



# New Zealand Gazette

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# GOVERNMENT NOTICES

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## General Section

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### Australia New Zealand Food Standards Code — Amendment No. 159

The following instruments are separate instruments in the Federal Register of Legislative Instruments and are known collectively in the Food Standards Gazette as Amendment No. 159.

#### **Food Standards (Application A1106 - Food derived from Herbicide-tolerant & Insect-protected Corn Line 4114) Variation**

The Board of Food Standards Australia New Zealand gives notice of the making of this variation under section 92 of the *Food Standards Australia New Zealand Act 1991*. The Standard commences on the date specified in clause 3 of this variation.

Dated 30 November 2015

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

**Note:**

This variation will be published in the Commonwealth of Australia Gazette No. FSC 101 on 7 December 2015. This means that this date is the gazettal date for the purposes of clause 3 of the variation.

#### **1 Name**

This instrument is the *Food Standards (Application A1106 - Food derived from Herbicide-tolerant and Insect-protected Corn Line 4114) Variation*.

#### **2 Variation to a Standard in the Australia New Zealand Food Standards Code**

The Schedule varies a Standard in the *Australia New Zealand Food Standards Code*.

#### **3 Commencement**

The variation commences on the date of gazettal.

#### **SCHEDULE**

**[1] Standard 1.5.2** is varied by inserting in Item numerical order in the Schedule

“

2.23	Food derived from herbicide-tolerant and insect-protected corn line 4114
------	--

”

#### **Australia New Zealand Food Standards Code - Transitional Variation 2015 (Application A1106 - Food derived from Herbicide-tolerant & Insect-protected Corn Line 4114)**

The Board of Food Standards Australia New Zealand gives notice of the making of this variation under section 92 of the *Food Standards Australia New Zealand Act 1991*. The Standard commences on the date specified in clause 3 of this variation.

Dated 30 November 2015

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

**Note:**

This variation will be published in the Commonwealth of Australia Gazette No. FSC 101 on 7 December 2015.

**1 Name**

This instrument is the *Australia New Zealand Food Standards Code - Transitional Variation 2015 (Application A1106 - Food derived from Herbicide-tolerant and Insect-protected Corn Line 4114)*.

**2 Variation to a Standard in the *Australia New Zealand Food Standards Code***

The Schedule varies Schedule 26 of the *Australia New Zealand Food Standards Code*.

**3 Commencement**

The variation commences on 1 March 2016 immediately after the commencement of Standard 5.1.1 - Revocation and transitional provisions - 2014 Revision.

**SCHEDULE**

**[1]** The item 'Corn' in the Table to subsection S26—3(4) of Schedule 26 is varied by inserting in the appropriate alphabetical position

(w) herbicide-tolerant and insect-protected corn line 4114

**Food Standards (Application A1107 - Asparaginase from *Bacillus subtilis* as a Processing Aid (Enzyme)) Variation**

The Board of Food Standards Australia New Zealand gives notice of the making of this variation under section 92 of the *Food Standards Australia New Zealand Act 1991*. The Standard commences on the date specified in clause 2 of the variation.

Dated 30 November 2015

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

**Note:**

This variation will be published in the Commonwealth of Australia Gazette No. FSC 101 on 7 December 2015.

**1 Name of instrument**

This instrument is the *Food Standards (Application A1107 - Asparaginase from *Bacillus subtilis* as a Processing Aid (Enzyme)) Variation*.

**2 Commencement**

This instrument commences on 1 March 2016 immediately after the commencement of Standard 5.1.1 - Revocation and transitional provisions - 2014 Revision.

**3 Variation of Schedules**

The Schedule varies a Schedule in the *Australia New Zealand Food Standards Code*.

