications, if any, which have been made to the product.

Note The labelling provisions are set out in Standard 1.2.1.

Special requirements for food represented as lactose free and low lactose formulas

(3) A compositional or labelling requirement of this Standard, other than a requirement that relates to lactose content, applies to an infant formula product that is represented as lactose free formula or low lactose formula.

(4) If the formula is represented as lactose free, it must contain no detectable lactose.

(5) If the formula is represented as low lactose, it must contain no more than 0.3 g lactose/100 mL of infant formula product.

(6) For the labelling provisions, if a label contains a claim that the infant formula product is lactose free, low lactose or words of similar import:

- (a) the name of food must include the following:
 - (i) for a formula represented as lactose free—the words 'lactose free'; and
 - (ii) for a formula represented as low lactose—the words 'low lactose'; and
- (b) the following statements are required:
 - (i) the amount of lactose expressed in g/100 mL; and
 - (ii) the amount of galactose expressed in g/100 mL.

Note The labelling provisions are set out in Standard 1.2.1.

2.9.1—15 Products for specific dietary use based on a protein substitute

(1) The protein content of an infant formula product based on a *protein substitute may be in the form of a protein substitute.

(2) Such infant formula product must:

- (a) have an energy content of:
 - (i) for an infant formula—no less than 2 500 kJ/L and no more than 3 150 kJ/L; and
 - (ii) for a follow-on formula—no less than 2 500 kJ/L and no more than 3 550 kJ/L; and
- (b) have a potential renal solute load of no more than 8 mOsm/100 kJ; and
- (c) have a protein content of no less than 0.45 g/100 kJ and no more than 1.4 g/100 kJ; and
- (d) have a fat content of no less than 0.93 g/100 kJ and no more than 1.5 g/100 kJ; and
- (e) contain:
 - (i) chromium in an amount of no less than 0.35 µg/100 kJ and no more than 2.0 µg/100 kJ; and
 - (ii) molybdenum in an amount of no less than 0.36 µg/100 kJ and no more than 3.0 µg/100 kJ.

(3) Section 2.9.1—10 applies to such infant formula product as if it were infant formula.

(4) Such infant formula product may contain added medium chain triglycerides.

Division 5 Labelling and packaging requirements

2.9.1—16 Representations about food as an infant formula product

A food may only be represented as an infant formula product if it complies with this Standard.

2.9.1—17 Prescribed names

The following are *prescribed names:

- (a) 'Infant formula'; and
- (b) 'Follow-on formula'.

2.9.1—18 Requirement for measuring scoop

(1) A package of infant formula product in a powdered form must contain a scoop to enable the use of the infant formula product in accordance with the directions contained in the label on the package.

(2) Subsection (1) does not apply to single serve sachets, or packages containing single serve sachets, of an infant formula product in a powdered form.

2.9.1—19 Requirement for warning statements and directions

(1) For the labelling provisions, the following *warning statements are required:

- (a) for infant formula product in powdered form—'Warning - follow instructions exactly. Prepare bottles and teats as directed. Do not change proportions of powder except on medical advice. Incorrect preparation can make your baby very ill';
- (b) for concentrated infant formula product—'Warning - follow instructions exactly. Prepare bottles and teats as directed. Do not change proportions of concentrate except on medical advice. Incorrect preparation can make your baby very ill';
- (c) for ready-to-drink infant formula product—'Warning - follow instructions exactly. Prepare bottles and teats as directed. Do not dilute or add anything to this 'ready to drink' formula except on medical advice. Incorrect preparation can make your baby very ill';
- (d) subject to subsection (2), a heading that states 'Important Notice' (or words to that effect), with under it the *warning statement—'Breast milk is best for babies. Before you decide to use this product, consult your doctor or health worker for advice'.

Note The labelling provisions are set out in Standard 1.2.1.

(2) Paragraph (1)(d) does not apply to infant formula products for metabolic, immunological, renal, hepatic or malabsorptive conditions.

(3) For the labelling provisions, directions (in words and pictures) for the preparation and use of the infant formula product are required, which instruct that:

- (a) each bottle should be prepared individually; and
- (b) if a bottle of made up formula is to be stored prior to use, it must be refrigerated and used within 24 hours; and
- (c) potable, previously boiled water should be used; and
- (d) if a package contains a measuring scoop—only the enclosed scoop should be used; and
- (e) formula left in the bottle after a feed must be discarded.

Note The labelling provisions are set out in Standard 1.2.1.

(4) For the labelling provisions, the required statements are ones indicating that:

- (a) for infant formula—the infant formula product may be used from birth; and
- (b) for follow-on formula—the infant formula product should not be used for infants aged under the age of 6 months; and
- (c) subject to subsection (5), it is recommended that infants from the age of 6 months should be offered foods in addition to the infant formula product.

Note The labelling provisions are set out in Standard 1.2.1.

(5) Paragraph (4)(c) does not apply to packages of pre-term formula.

2.9.1—20 Print size

The statements required by subsections 2.9.1—19(1) and 2.9.1—13(2) must be in a *size of type of at least:

- (a) if the package of infant formula product has a net weight of more than 500 g—3 mm;
- (b) if the package of infant formula product has net weight of 500 g or less—1.5 mm.

2.9.1–21 Declaration of nutrition information

(1) For the labelling provisions, a statement of the following nutrition information is required:

- (a) for 'ready to drink' infant formula product, and for powdered or concentrated infant formula product:
 - (i) the *average energy content expressed in kJ/100 mL; and
 - (ii) the average amount of protein, fat and *carbohydrate expressed in g/100 mL; and
 - (iii) the average amount of each vitamin or mineral and any other substance *used as a nutritive substance permitted by this Standard expressed in weight/100 mL (including any naturally-occurring amount); and
 - (iv) if added, the average amount of the following, expressed in weight/100 mL:
 - (A) inulin-type fructans; or
 - (B) galacto-oligosaccharides; or
 - (C) a combination of *inulin-type fructans and galacto-oligosaccharides; and
- (b) for a powdered or concentrated form of infant formula product, additionally, a declaration of:
 - (i) the proportion of powder or concentrate required to reconstitute the formula according to directions; and
 - (ii) for powdered infant formula product—the weight of one scoop.

Note The labelling provisions are set out in Standard 1.2.1.

(2) For a powdered or concentrated form of infant formula product, the information mentioned in subsection (1) must be expressed in terms of the product as reconstituted according to directions on the package.

(3) The information required by this section may be expressed in the form of a table.

Note For an example of how the nutrition information may be presented, see the guidelines set out in section S29–10.

2.9.1–22 Date marking and storage instructions

(1) Infant formula product that complies with this Standard does not need to be date marked in accordance with subsection 1.2.5–3(2).

(2) For the labelling provisions, the storage instructions must cover the period after the package is opened.

Note The labelling provisions are set out in Standard 1.2.1.

2.9.1–23 Statements of protein source and dental fluorosis

(1) For the labelling provisions, the required statements are:

- (a) a statement of the specific source, or sources, of protein in the product, immediately adjacent to the name of the product; and
- (b) if the infant formula product is one to which subsection (2) applies:
 - (i) a statement to the effect that consumption of the formula has the potential to cause dental fluorosis; and
 - (ii) a statement recommending that the risk of dental fluorosis should be discussed with a medical practitioner or other health professional.

Note The labelling provisions are set out in Standard 1.2.1.

(2) This subsection applies to an infant formula product that contains:

- (a) for a powdered or concentrated infant formula product—more than 17 µg of fluoride/100 kJ prior to reconstitution; or
- (b) for a ready-to-drink formula—more than 0.15 mg of fluoride/100 mL.

2.9.1–24 Prohibited representations

(1) The label on a package of infant formula product must not contain:

- (a) a picture of an infant; or
- (b) a picture that idealises the use of infant formula product; or
- (c) the word 'humanised' or 'maternalised' or any word or words having the same or similar effect; or
- (d) words claiming that the formula is suitable for all infants; or
- (e) information relating to the nutritional content of human milk; or
- (f) subject to subsection 2.9.1–14(2), a reference to the presence of any nutrient or substance that may be used as a nutritive substance, except for a reference in:

- (i) a statement relating to lactose under subsection 2.9.1—14(6); or
- (ii) a statement of ingredients; or
- (iii) a declaration of nutrition information under section 2.9.1—21; or
- (g) subject to Division 4, a representation that the food is suitable for a particular condition, disease or disorder.

(2) Subject to subsection 2.9.1—14(2), the label on a package of infant formula product must not contain a reference to *inulin-type fructans or *galacto-oligosaccharides except for a reference in:

- (a) a statement of ingredients; or
- (b) a declaration of nutrition information under section 2.9.1—21.

Division 6 Guidelines

2.9.1—25 Guidelines for infant formula product

Guidelines for infant formula product are set out in section S29—10.

2015-gs1915

Standard 2.9.2 - Food for Infants - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

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Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

2.9.2—1 Name

This Standard is *Australia New Zealand Food Standards Code - Standard 2.9.2 - Food for infants*.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

2.9.2—2 Definitions

Note In this Code (see section 1.1.2—3):

cereal-based food for infants means a food for infants, not including a beverage, that is based on cereal.

food for infants:

- (a) means a food that is intended or represented for use as a source of nourishment for infants; and
- (b) does not include:
 - (i) infant formula products; or
 - (ii) formulated meal replacements; or
 - (iii) formulated supplementary foods; or
 - (iv) unprocessed fruit and vegetables.

fruit-based food means food that is based on fruit.

2.9.2—3 Food for infants—general compositional requirements

(1) Food for infants must not contain:

- (a) for a cereal-based food for infants—more than 50 mg/100 g of total iron on a moisture free basis; or

- (b) honey, unless it has been treated to inactivate *Clostridium botulinum* spores; or
- (c) more than the following amounts of sodium:
 - (i) for rusks—350 mg/100 g;
 - (ii) for biscuits—300 mg/100 g;
 - (iii) for any of the following—100 mg/100 g:
 - (A) flours and pasta;
 - (B) ready-to-eat foods for infants (including cereal-based foods for infants other than rusks and biscuits);
 - (C) fruit drink, vegetable juice and ready-to-eat fruit-based foods; or
- (d) for fruit drink, vegetable juice or a ready-to-eat fruit-based food—added salt; or
- (e) for fruit drink, vegetable juice or a non-alcoholic beverage—a total monosaccharide and disaccharide content of more than 4 g/100 g.

(2) If *inulin-type fructans or *galacto-oligosaccharides are added to food for infants, the total amount of those substances in the food (including the amount added and the amount naturally occurring) must not be greater than 0.8 g/100 g, based on the product as consumed.

(3) Food for infants may contain lactic acid producing microorganisms.

(4) If food for infants is intended for infants under the age of 6 months, it must be formulated and manufactured to a consistency that minimises the risk of choking.

2.9.2—4 Additional compositional requirements for cereal-based food for infants from the age of 6 months

(1) This section applies to cereal-based food for infants that:

- (a) contains more than 70% cereal, on a moisture free basis; and
- (b) is promoted as suitable for infants from the age of 6 months.

(2) The food must contain at least 20 mg/100 g of iron on a moisture free basis.

(3) The food may contain:

- (a) added iron in the following forms:
 - (i) electrolytic iron; or
 - (ii) reduced iron; or
 - (iii) the forms permitted in the table to section S29—7; and
- (b) added thiamin, niacin, vitamin B₆, vitamin C, folate, magnesium in permitted forms set out in the table to section S29—7; and
- (c) added vitamin C to a maximum level of 90 mg/100 g on a moisture free basis.

2.9.2—5 Additional compositional requirements for cereal-based food for infants from the age of 4 months

(1) This section applies to cereal-based food for infants that:

- (a) contains more than 70% cereal, on a moisture free basis; and
- (b) is promoted as suitable for infants from the age of 4 months.

(2) The food may contain:

- (a) added iron in the following forms:
 - (i) electrolytic iron; or
 - (ii) reduced iron; or
 - (iii) the forms permitted in the table to section S29—7; and
- (b) added vitamin C in the forms permitted in the table to section S29—7 to a maximum amount of 90 mg/100 g on a moisture free basis.

2.9.2—6 Additional compositional requirements for non-cereal-based food for infants

(1) This section applies to food for infants other than cereal-based food for infants.

(2) If the food is vegetable juice, fruit drink or fruit gel, it must contain no less than 25 mg/100 g of vitamin C.

(3) If the food is a fruit-based food, it may contain vitamin C or folate or both in the permitted forms set out in the

table to section S29—7.

2.9.2—7 Labelling

- (1) This section does not apply to packaged water.
- (2) The label on a package of food for infants must not include a recommendation, whether express or implied, that the food is suitable for infants under the age of 4 months.
- (3) For the labelling provisions, the required information relating to composition is:
 - (a) a statement indicating the consistency of the food; and
 - (b) a statement indicating the minimum age, expressed in numbers, of the infants for whom the food is recommended; and
 - (c) if the food is recommended for infants under the age of 6 months—in association with the statement required by paragraph (b), the *warning statement 'Not recommended for infants under the age of 4 months'; and
 - (d) if the monosaccharide and disaccharide content of added sugars and honey is more than 4 g/100 g—the word 'sweetened'; and
 - (e) if honey has been used as an ingredient—in association with the word 'honey', the word 'sterilised'.

Note The labelling provisions are set out in Standard 1.2.1.

2.9.2—8 Additional labelling requirements relating to specific nutrients and energy information

- (1) For the labelling provisions, the required information relating to composition is:
 - (a) if a reference is made in the label (including in the name of the food) to milk, eggs, cheese, fish, meat (including poultry), nuts or legumes—the percentage of that ingredient in the food for sale; and
 - (b) if the food contains more than of 3 g of protein/100 kJ—the *warning statement 'Not suitable for infants under the age of 6 months'.

Note The labelling provisions are set out in Standard 1.2.1.

- (2) A claim must not be made that a food for infants is a source of protein unless at least 12% of the *average energy content of the food is derived from protein.

2.9.2—9 Prohibited representations

- (1) A food must not be represented as being the sole or principal source of nutrition for infants.
- (2) The label on a package of food for infants must not include a recommendation that the food can be added to bottle feeds of an infant formula product.

2.9.2—10 Claims about vitamins and minerals

- (1) A claim must not be made in relation to food for infants comparing the vitamin or mineral content of the food with that of any other food unless such a claim is expressly permitted elsewhere in this Standard.
- (2) A claim as to the presence of a vitamin or mineral in a food for infants may be made if the food contains in a normal serving at least 10% *RDI or *ESADDI, as appropriate, for that vitamin or mineral.

Note The RDIs and ESADDIs for vitamins and minerals are set out in Schedule 1.

- (3) A claim that food for infants is a good source of a vitamin or mineral may be made if a *reference quantity of the food contains at least 25% *RDI or *ESADDI, as appropriate, for that vitamin or mineral.

Note The RDIs and ESADDIs for vitamins and minerals are set out in Schedule 1.

- (4) A claim must not be made in relation to a fruit-based food for infants that the food contains more than:
 - (a) 60 mg/100 g of vitamin C; or
 - (b) 150 µg/100 g of folate.
- (5) If a vitamin or mineral has been *used as a nutritive substance in a cereal-based food for infants, a claim must not be made that a normal serving of the food contains that vitamin or mineral in an amount greater than that specified in relation to that vitamin or mineral in the table to section S29—11.

2.9.2—11 Nutrition information

- (1) Food for infants need not comply with:
 - (a) the requirement to include the *average quantity of saturated fat on a nutrition information panel (subparagraph 1.2.8—6(1)(d)(ii)); or
 - (b) subsections 1.2.8—6(3), 1.2.8—6(5) or 1.2.8—7(1); or
 - (c) sections 1.2.8—8, 1.2.8—11 or 1.2.8—14.