**Schedule**

**[1] Schedule 18** is varied by omitting from the table to section S18—4(5)

Asparaginase (EC 3.5.1.1)

*Aspergillus niger*

*Aspergillus oryzae*

and inserting

Asparaginase (EC 3.5.1.1)

*Aspergillus niger*

*Aspergillus oryzae*

*Bacillus subtilis*, containing the gene for asparaginase isolated from *Pyrococcus furiosus*

**Food Standards (Proposal P1016- Hydrocyanic Acid in Apricot Kernels & other Foods) Variation**

The Board of Food Standards Australia New Zealand gives notice of the making of this variation under section 92 of the *Food Standards Australia New Zealand Act 1991*. The variation commences on the date specified in clause 3 of this variation.

Dated 30 November 2015

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

**Note:**

This variation will be published in the Commonwealth of Australia Gazette No. FSC 101 on 7 December 2015. This means that this date is the gazettal date for the purposes of clause 3 of the variation.

**1 Name**

This instrument is the *Food Standards (Proposal P1016 - Hydrocyanic Acid in Apricot Kernels & other Foods) Variation*.

**2 Variation to Standards in the *Australia New Zealand Food Standards Code***

The Schedule varies a Standard in the *Australia New Zealand Food Standards Code*.

**3 Commencement**

The variation commences on the date of gazettal.

**SCHEDULE**

**[1] Standard 1.4.4** is varied by -

[1.1] inserting after clause 2 -

**“3 Raw apricot kernels**

(1) Raw apricot kernels must not be sold in a retail sale.

(2) Raw apricot kernels must not be used as an ingredient in a food unless the kernels have been or will be subject to processing or a treatment that renders them safe for human consumption.

(3) To avoid doubt, nothing in this clause prevents the sale of apricots containing their raw apricot kernels or the use of such apricots as an ingredient in a food.

(4) Nothing in this clause affects the operation of clause 4 of Standard 1.4.1.

(5) For the purposes of this clause -

**raw apricot kernels** means the nut found within the hard shell or stone of *Prunus armeniaca* and includes hulled, dehulled, blanched, ground, milled, cracked, chopped or whole kernels.

(6) Subclause 1(2) of Standard 1.1.1 does not apply in relation to any variation made by Food Standards (Proposal P1016 - Hydrocyanic Acid in Apricot Kernels & other Foods) Variation.”

[1.2] updating the Table of Provisions to reflect these variations.

***Australia New Zealand Food Standards Code - Revocation and Transitional Variation 2015 (Proposal P1016 - Hydrocyanic Acid in Apricot Kernels & other Foods)***

The Board of Food Standards Australia New Zealand gives notice of the making of this variation under section 92 of the *Food Standards Australia New Zealand Act 1991*. The variation commences on the date specified in clause 2 of this variation.

Dated 30 November 2015

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

**Note:**

This variation will be published in the Commonwealth of Australia Gazette No. FSC 101 on 7 December 2015.

**1 Name of instrument**

This instrument is the *Australia New Zealand Food Standards Code — Revocation and Transitional Variation 2015 (Proposal P1016- Hydrocyanic Acid in Apricot Kernels & Other Foods)*.

**2 Commencement**

This instrument commences on 1 March 2016 immediately after the commencement of Standard 5.1.1 - Revocation and transitional provisions —2014 Revision.

**3 Schedule**

The Schedule varies Standards in the *Australia New Zealand Food Standards Code*.

**SCHEDULE**

**[1] Standard 1.1.1** is varied by

[1.1] omitting paragraph 1.1.1—10(5)(e), and substituting

- “(e) kava or any substance derived from kava;
- (f) if the food is for retail sale - raw apricot kernels.”

[1.2] omitting paragraph 1.1.1—10(6)(i), and substituting

- “(i) kava or any substance derived from kava;
- (j) raw apricot kernels.”

[1.3] inserting after Note 3 following subsection 1.1.1—10(6)

“**Note 4** Relevant permissions for raw apricot kernels are contained in Standard 1.4.4.”

[2] **Standard 1.1.2** is varied by inserting in subsection 1.1.2—3(2) in appropriate alphabetical position

“**raw apricot kernels** means the nut found within the hard shell or stone of *Prunus armeniaca* and includes hulled, dehulled, blanched, ground, milled, cracked, chopped or whole kernels.”