(2) Food for infants need not comply with the requirement in Standard 1.2.7 to indicate the potassium content of a food in the nutrition information panel.

(3) The nutrition information panel for food for infants must be set out in the format set out in section S12—6.

2.9.2—12 Food in dehydrated or concentrated form

(1) This section applies to food for infants that is in dehydrated or concentrated form.

(2) For the labelling provisions, directions are required for how the food should be reconstituted.

Note The labelling provisions are set out in Standard 1.2.1.

(3) The particulars set out in each column of the nutrition information panel must be expressed as a proportion of the food as reconstituted according to those directions.

(4) If more than one fluid for preparing the food is nominated in the label:

(a) the particulars set out in the column should be adjusted according to the first liquid nominated; and

(b) the name of this liquid must be included in the nutrition information panel.

2.9.2—13 Storage requirements

For the labelling provisions, the storage instructions must cover the period after the package is opened.

Note The labelling provisions are set out in Standard 1.2.1.

2015-gs1916

Standard 2.9.3 - Formulated Meal Replacements and Formulated Supplementary Foods - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

Division 1 Preliminary

2.9.3—1 Name

This Standard is *Australia New Zealand Food Standards Code - Standard 2.9.3 - Formulated meal replacements and formulated supplementary foods*.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

2.9.3—2 Definitions

Note In this Code (see sections 1.1.2—2 and 1.1.2—3):

servicing means an amount of the food which constitutes one normal serving when prepared according to manufacturer's directions or when the food requires no further preparation before consumption, and in the case of a formulated meal replacement is equivalent to one meal.

formulated meal replacement means a food for sale or a prepackaged selection of food for sale that:

(a) has been specifically formulated as a replacement for one or more meals of the day, but not as a total diet replacement; and

(b) is represented as a formulated meal replacement.

formulated supplementary food means a food specifically formulated as, and sold on the basis that it is, a

supplement to a normal diet to address situations where intakes of energy and nutrients may not be adequate to meet an individual's requirements.

formulated supplementary food for young children means a formulated supplementary food for children aged 1 to 3 years.

Note 2 In this Standard, the following term is defined: **claimable vitamin or mineral**.

Division 2 Formulated meal replacements

2.9.3—3 Compositional requirements for formulated meal replacements

(1) A formulated meal replacement must contain in a serving no less than:

- (a) 12 g protein; and
- (b) 850 kJ; and
- (c) 25% *RDI of each vitamin and mineral listed in Column 1 of the table to section S29—12.

(2) A vitamin or mineral may be *used as a nutritive substance in a formulated meal replacement if:

- (a) the vitamin or mineral is listed in Column 1 of:
 - (i) the table to section S29—12; or
 - (ii) the table to section S29—13; and
- (b) the total of the naturally occurring and added vitamin or mineral in a serving is not greater than the amount, if any, specified in relation to that vitamin or mineral in Column 2 of the relevant table; and
- (c) the vitamin or mineral is in a permitted form specified in:
 - (i) section S17—2 or S17—3; or
 - (ii) section S29—17; or
 - (iii) for vitamin K—section S29—7.

2.9.3—4 Labelling of formulated meal replacements

(1) The nutrition information panel on the label on a package of formulated meal replacement must include a declaration of the average quantities of the vitamins and minerals that:

- (a) in the case of vitamins and minerals listed in the table in section S29—12—are present in the food; and
- (b) in the case of vitamins and minerals listed in the table in section S29—13—have been *used as a nutritive substance in the food.

(2) A claim as to the presence in a formulated meal replacement of a vitamin or mineral listed in the table to section S29—12 or S29—13 may be made on the label on a package of formulated meal replacement only if:

- (a) no less than 10% *RDI or *ESADDI of that vitamin or mineral is present in a serving of the food; and
- (b) for a vitamin or mineral that has been *used as a nutritive substance in the food—the claimed amount of that vitamin or mineral in a serving is no more than the amount set out in Column 3 of the relevant table to section S29—12 or S29—13.

Note If such a claim is made, subparagraph 1.2.8—6(1)(d)(iv) might be relevant.

(3) A claim that a formulated meal replacement is a good source of a vitamin or mineral may be made if:

- (a) the vitamin or mineral is listed in Column 1 of the table to section S29—12 or S29—13; and
- (b) a serving of the food contains at least 25% *RDI or *ESADDI of that vitamin or mineral; and
- (c) where the vitamin or mineral has been *used as a nutritive substance in the food, the claimed amount of that vitamin or mineral in a serving is no more than the amount set out in Column 3 of the table to section S29—12 or S29—13.

(4) 'Formulated meal replacement' is a *prescribed name.

(5) For the labelling provisions, the required statement is words to the effect that the product must not be used as a total diet replacement.

Note The labelling provisions are set out in Standard 1.2.1.

Division 3 Formulated supplementary foods

2.9.3—5 Compositional requirements for formulated supplementary foods

(1) A formulated supplementary food must contain in a serving no less than:

- (a) 8 g protein; and
- (b) 550 kJ; and

- (c) 20% *RDI of at least 1 vitamin or mineral listed in Column 1 of the table to S29—14.
- (2) A vitamin or mineral may be *used as a nutritive substance in a formulated supplementary food if:
 - (a) the vitamin or mineral is listed in Column 1 of the table to S29—14; and
 - (b) the total of the naturally occurring and added amount of each vitamin or mineral in a serving is not more than the amount, if any, set out in relation to that vitamin or mineral in Column 2 of the table; and
 - (c) the vitamin or mineral is in a permitted form specified in the table in section S17—2 or S17—3.

2.9.3—6 Labelling of formulated supplementary foods

- (1) The nutrition information panel on the label on a package of formulated supplementary food must include a declaration of the average quantities of any vitamin or mineral that:
 - (a) is listed in Column 1 of the table to S29—14; and
 - (b) is present in the food.
- (2) A claim as to the presence in a formulated supplementary food of a vitamin or mineral listed in section S17—2, S17—3 or S29—14 may be made on the label on a package of formulated supplementary food if:
 - (a) no less than 10%* RDI or *ESADDI, as appropriate, of the vitamin or mineral listed in Column 1 of the table to section S29—14 is in a serving of the food; and
 - (b) for a vitamin or mineral that has been *used as a nutritive substance in the food, the claimed amount in a serving of the food is no more than the amount set out in Column 3 of the table.
- (3) A claim that a formulated supplementary food is a good source of a vitamin or mineral may be made if:
 - (a) the vitamin or mineral is listed in section S17—2, S17—3 or S29—14; and
 - (b) a serving of the food contains at least 25% *RDI or *ESADDI of that vitamin or mineral; and
 - (c) where the vitamin or mineral has been *used as a nutritive substance in the food, the claimed amount of that vitamin or mineral in a serving is no more than the amount set out in Column 3 of the table to section S29—14.
- (4) For the labelling provisions, the required statement is a description of the role of the food as a supplement to a normal diet to address situations where intakes of energy and nutrients may not be adequate to meet an individual's requirements.

Note The labelling provisions are set out in Standard 1.2.1.

- (5) 'Formulated supplementary food' is a *prescribed name.

Division 4 Formulated supplementary foods for young children

2.9.3—7 Compositional requirements for formulated supplementary foods for young children

- (1) A formulated supplementary food for young children must contain in a serving no less than:
 - (a) 2.5 g protein; and
 - (b) 330 kJ; and
 - (c) 20% *RDI of at least 1 vitamin or mineral listed in Column 1 of the table to section S29—15.
- (2) A vitamin or mineral may be *used as a nutritive substance in a formulated supplementary food for young children if:
 - (a) the vitamin or mineral is listed in Column 1 of the table to section S29—15; and
 - (b) the total of the naturally occurring and added amount of each vitamin or mineral in a serving is not more than the amount, if any, set out in relation to that vitamin or mineral in column 2 of the table; and
 - (c) the vitamin or mineral is in a permitted form specified in the table in section S17—2 or S17—3.
- (3) If *inulin-type fructans or *galacto-oligosaccharides are added to a formulated supplementary food for young children, the total amount of those substances, both added and naturally occurring, must not be more than 1.6 g/serving.
- (4) Lutein may be *used as a nutritive substance in a formulated supplementary food for young children only if:
 - (a) the lutein is derived from *Tagetes erecta L.*; and
 - (b) the total amount of lutein, both added and naturally occurring, is not more than 100 µg/serving.

2.9.3—8 Labelling of formulated supplementary foods for young children

- (1) The nutrition information panel on the label on a package of formulated supplementary foods for young children must include a declaration of the *average quantity of any vitamin or mineral that:
 - (a) is listed in Column 1 of the table to section S29—15; and

(b) is *used as a nutritive substance in the food.

(2) A claim as to the presence in a formulated supplementary food for young children of a vitamin or mineral in section S17—2, S17—3 or S29—15 may be made on the label on a package of formulated supplementary food for young children if:

(a) no less than 10% *RDI or *ESADDI, as appropriate, of the vitamin or mineral listed in Column 1 of the table is present in a serving of the food; and

(b) for a vitamin or mineral that has been *used as a nutritive substance in the food, the claimed amount of that vitamin or mineral in a serving of the food is no more than the amount set out in Column 3 of the table.

(3) A claim that a formulated supplementary food for young children is a good source of a vitamin or mineral may be made if:

(a) the vitamin or mineral is a claimable vitamin or mineral; and

(b) a serving of the food contains at least 25% *RDI or *ESADDI of that vitamin or mineral; and

(c) where the vitamin or mineral has been *used as a nutritive substance in the food, the claimed amount of that vitamin or mineral in a serving is no more than the amount set out in Column 3 of the table to section S29—15.

(4) For the labelling provisions, the required statement is a description of the role of the food as a supplement to a normal diet to address situations where intakes of energy and nutrients may not be adequate to meet an individual's requirements.

Note The labelling provisions are set out in Standard 1.2.1.

(5) 'Formulated supplementary food for young children' is a *prescribed name.

(6) The label on a package of formulated supplementary food for young children must not include any words indicating, or any other indication, that the product contains lutein unless the total amount of lutein is no less than 30 µg/serving.

2015-gs1917

Standard 2.9.4 - Formulated Supplementary Sports Foods - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

Division 1 Preliminary

2.9.4—1 Name

This Standard is *Australia New Zealand Food Standards Code - Standard 2.9.4 - Formulated supplementary sports foods*.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

Division 2 Formulated supplementary sports foods generally

2.9.4—2 Definitions

Note In this Code (see sections 1.1.2—2 and 1.1.2—3):

formulated supplementary sports food means a product that is specifically formulated to assist sports

people in achieving specific nutritional or performance goals.

one-day quantity, in relation to a formulated supplementary sports food, means the amount of that food which is to be consumed in one day in accordance with directions specified in the label.

Note 2 Average energy content is calculated using the equation in section S11—2.

2.9.4—3 Composition of formulated supplementary sports foods

(1) Formulated supplementary sports food may contain:

(a) a vitamin or mineral if:

(i) the vitamin or mineral is listed in the table to section S29—16; and

(ii) it is added in a permitted form specified in:

(A) section S17—2 or S17—3; or

(B) section S29—17; and

(iii) the amount of the vitamin or mineral in the food is no more than the amount, if any, specified in Column 2 of the table in section S29—16; and

(b) an amino acid that is *used as a nutritive substance, if:

(i) the amino acid is listed in the table to section S29—18; and

(ii) the amount of the amino acid added is no more than the amount specified in Column 2 of the table; and

(c) any other substance that is *used as a nutritive substance, if:

(i) the substance is listed in the table to section S29—19; and

(ii) the amount of the substance added is no more than the amount specified in relation to that substance in Column 2 of the table.

(2) Formulated supplementary sports food must not contain, in a *one-day quantity, more than:

(a) 70 mmol sodium; or

(b) 95 mmol potassium.

2.9.4—4 Labelling information

(1) For the labelling provisions:

(a) the required statements are:

(i) a statement to the effect that the food is not a sole source of nutrition and should be consumed in conjunction with a nutritious diet; and

(ii) a statement to the effect that the food should be used in conjunction with an appropriate physical training or exercise program; and

(iii) the *warning statement 'Not suitable for children under 15 years of age or pregnant women: Should only be used under medical or dietetic supervision'; and

(iv) if the food contains added phenylalanine—the warning statement 'Phenylketonurics: Contains phenylalanine'; and

(b) the required information is:

(i) directions stating the recommended amount and frequency of intake of the food; and

(ii) a statement of the recommended consumption in one day; and

(iii) a nutrition information panel.

Note The labelling provisions are set out in Standard 1.2.1.

(2) 'Formulated supplementary sports food' is a *prescribed name.

2.9.4—5 Nutritive substance claims

(1) This section applies in relation to a package of formulated supplementary sports food if:

(a) the label on the package includes a statement referring to the presence of a substance that is *used as a nutritive substance in the food; and

(b) the substance is not a vitamin or a mineral; and

(c) the statement is not required by another provision of this Code.

(2) The label must either:

(a) state the amount by weight (expressed /100 g food or as a percentage) of the substance, either:

- (i) immediately after the statement referring to the presence of the substance; or
- (ii) immediately following the name of the substance in the statement of ingredients; or
- (b) list, in the nutrition information panel, the substance and the *average quantity by weight of the substance in:
 - (i) a serving of the food; and
 - (ii) a *unit quantity of the food.

2.9.4—6 Vitamin and mineral claims

(1) The label on a package of formulated supplementary sports food must not claim the presence of a vitamin or mineral unless:

- (a) the reference is required elsewhere in this Code; or
- (b) the reference is specifically permitted by this section.

(2) The label on a package of formulated supplementary sports food may claim the presence of a vitamin or mineral in the food only if:

- (a) a serving of the food, or, for a food that requires dilution of reconstitution according to directions, the amount of the food that produces a normal serving, contains at least 10% *RDI for that vitamin or mineral specified in Column 3 of the table to section S1—2 or S1—3, as appropriate; or
- (b) the amount claimed is no more than the amount specified in Column 3 of the table to section S29—16 for that vitamin or mineral.

2.9.4—7 Prohibited representations

Unless specific permission is given in Division 3, the label on a package of formulated supplementary sports food must not include an express or implied representation that relates any property or proposed use of the food to enhanced athletic performance or beneficial physiological effects.

Division 3 Particular formulated supplementary sports foods

2.9.4—8 High carbohydrate supplement

(1) For the labelling provisions, for a package of high carbohydrate supplement, the following statements are required:

- (a) a statement to the effect that, if used during exercise, the food should be consumed in accordance with directions, to avoid the possibility of gastro-intestinal upset; and
- (b) a statement to the effect that the food must be consumed with an appropriate fluid intake.

Note The labelling provisions are set out in Standard 1.2.1.

(2) The label on a package of a high carbohydrate supplement may include statements to the effect that:

- (a) the food is useful before, during, or after sustained strenuous exercise; and
- (b) appropriate usage may assist in the provision of energy in the form of carbohydrates.

(3) In this section:

high carbohydrate supplement means a formulated supplementary sports food for which:

- (a) not less than 90% of the *average energy content of the product is derived from carbohydrate; and
- (b) more than 15% of the product by weight is *carbohydrate when prepared as directed.

2.9.4—9 Protein energy supplement

(1) For the labelling provisions, for a package of protein energy supplement, a statement to the effect that the food must be consumed with an appropriate fluid intake is required.

Note The labelling provisions are set out in Standard 1.2.1.

(2) The label on a package of protein energy supplement may include statements to the effect that:

- (a) the product may assist in providing a low-bulk diet as may be required during training; and
- (b) the product may assist in supplementing the diet with a high energy source as may be required during training; and
- (c) usage as directed may assist in the development of muscle bulk; and
- (d) the product is useful before, during, or after sustained strenuous exercise.