[3] **Standard 1.4.4** is varied by inserting after section 1.4.4—4

“**1.4.4—5 Exception relating to raw apricot kernels**

Raw apricot kernels may be used as an ingredient in a food for sale if the kernels have been or will be subject to processing or a treatment that renders them safe for human consumption.”

**Food Standards (Proposal P1037- Amendments associated with Nutrition Content & Health Claims) Variation**

The Board of Food Standards Australia New Zealand gives notice of the making of this variation under section 92 of the *Food Standards Australia New Zealand Act 1991*. This variation commences on the date specified in clause 3 of this variation.

Dated 30 November 2015

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

**Note:**

This variation will be published in the Commonwealth of Australia Gazette No. FSC 101 on 7 December 2015. This means that this date is the gazettal date for the purposes of clause 3 of the variation.

**1 Name**

This instrument is the *Food Standards (Proposal P1037 - Amendments associated with Nutrition Content & Health Claims) Variation*.

**2 Variation to Standards in the Australia New Zealand Food Standards Code**

The Schedule varies the Standards in the *Australia New Zealand Food Standards Code*.

**3 Commencement**

The variation commences on the date of gazettal.

**SCHEDULE**

[1] **Standard 1.1.1** is varied by -

[1.1] inserting after clause 1 -

“**1A Application of the Code to prescribed variations**

(1) For the purposes of this clause -

**prescribed variations** means the variations to the Code made by the Variation other than the variations made by items 1.2, 2.3 and 3.1 of the Schedule to the Variation.

**transitional period** means the period of time that commences on the date that the Variation commenced and ends on 18 January 2017.

**the Variation** means the *Food Standards (Proposal P1037 - Amendments associated with Nutrition Content & Health Claims) Variation*.

(2) Subclause 1(2) of this Standard does not apply to the prescribed variations.

(3) During the transition period, a food product may comply with either -

- (a) the Code as in force without the prescribed variations; or
- (b) the Code as amended by the prescribed variations,

but not a combination of both.

(4) A food product is taken to comply with the Code as amended by the prescribed variations for a period of 12 months commencing on 18 January 2017 if the food product otherwise complied with this Code before that date.”

[1.2] inserting after clause 2 -

**“2A Permitted Health Star Rating symbols**

(1) In this Code, a **Permitted Health Star Rating** symbol means an image subject to any of the following -

- (a) an Australian Trade Mark numbered 1641445, 1641446 or 1641447;
- (b) a New Zealand Trade Mark numbered 1018807, 1018808 or 1018809.

(2) To avoid doubt, an image mentioned in subclause (1) does not cease to be a Permitted Health Star Rating symbol by reason only of the image indicating -

- (a) energy or nutrient content on a per 100 g, per 100 ml or per pack basis; or
- (b) energy or nutrient content on a per serving or per reference portion basis; or
- (c) energy or nutrient content at zero or amounts greater than zero; or
- (d) energy content on a percentage daily intake basis in addition to an amount shown in kilojoules.”

[1.3] updating the Table of Provisions to reflect these variations.

**[2] Standard 1.2.7** is varied by -

[2.1] inserting after clause 1 -

“

**Editorial note:**

Standard 1.2.8 may prescribe additional labelling requirements for claims regulated in Standard 1.2.7.

”

[2.2] omitting paragraph 5(c) and substituting -

- “(c) a declaration that is required by the Act; or
- (d) a Permitted Health Star Rating symbol.”

[2.3] omitting “subparagraph” from paragraph 18(1)(b) and substituting “paragraph”

[2.4] omitting from the entry for Lactose in Schedule 1 “The nutrition information panel indicates the lactose and galactose content.”

[2.5] omitting from the entry for Salt or sodium in Schedule 1 “The nutrition information panel indicates the potassium content.”