(3) In this section:

protein energy supplement means a formulated supplementary sports food for which:

- (a) not more than 30% and not less than 15% of the *average energy content of the product is derived from protein; and
- (b) not more than 25% of the average energy content of the product is derived from fat; and
- (c) not more than 70% of the average energy content of the product is derived from carbohydrate.

2.9.4—10 Energy supplement

- (1) For the labelling provisions, for a package of energy supplement, the following statements are required:
- (a) a statement to the effect that, if used during exercise, the food should be consumed in accordance with directions, to avoid the possibility of gastro-intestinal upset; and
 - (b) a statement to the effect that the food must be consumed with an appropriate fluid intake; and
 - (c) if more than 30% of the *average energy content of the food is derived from fat—a statement to the effect that the product is a high fat food and should be used for special fat loading strategies rather than everyday use.

Note The labelling provisions are set out in Standard 1.2.1.

- (2) The label on a package of energy supplement may include statements to the effect that:
- (a) the product may assist in supplementing the diet with an energy source as may be required during training; and
 - (b) the product is useful before, during or after sustained strenuous exercise.

(3) In this section:

energy supplement means a formulated supplementary sports food for which not more than 20% of the *average energy content of the food is derived from protein.

2015-gs1918

Standard 2.9.5 - Food for Special Medical Purposes - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

Division 1 Preliminary

2.9.5—1 Name

This Standard is *Australia New Zealand Food Standards Code - Standard 2.9.5 - Food for special medical purposes*.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

2.9.5—2 Definitions

Note 1 Section 1.1.2—5 (Definition of **food for special medical purposes**) provides as follows:

(1) In this Code:

food for special medical purposes means a food that is:

- (a) specially formulated for the dietary management of individuals:

(i) by way of exclusive or partial feeding, who have special medically determined nutrient requirements or whose capacity is limited or impaired to take, digest, absorb, metabolise or excrete ordinary food or certain nutrients in ordinary food; and

(ii) whose dietary management cannot be completely achieved without the use of the food; and

(b) intended to be used under medical supervision; and

(c) represented as being:

(i) a food for special medical purposes; or

(ii) for the dietary management of a disease, disorder or medical condition.

(2) Despite subsection (1), a food is not **food for special medical purposes** if it is:

(a) formulated and represented as being for the dietary management of obesity or overweight; or

(b) an infant formula product.

Note 2 In this Code (see section 1.1.2—2):

inner package, in relation to a food for special medical purposes, means an individual package of the food that:

(a) is contained and sold within another package that is labelled in accordance with section 2.9.5—9; and

(b) is not designed for individual sale, other than a sale by a responsible institution to a patient or resident of the responsible institution.

Example An example of an inner package is an individual sachet (or sachets) of a powdered food contained within a box that is fully labelled, being a box available for retail sale.

responsible institution means a hospital, hospice, aged care facility, disability facility, prison, boarding school or similar institution that is responsible for the welfare of its patients or residents and provides food to them.

Note 3 In this Standard (see section 1.1.2—2), a reference to a **package** does not include a reference to a plate, cup, tray or other food container in which food for special medical purposes is served by a responsible institution to a patient or resident of the responsible institution.

2.9.5—3 Application of other standards

The following provisions do not apply to food for special medical purposes:

(a) Standard 1.2.7 (nutrition, health and related claims) or Standard 1.1A.2 (transitional standard for health claims);

(b) unless the contrary intention appears, Part 2 of Chapter 1 (labelling and other information requirements);

(c) Standard 1.3.2 or Standard 1.5.1 (vitamins and minerals, novel foods);

(d) Standard 2.9.2, Standard 2.9.3 or Standard 2.9.4 (food for infants, formulated meal replacements and formulated supplementary foods, formulated supplementary sports foods).

2.9.5—4 Claims must not be therapeutic in nature

A claim in relation to food for special medical purposes must not:

(a) refer to the prevention, diagnosis, cure or alleviation of a disease, disorder or condition; or

(b) compare the food with a good that is:

(i) represented in any way to be for therapeutic use; or

(ii) likely to be taken to be for therapeutic use, whether because of the way in which the good is presented or for any other reason.

Division 2 Sale of food for special medical purposes

2.9.5—5 Restriction on the persons by whom, and the premises at which, food for special medical purposes may be sold

(1) A food for special medical purposes must not be sold to a consumer, other than from or by:

(a) a medical practitioner or dietitian; or

(b) a medical practice, pharmacy or responsible institution; or

(c) a majority seller of that food for special medical purposes.

(2) In this section:

medical practitioner means a person registered or licensed as a medical practitioner under legislation in Australia or New Zealand, as the case requires, for the registration or licensing of medical practitioners.

majority seller: a person is a **majority seller** of a food for special medical purposes during any 24 month period if:

- (a) during the period, the person sold that food for special medical purposes to medical practitioners, dietitians, medical practices, pharmacies or responsible institutions; and
- (b) the sales mentioned in paragraph (a) represent more than one half of the total amount of that food for special medical purposes sold by the person during the period.

Division 3 Composition

2.9.5–6 Permitted forms of particular substances

(1) The following substances may be added to food for special medical purposes:

- (a) a substance that is listed in Column 1 of the table to section S29–20 and that is in a corresponding form listed in Column 2 of that table;
- (b) a substance that is listed in Column 1 of the table to section S29–7 and that is in a corresponding form listed in Column 2 of that table;
- (c) any other substance, regardless of its form, that is permitted under this Code to be added to a food, if that substance is added in accordance with any applicable requirement of this Code.

(2) If a provision of this Code limits the amount of a substance referred to in paragraph (1)(a) or (b) that may be added to a food, that limit does not apply in relation to food for special medical purposes.

2.9.5–7 Compositional requirements for food represented as being suitable for use as sole source of nutrition

(1) If food for special medical purposes is represented as being suitable for use as a sole source of nutrition, the food must contain:

- (a) not less than the minimum amount, as specified in column 2 of the table to section S29–21, of each vitamin, mineral and electrolyte listed in Column 1 of that table; and
- (b) if applicable, not more than the maximum amount, as specified in Column 3 of that table, of each vitamin and mineral listed in Column 1.

(2) However, the food is not required to comply with subsection (1) to the extent that:

- (a) a variation from a maximum or minimum amount is required for a particular medical purpose; and
- (b) the labelling complies with subparagraph 2.9.5–10(1)(g)(ii).

Division 4 Labelling

2.9.5–8 Labelling and related requirements

(1) If a food for sale consisting of food for special medical purposes is not in a package:

- (a) the food for sale must either *bear a label, or have labelling that is displayed in connection with its sale, with the information relating to irradiated foods (see section 1.5.3–9); and
- (b) there is no other labelling requirement under this Code.

(2) If the food for sale is in a package, it is required to *bear a label that complies with section 2.9.5–9.

(3) If the food for sale is in an *inner package:

- (a) the inner package is required to *bear a label that complies with section 2.9.5–16; and
- (b) there is no labelling requirement under this Code for any other packaging associated with the food for sale.

(4) If the food for sale is in a *transportation outer:

- (a) the transportation outer or package containing the food for sale is required to *bear a label that complies with section 2.9.5–17; and
- (b) there is no labelling requirement under this Code for any other packaging associated with the food for sale.

2.9.5–9 Mandatory labelling information

(1) Subject to this section, the label that is required for food for special medical purposes must state the following information in accordance with the provision indicated:

- (a) a name or description sufficient to indicate the true nature of the food (see section 1.2.2–2);
- (b) lot identification (see section 1.2.2–3);
- (c) if the sale of the food for sale is one to which Division 2 or Division 3 of Standard 1.2.1 applies—information relating to irradiated food (see section 1.5.3–9);

- (d) any required advisory statements, *warning statements and other statements (see section 2.9.5—10);
 - (e) information relating to ingredients (see section 2.9.5—11);
 - (f) date marking information (see section 2.9.5—12);
 - (g) directions for the use or the storage of the food, if the food is of such a nature to require such directions for health or safety reasons;
 - (h) nutrition information (see section 2.9.5—13);
 - (i) if appropriate, the information required by subsection 2.9.5—14(4) or 2.9.5—15(5).
- (2) The label must comply with Division 6 of Standard 1.2.1.

2.9.5—10 Advisory and warning statements—food for special medical purposes

- (1) For paragraph 2.9.5—9(1)(d), the following statements are required:
- (a) a statement to the effect that the food must be used under medical supervision;
 - (b) a statement indicating, if applicable, any precautions and contraindications associated with consumption of the food;
 - (c) a statement indicating the medical purpose of the food, which may include a disease, disorder or medical condition for which the food has been formulated;
 - (d) a statement describing the properties or characteristics which make the food appropriate for the medical purpose indicated in paragraph (c);
 - (e) if the food has been formulated for a specific age group—a statement to the effect that the food is intended for persons within the specified age group;
 - (f) a statement indicating whether or not the food is suitable for use as a sole source of nutrition;
 - (g) if the food is represented as being suitable for use as a sole source of nutrition:
 - (i) a statement to the effect that the food is not for parenteral use; and
 - (ii) if the food has been modified to vary from the compositional requirements of section 2.9.5—7 such that the content of one or more nutrients falls short of the prescribed minimum, or exceeds the prescribed maximum (if applicable):
 - (A) a statement indicating the nutrient or nutrients which have been modified; and
 - (B) unless provided in other documentation about the food—a statement indicating whether each modified nutrient has been increased, decreased, or eliminated from the food, as appropriate.

- (2) For paragraph 2.9.5—9(1)(d), the required advisory and other statements are any that are required by:

- (a) items 1, 4, 6 or 9 of the table in Schedule 9; or
- (b) subsection 1.2.3—2(2); or
- (c) section 1.2.3—4.

- (3) For paragraph 2.9.5—9(1)(d), the *warning statement referred to in section 1.2.3—3, if applicable, is required.

2.9.5—11 Information relating to ingredients—food for special medical purposes

For paragraph 2.9.5—9(1)(e), the information relating to ingredients is:

- (a) a statement of ingredients; or
- (b) information that complies with Article 6, Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs; or
- (c) information that complies with 21 CFR § 101.4.

2.9.5—12 Date marking information—food for special medical purposes

- (1) For paragraph 2.9.5—9(1)(f), the required date marking information is date marking information in accordance with Standard 1.2.5.

- (2) Despite subsection (1), for subparagraph 1.2.5—5(2)(a)(ii), the words ‘Expiry Date’, or similar words, may be used on the label.

2.9.5—13 Nutrition information—food for special medical purposes

For paragraph 2.9.5—9(1)(h), the nutrition information is the following, expressed per given amount of the food:

- (a) the minimum or average energy content; and
- (b) the minimum amount or *average quantity of:

- (i) protein, fat and carbohydrate; and
- (ii) any vitamin, mineral or electrolyte that has been *used as a nutritive substance in the food; and
- (iii) any substance listed in the table to section S29—20 that has been *used as a nutritive substance in the food; and
- (iv) subject to paragraph 2.9.5—9(1)(i), any other substance in respect of which a nutrition content claim has been made.

2.9.5—14 Claims in relation to lactose content

- (1) A claim in relation to the lactose content of a food for special medical purposes must not be made unless expressly permitted by this section.
- (2) A claim to the effect that a food for special medical purposes is lactose free may be made if the food for sale contains no detectable lactose.
- (3) A claim to the effect that a food for special medical purposes is low lactose may be made if the food for sale contains not more than 2 g of lactose per 100 g of the food.
- (4) If a claim in relation to the lactose content of a food for special medical purposes is made, the information required is the *average quantity of the lactose and galactose in the food, expressed per given quantity of the food.

Note See paragraph 2.9.5—9(1)(i).

2.9.5—15 Claims in relation to gluten content

- (1) A claim in relation to the *gluten content of a food for special medical purposes is prohibited unless expressly permitted by this section.
- (2) A claim to the effect that a food for special medical purposes is gluten free may be made if the food contains:
 - (a) no detectable gluten; and
 - (b) no oats or oat products; and
 - (c) no cereals containing *gluten that have been malted, or products of such cereals.
- (3) A claim to the effect that a food for special medical purposes has a low gluten content may be made if the food contains no more than 20 mg *gluten per 100 g of the food.
- (4) A claim to the effect that a food for special medical purposes contains *gluten or is high in gluten may be made.
- (5) If a claim is made in relation to the *gluten content of a food for special medical purposes, the information required is the *average quantity of the gluten in the food, expressed per given amount of the food.

Note See paragraph 2.9.5—9(1)(i).

2.9.5—16 Labelling requirement—food for special medical purposes in inner package

- (1) The label on an *inner package that contains food for special medical purposes must state the following information in accordance with the provision indicated:
 - (a) a name or description sufficient to indicate the true nature of the food (see section 1.2.2—2);
 - (b) lot identification (see section 1.2.2—3);
 - (c) any declaration that is required by section 1.2.3—4;
 - (d) date marking information (see section 2.9.5—12).
- (2) The label must comply with Division 6 of Standard 1.2.1.
- (3) To avoid doubt, this section continues to apply to the label on the *inner package if a *responsible institution subsequently supplies the inner package to a patient or resident of the responsible institution.

2.9.5—17 Labelling requirement—food for special medical purposes in transportation outer

- (1) If packages of food for special medical purposes are contained in a transportation outer, the information specified in subsection (2) must be:
 - (a) contained in a label on the transportation outer; or
 - (b) contained in a label on a package of the food for sale, and clearly discernible through the transportation outer.
- (2) For subsection (1), the information is:
 - (a) a name or description sufficient to indicate the true nature of the food (see section 1.2.2—2); and
 - (b) lot identification (see section 1.2.2—3); and

(c) unless it is provided in accompanying documentation—the name and address of the *supplier (see section 1.2.2—4).

2015-gs1919

Standard 2.9.6 - Transitional Standard for Special Purpose Foods (Including Amino Acid Modified Foods) - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

Note 3 This Standard incorporates the provisions of regulations 237 and 239A of the former New Zealand *Food Regulations (1984)*, in so far as they relate to special purpose foods and the labelling of amino acid modified foods.

Note 4 This Standard operates solely in relation to food sold or imported into New Zealand.

2.9.6—1 Name

This Standard is *Australia New Zealand Food Standards Code - Standard 2.9.6 - Transitional standard for special purpose foods (including amino acid modified foods)*.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

2.9.6—2 Definitions of amino acid modified food and special purpose food

(1) In this Standard:

amino acid modified food means a special purpose food if, in the preparation of the food:

- (a) there is a restriction in the use of ingredients containing one or more particular amino acids; or
- (b) there is a reduction of the content of one or more particular amino acids in any of the ingredients of the food.

special purpose food means a food specially processed or formulated to satisfy particular dietary requirements that exist because of:

- (a) a particular physical or physiological condition; or
 - (b) a specific disease or disorder; or
 - (c) both such a condition and a disease or disorder;
- and are presented as such.

(2) Other than in Division 2 of Standard 2.9.3 (Formulated meal replacements), a reference in this Code to a special purpose food is taken to be a reference to formulated meal replacement.

Note The effect of subsection (2) is that additives permitted in formulated meal replacements are permitted in special purpose foods. Subsection (2) exempts special purpose foods from the requirements for minimum levels for protein, kJ; and the minimum and maximum levels for vitamins and minerals. The definition of formulated meal replacements is not intended to be taken literally in relation to special purpose foods. i.e. special purpose foods are not necessarily intended as a meal replacement.

2.9.6—3 Application

(1) This Standard applies in relation to food produced in, or imported into, New Zealand.

(2) Despite subsection (1), this Standard does not apply to food produced in, or imported into, Australia.

(3) This Standard ceases to have effect 2 years after the commencement of any alternative applicable provisions elsewhere in this Code.