[2.6] omitting from Schedule 1 -

“

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Omega-3 fatty acids	(a) the food meets the conditions for a nutrition content claim about omega fatty acids; and	Good Source	(a) the food contains no less than 60 mg total eicosapentaenoic acid and docosahexaenoic acid per serving; and
	(b) the food contains no less than -		(b) the food may contain less than 200 mg alpha-linolenic acid per serving.
	(i) 200 mg alpha-linolenic acid per serving; or	Increased	(a) the food contains at least 25% more omega-3 fatty acids than in the same quantity of reference food; and
	(ii) 30 mg total eicosapentaenoic acid and docosahexaenoic acid per serving; and		(b) the reference food meets the general claim conditions for a nutrition content claim about omega-3 fatty acids.
	(c) other than for fish or fish products with no added saturated fatty acids, the food contains -		
	(i) as a proportion of the total fatty acid content, no more than 28% saturated fatty acids and trans fatty acids; or		
	(ii) no more saturated fatty acids and trans fatty acids than 5 g per 100 g; and		
	(d) the nutrition information panel indicates the type and amount of omega-3 fatty acids, that is, alpha-linolenic acid, docosahexaenoic acid or eicosapentaenoic acid, or a combination of the above.		

and substituting -

Omega-3 fatty acids	(a) the food meets the conditions for a nutrition content claim about omega fatty acids; and	Good Source	(a) the food contains no less than 60 mg total eicosapentaenoic acid and docosahexaenoic acid per serving; and
	(b) the food contains no less than -		(b) the food may contain less than 200 mg alpha-linolenic acid per serving.
	(i) 200 mg alpha-linolenic acid per serving; or	Increased	(a) the food contains at least 25% more omega-3 fatty acids than in the same quantity of reference food; and
	(ii) 30 mg total eicosapentaenoic acid and docosahexaenoic acid per serving; and		(b) the reference food meets the general claim conditions for a nutrition content claim about omega-3 fatty acids.
	(c) other than for fish or fish products with no added saturated fatty acids, the food contains -		
	(i) as a proportion of the total fatty acid content, no more than 28% saturated fatty acids and trans fatty acids; or		
	(ii) no more saturated fatty acids and trans fatty acids than 5 g per 100 g.		



[2.7] omitting “the content of energy and each nutrient” from subitems 2(1) and 3(1) of Schedule 5 and substituting “the average energy content and the average quantity of each nutrient listed in that Table that is”

[2.8] omitting “sources” from paragraph 4(6)(c) of Schedule 5

[2.9] omitting “sources” from subitem 4(8) of Schedule 5

[2.10] omitting “total” wherever appearing in Tables 1 and 2 of Schedule 5

[2.11] omitting “Average saturated fatty acids” wherever appearing in Tables 1 and 2 of Schedule 5 and substituting “Average quantity of saturated fatty acids”

[2.12] omitting “Average sodium” wherever appearing in Tables 1 and 2 of Schedule 5 and substituting “Average quantity of sodium”

[2.13] omitting subitem 5(1) of Schedule 5 and substituting

“(1) Use Table 4 to determine the ‘P points’ scored, depending on the average quantity of protein in 100 g or 100 mL of the food product (based on the units used in the nutrition information panel). A maximum of five points can be awarded.”

[2.14] omitting subitem 6(1) of Schedule 5 and substituting

“(1) Use Table 5 to determine the ‘F points’ scored, depending on the average quantity of dietary fibre in 100 g or 100 mL of the food product (based on the units used in the nutrition information panel). A maximum of five points can be awarded.”

**[3] Standard 1.2.8** is varied by -

[3.1] omitting paragraph 4(1)(d) and substituting -

“(d) an endorsement; or

(e) a permitted Health Star Rating symbol.”

[3.2] omitting “clause 8” from subclause 4(4) and substituting “clauses 8 and 8A”

[3.3] omitting “saturated fat” from paragraph 5(1)(e) and substituting “saturated fatty acids”

[3.4] inserting after subclause 5(4) -

(4A) The nutrition information panel must include a declaration of the average quantity of galactose in accordance with subclause (7), where a claim requiring nutrition information is made about or based on lactose.

(4B) The nutrition information panel must include a declaration of the average quantity of potassium in accordance with subclause (7), where a claim requiring nutrition information is made about or based on salt or sodium.

(4C) The nutrition information panel must include a declaration of the following in accordance with subclause (7), where a claim requiring nutrition information is made about or based on omega-3 fatty acids -

(a) the average quantity of each type of omega-3 fatty acids (that is, alpha-linolenic acid, docosahexaenoic acid, eicosapentaenoic acid or a combination of these); and

(b) the average quantity of the total of omega-3 fatty acids.”

[3.5] omitting “subclause (4) and subclause (5)” from subclause 5(7) and substituting “subclauses (4), (4A), (4B), (4C) and (5)”

[3.6] omitting the Table to subclause 8(3) and substituting -

**“Table to subclause 8(3)**

<b>Column 1</b>	<b>Column 2</b>
<i>Claim is about</i>	<i>Label must include</i>
Any nutrient or biologically active substance (other than a vitamin or mineral with a RDI)	Average quantity of the nutrient or biologically active substance present per serving of the food
Any vitamin or mineral with a RDI	(a) Average quantity of the vitamin or mineral present per serving of the food; and (b) Percentage of the RDI for the vitamin or mineral contributed by one serving of the food, and calculated in accordance with clause 7A

<i>Column 1</i>	<i>Column 2</i>
<i>Claim is about</i>	<i>Label must include</i>
Polyunsaturated fatty acids or monounsaturated fatty acids in a food standardised in Standard 2.4.1 or 2.4.2	Minimum, maximum or average quantity of saturated fatty acids, trans fatty acids, polyunsaturated fatty acids and monounsaturated fatty acids content per serving of the food
Polyunsaturated fatty acids or monounsaturated fatty acids in a food that is not a food standardised in Standard 2.4.1 or 2.4.2	Average quantity of saturated fatty acids, trans fatty acids, polyunsaturated fatty acids and monounsaturated fatty acids content per serving of the food
Cholesterol, saturated fatty acids, trans fatty acids, omega-6 or omega-9 fatty acids	Average quantity of saturated fatty acids, trans fatty acids, polyunsaturated fatty acids and monounsaturated fatty acids content per serving of the food
Dietary fibre, sugars or any other carbohydrate	Average energy content per serving of the food and average quantity of carbohydrate, sugars and dietary fibre (calculated in accordance with clause 18) present per serving of the food
Energy	Average energy content per serving of the food
Fat-free	Average energy content per serving of the food
Omega-3 fatty acids	(a) Average quantity of saturated fatty acids, trans fatty acids, polyunsaturated fatty acids and monounsaturated fatty acids content per serving of the food; and (b) the average quantity of each type of omega-3 fatty acids per serving of the food (that is, alpha-linolenic acid, docosahexaenoic acid, eicosapentaenoic acid or a combination of these); and (c) the average quantity of the total of omega-3 fatty acids per serving of the food
Lactose	Average quantity of galactose content per serving of the food
Potassium	Average quantity of sodium content per serving of the food
Sodium or salt	Average quantity of sodium and potassium content per serving of the food

[3.7] omitting “‘metric cup’ or” from paragraph 8(5)(b)

[3.8] omitting “of unavailable carbohydrate” from subclause 8A(2) and substituting “of the average quantity of unavailable carbohydrate per serving of the food”

[3.9] omitting “presence of relevant substances” from subclause 8A(4) and substituting “the average quantity of the substances per serving of the food”

**[4] Standard 2.9.2** is varied by omitting subclause 9(1) and substituting -

“(1) The following provisions of Standard 1.2.8 do not apply to a food standardised by this Standard -

- (a) paragraph 3(j); and
- (b) subclause 4(4); and
- (c) paragraph 5(1)(e) as it relates to saturated fat; and
- (d) subclauses 5(2), 5(4) and 5(5); and
- (e) clause 7; and
- (f) clause 8; and
- (g) clause 8A; and

(h) clause 9.”

***Australia New Zealand Food Standards Code - Transitional Variation 2015 (Proposal P1037 - Amendments associated with Nutrition Content & Health Claims)***

The Board of Food Standards Australia New Zealand gives notice of the making of this variation under section 92 of the *Food Standards Australia New Zealand Act 1991*. This variation commences on the date specified in clause 2 of the variation.