Note Standard 2.9.5 regulates amino acid modified foods and other special purpose foods, except for foods formulated and represented as being for the dietary management of obesity or overweight, also known as food for very low energy diets (VLEDs). This Standard will continue to apply to VLEDs until a joint standard is published

2.9.6—4 Composition

A special purpose food may contain any of the vitamins and minerals specified in Column 1 of the table to section S29—12 or S29—13.

2.9.6—5 Labelling of special purpose foods

For the labelling provisions, the required information for special purpose foods is a statement of the special purpose of the food.

Note The labelling provisions are set out in Standard 1.2.1.

2.9.6—6 Labelling of amino acid modified foods

For the labelling provisions, the required information for *amino acid modified foods is:

- (a) one or more of the following:
 - (i) the words ‘amino acid modified food’;
 - (ii) the name of the amino acid or amino acids that have been restricted;
 - (iii) the name of the disease, or a name describing the condition of the group of people, for which the product is intended;
 - (iv) the words ‘low protein’, where applicable; and
- (b) in the nutrition information panel, a statement of each of the following:
 - (i) the amount of carbohydrate, protein, and fat in the food, expressed in g;
 - (ii) the energy content of the food, expressed in kJ;
 - (iii) the amount of sodium, and of potassium, in the food, expressed in mg;
 - (iv) the amount of the particular amino acid or protein present in the food, or both, as appropriate for the intended use of the food; and
- (c) in the principal display panel, in 3 mm lettering, the words ‘Take only on medical advice’.

Note The labelling provisions are set out in Standard 1.2.1.

2015-gs1920

Standard 2.10.1 - Vinegar and Related Products - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

2.10.1—1 Name

This Standard is *Australia New Zealand Food Standards Code - Standard 2.10.1 - Vinegar and related products*.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia*

New Zealand Act 1991 (Cth). See also section 93 of that Act.

2.10.1—2 Definitions

Note In this Code (see section 1.1.2—3):

imitation vinegar means a food that is prepared by mixing water and acetic acid.

vinegar means a food that is the sour liquid prepared by acetous fermentation, with or without alcoholic fermentation, of any suitable food, and including blends and mixtures of such liquids.

2.10.1—3 Requirement for food sold as vinegar or imitation vinegar

A food that is sold as 'imitation vinegar' or 'vinegar' must be imitation vinegar or vinegar, as appropriate, and contain no less than 40 g/kg of acetic acid.

2015-gs1921

Standard 2.10.2 - Salt and Salt Products - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

2.10.2—1 Name

This Standard is *Australia New Zealand Food Standards Code* - Standard 2.10.2 - Salt and salt products.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

2.10.2—2 Definitions

Note In this Code (see section 1.1.2—3):

iodised salt or **iodised reduced sodium salt mixture**, means a food that is salt, or a reduced sodium salt mixture, as appropriate, or such a food containing any of the following:

- (a) potassium iodide;
- (b) potassium iodate;
- (c) sodium iodide;
- (d) sodium iodate; and

added in an amount that is equivalent to:

- (e) no less than 25 mg/kg of iodine; and
- (f) no more than 65 mg/kg of iodine.

reduced sodium salt mixture means a food that:

- (a) is prepared from a mixture of sodium chloride and potassium chloride; and
- (b) contains no more than 200 g/kg sodium; and
- (c) contains no more than 400 g/kg potassium.

salt means a food that is the crystalline product consisting predominantly of sodium chloride, that is obtained from the sea, underground rock salt deposits or from natural brine.

salt substitute means a food that:

- (a) is made as a substitute for salt; and
- (b) consists of substances that may be used as food additives in relation to salt substitute in accordance with item 12 of the table to Schedule 15; and
- (c) contains no more than 1.2 g/kg of sodium.

2.10.2—3 Requirement for food sold as salt

A food that is sold as 'salt' must be salt and contain:

- (a) no less than 970 g/kg sodium chloride on a dry basis, exclusive of permitted additives; and

2.10.2—4 Requirement for food sold as reduced sodium salt mixture

A food that is sold as a reduced sodium salt mixture must be a reduced sodium salt mixture.

2.10.2—5 Requirement for food sold as salt substitute

A food that is sold as a salt substitute must be salt substitute.

2.10.2—6 Requirement for food sold as iodised salt

A food that is sold as 'iodised' salt must be iodised salt.

2.10.2—7 Requirement for food sold as iodised reduced sodium salt mixture

A food that is sold as 'iodised' reduced sodium salt mixture must be iodised reduced sodium salt mixture.

2.10.2—8 Labelling requirement for reduced sodium salt mixtures and salt substitutes

- (1) For the labelling provisions, the required information is a declaration of the sodium and potassium content, expressed per 100 g.
- (2) The label may include a declaration of the percentage reduction of sodium in the food, relative to salt.
- (3) Such a declaration is not a nutrition content claim or a health claim.

Note The labelling provisions are set out in Standard 1.2.1.

2015-gs1922

Standard 2.10.3 - Chewing Gum - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

2.10.3—1 Name

This Standard is *Australia New Zealand Food Standards Code* - Standard 2.10.3 - Chewing gum.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

2.10.3—2 Definition

Note In this Code (see section 1.1.2—2):

releasable calcium, Ca_R means the amount of calcium, in mg/g of chewing gum, released into the mouth during 20 minutes of chewing that is calculated using the following equation:

$$Ca_R = \frac{(Ca_o \times W_o) - (Ca_c \times W_c)}{W_o}$$

where:

Ca_o is the original calcium concentration in the chewing gum in mg/g of chewing gum.

W_o is the weight of the original chewing gum in g.

Ca_c is the residual calcium in the gum after it has been chewed for 20 minutes in mg/g of chewing gum.

W_c is the weight of the chewed gum in g.

small package means a package with a surface area of less than 100 cm².

2.10.3—3 Addition of calcium to chewing gum

Calcium may be added to chewing gum only if:

- (a) the chewing gum contains no more than 0.2% residual sugars; and
- (b) the calcium is in a permitted form specified in section S17—3.

2.10.3—4 Claims about the presence of calcium in chewing gum

(1) Despite subsection 1.2.7—12(1), a claim to the effect that chewing gum is a good source of calcium or *releasable calcium must not be made.

Note Subsection 1.2.7—12(1) and the table to section S4—3 regulate when nutrition content claims may be made, including nutrition content claims about a food being a good source of vitamins or minerals.

(2) A claim about the presence of *releasable calcium in chewing gum may be made only if:

- (a) the chewing gum contains no more than 0.2% residual sugars; and
- (b) the chewing gum contains no less than 80 mg (10% RDI) of releasable calcium per serve; and
- (c) the amount claimed is no more than 200 mg (25% RDI) of releasable calcium per serve; and
- (d) the *supplier who makes the claim or includes it on a label or in an advertisement:
 - (i) has records that substantiate the matters listed in paragraphs (b) and (c); and
 - (ii) makes the records available to the *relevant authority upon request.

2.10.3—5 Labelling requirements

(1) If a claim is made in accordance with section 2.10.3—4, the nutrition information panel must include:

- (a) for chewing gum in a small package:
 - (i) the *average quantity of *releasable calcium per serve; and
 - (ii) the serving size; and
- (b) for chewing gum other than in a small package—the average quantity of releasable calcium per serve and per 100 g; and
- (c) in any case:
 - (i) the proportion of the *RDI (for calcium) of releasable calcium per serve; and
 - (ii) a statement to the effect that the average quantity of calcium is released during 20 minutes of chewing.

(2) For chewing gum in a small package:

- (a) the information need not be set out in a nutrition information panel; and
- (b) to avoid doubt, paragraph 1.2.8—14(1)(b) does not apply in relation to a claim made in accordance with section 2.10.3—4.

(3) For chewing gum other than in a small package, the nutrition information panel may be set out in the form specified in section S12—7.

2015-gs1923

Standard 2.10.4 - Miscellaneous Standards for Other Foods - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

2.10.4—1 Name

This Standard is *Australia New Zealand Food Standards Code* - Standard 2.10.4 - Miscellaneous standards for other foods.

Note Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

2.10.4—2 Definitions

Note In this Code (see section 1.1.2—3):

chocolate means a confectionery product that is characterised by:

- (a) the presence of
 - (i) cocoa bean derivatives; and
 - (ii) no more than 50 g/kg of edible oils, other than cocoa butter or dairy fats; and
- (b) preparation from a minimum of 200 g/kg of cocoa bean derivatives.

cocoa means the powdered product prepared from cocoa beans from which a portion of the fat may have been removed, with or without the addition of salt or spices.

coffee means the product prepared by roasting, grinding, or both roasting and grinding, coffee beans.

decaffeinated coffee means coffee from which most of the caffeine has been removed that contains no more than 1 g/kg of anhydrous caffeine on a dry basis.

decaffeinated tea means tea from which most of the caffeine has been removed that contains no more than 4 g/kg of anhydrous caffeine on a dry basis.

gelatine means a protein product prepared from animal skin, bone or other collagenous material, or any combination of those things.

instant coffee means the dried soluble solids prepared from the water extraction of coffee.

instant tea means dried soluble solids prepared from the water extraction of tea.

peanut butter means a peanut based spread.

tea means the product made from the leaves and leaf buds of one or more of varieties and cultivars of *Camellia sinensis* (L.) O. Kuntz.

2.10.4—3 Requirements for food sold as tea or coffee

Food that is sold on the basis that it is a product listed in Column 1 of the table to this section must satisfy the corresponding requirement in Column 2:

Requirements for tea and coffee

Column 1	Column 2
<i>If food is sold on the basis that it is:</i>	<i>the food must be:</i>
'coffee'	coffee
'decaffeinated coffee'	decaffeinated coffee that contains no more than 1 g/kg of anhydrous caffeine on a dry basis
'decaffeinated instant coffee' or 'decaffeinated soluble coffee'	instant coffee that contains no more than 3 g/kg of anhydrous caffeine on a dry basis.

Column 1	Column 2
<i>If food is sold on the basis that it is:</i>	<i>the food must be:</i>
'decaffeinated instant tea' or 'decaffeinated soluble tea'	instant tea that contains no more than 3 g/kg of anhydrous caffeine on a dry basis.
'decaffeinated tea'	decaffeinated tea that contains no more than 4 g/kg of anhydrous caffeine on a dry basis
'instant coffee' or 'soluble coffee'	instant coffee
'instant tea' or 'soluble tea'	instant tea
'tea'	tea

2.10.4—4 Requirement for food sold as peanut butter

Food that is sold as 'peanut butter' must:

- (a) be peanut butter; and
- (b) contain not less than 850 g/kg of peanuts.

2.10.4—5 Requirement for food sold as chocolate

Food that is sold as 'chocolate' must be chocolate.

2.10.4—6 Requirement for food sold as cocoa

Food that is sold as 'cocoa' must be cocoa.

2.10.4—7 Requirement for food sold as gelatine

Food that is sold as 'gelatine' must be gelatine.

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Standard 5.1.1 - Revocation and Transitional Provisions - 2014 Revision - Food Standards (Proposal P1025 - Code Revision) Variation—Australia New Zealand Food Standards Code - Amendment No. 154

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*.

The Standard commences on 1 March 2016.

Dated 25 March 2015

Standards Management Officer, Delegate of the Board of Food Standards Australia New Zealand.

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Division 1 Preliminary**5.1.1—1 Name**

This Standard is *Australia New Zealand Food Standards Code - Standard 5.1.1 - Revocation and Transitional Provisions - 2014 revision*.

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 This instrument is part of a revision of the Code made in 2014 in which most of the Standards are repealed and replaced by new versions.

Note 3 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

Note 4 Commencement: This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

Division 2 Revocations**5.1.1—2 Revocation of standards**

The following standards are revoked:

- (a) Standard 1.1.1—Preliminary Provisions – Application, Interpretation and General Prohibitions;
- (b) Standard 1.1.2—Supplementary Definitions for Foods;
- (c) Standard 1.1A.6—Transitional Standard for Special purposes Foods (including Amino Acid Modified Foods);
- (d) Standard 1.2.1—Application of Labelling and Other Information Requirements;
- (e) Standard 1.2.2—Food Identification Requirements;
- (f) Standard 1.2.3—Mandatory Warning and Advisory Statements and Declarations;
- (g) Standard 1.2.4—Labelling of Ingredients;
- (h) Standard 1.2.5—Date Marking of Packaged Food;
- (i) Standard 1.2.6—Directions for Use and Storage;
- (j) Standard 1.2.7—Nutrition and Health Claims;
- (k) Standard 1.2.8—Nutrition Information Requirements;
- (l) Standard 1.2.9—Legibility Requirements;
- (m) Standard 1.2.10—Characterising Ingredients and Components of Food;
- (n) Standard 1.2.11—Country of Origin Requirements;
- (o) Standard 1.3.1—Food Additives;
- (p) Standard 1.3.2—Vitamins and Minerals;
- (q) Standard 1.3.3—Processing Aids;
- (r) Standard 1.3.4—Identity and Purity;
- (s) Standard 1.4.1—Contaminants and Natural Toxicants;
- (t) Standard 1.4.2—Maximum Residue Limits;
- (u) Standard 1.4.3—Articles and Materials in Contact with Food;
- (v) Standard 1.4.4—Prohibited and Restricted Plants and Fungi;
- (w) Standard 1.5.1—Novel Foods;
- (x) Standard 1.5.2—Food produced using Gene Technology;
- (y) Standard 1.5.3—Irradiation of Food;
- (z) Standard 1.6.1—Microbiological Limits in Food;
- (aa) Standard 1.6.2—Processing Requirements;
- (bb) Standard 2.1.1—Cereals and Cereal Products;
- (cc) Standard 2.2.1—Meat and Meat Products;
- (dd) Standard 2.2.2—Egg and Egg Products;
- (ee) Standard 2.2.3—Fish and Fish Products;
- (ff) Standard 2.3.1—Fruit and Vegetables;
- (gg) Standard 2.3.2—Jam;
- (hh) Standard 2.4.1—Edible Oils;
- (ii) Standard 2.4.2—Edible Oils Spreads;
- (jj) Standard 2.5.1—Milk;
- (kk) Standard 2.5.2—Cream;
- (ll) Standard 2.5.3—Fermented Milk Products;
- (mm) Standard 2.5.4—Cheese;
- (nn) Standard 2.5.5—Butter;
- (oo) Standard 2.5.6—Ice Cream;
- (pp) Standard 2.5.7—Dried Milks, Evaporated Milks and Condensed Milks;
- (qq) Standard 2.6.1—Fruit Juice and Vegetable Juice;
- (rr) Standard 2.6.2—Non-Alcoholic Beverages and Brewed Soft Drinks;
- (ss) Standard 2.6.3—Kava;
- (tt) Standard 2.6.4—Formulated Caffeinated Beverages;

- (uu) Standard 2.7.1—Labelling of Alcoholic Beverages and Food containing Alcohol;
- (vv) Standard 2.7.2—Beer;
- (ww) Standard 2.7.3—Fruit Wine and Vegetable Wine;
- (xx) Standard 2.7.4—Wine and Wine Product;
- (yy) Standard 2.7.5—Spirits;
- (zz) Standard 2.8.1—Sugars;
- (aaa) Standard 2.8.2—Honey;
- (bbb) Standard 2.9.1—Infant Formula Products;
- (ccc) Standard 2.9.2—Foods for Infants;
- (ddd) Standard 2.9.3—Formulated Meal Replacements and Formulated Supplementary Foods;
- (eee) Standard 2.9.4—Formulated Supplementary Sports Foods;
- (fff) Standard 2.9.5—Food for Special Medical Purposes;
- (ggg) Standard 2.10.1—Vinegar and Related Products;
- (hhh) Standard 2.10.2—Salt and Salt Products;
- (iii) Standard 2.10.3—Chewing Gum.

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