Dated 30 November 2015

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

**Note:**

This variation will be published in the Commonwealth of Australia Gazette No. FSC 101 on 7 December 2015.

**1 Name of instrument**

This instrument is the *Australia New Zealand Food Standards Code - Transitional Variation 2015 (Proposal P1037 - Amendments associated with Nutrition Content & Health Claims)*.

**2 Commencement**

This instrument commences on 1 March 2016 immediately after the commencement of Standard 5.1.1 - Revocation and transitional provisions — 2014 Revision.

**3 Variation to Standards in the *Australia New Zealand Food Standards Code***

The Schedule varies Standards in the *Australia New Zealand Food Standards Code*.

**4 Effect of prescribed variations**

(1) In this section:

**the Code** means the *Australia New Zealand Food Standards Code*.

**prescribed variations** means the variations to the Code made by this instrument other than the variations made by items 1, 2 and 3.1 of the Schedule.

**transitional period** means the period of time that commences on 1 March 2016 and ends on 18 January 2017.

(2) Section 1.1.1—9 of the Code does not apply to the prescribed variations.

(3) During the transition period, a food may comply with either:

- (a) the Code as in force without the prescribed amendments; or
- (b) the Code as amended by the prescribed variations.

but not a combination of both.

(4) A food is taken to comply with the Code as amended by the prescribed variations for a period of 12 months commencing on 18 January 2017 if the food otherwise complied with the Code before that date.

**SCHEDULE**

**[1] Standard 1.1.2** is varied by

[1.1] inserting after section 1.1.2—14

**“1.1.2—15 Definition of Permitted Health Star Rating symbol**

(1) In this Code, ***Permitted Health Star Rating symbol*** means an image subject to any of the following:

- (a) an Australian Trade Mark numbered 1641445, 1641446 or 1641447;
- (b) a New Zealand Trade Mark numbered 1018807, 1018808 or 1018809.

(2) To avoid doubt, an image mentioned in subsection (1) does not cease to be a Permitted Health Star Rating symbol by reason only of the image indicating:

- (a) energy or nutrient content on a per 100 g, per 100 ml or per pack basis; or
- (b) energy or nutrient content on a per serving or per reference portion basis; or
- (c) energy or nutrient content at zero or amounts greater than zero; or
- (d) energy content on a percentage daily intake basis in addition to an amount shown in kilojoules.”

**[2] Standard 1.2.7** is varied by

[2.1] inserting after section 1.2.7—3

“**Note** Standard 1.2.8 may prescribe additional labelling requirements for claims regulated by this Standard.”

[2.2] omitting paragraph 1.2.7—6(c) and substituting

“(c) a declaration that is required by an application Act; or

(d) a permitted Health Star Rating symbol.”

**[3] Standard 1.2.8** is varied by

[3.1] omitting “infant formula products” from section 1.2.8—3 and substituting “infant formula products or a Permitted Health Star Rating symbol.”

[3.2] inserting after subsection 1.2.8—6(10)

“*Claims about lactose*

(11) If a \*claim requiring nutrition information is made in relation to lactose, a nutrition information panel must include a declaration of the average quantity of galactose in accordance with section S12—3.

“*Claims about salt or sodium*

(12) If a \*claim requiring nutrition information is made in relation to salt or sodium, the nutrition information panel must include a declaration of the average quantity of potassium in accordance with section S12—3.

“*Claims about omega-3 fatty acids*

(13) If a \*claim requiring nutrition information is made in relation to omega-3 fatty acids, the nutrition information panel must include declarations of each of the following in accordance with section S12—3:

(a) the average quantity of each type of omega-3 fatty acids (that is, alpha-linolenic acid, docosahexaenoic acid, eicosapentaenoic acid or a combination of these); and

(b) the average quantity of the total of omega-3 fatty acids.”

[3.3] omitting from paragraph 1.2.8—14(1)(c) “a declaration of unavailable carbohydrate (not including dietary fibre)” and substituting “a declaration of the average quantity of unavailable carbohydrate (not including dietary fibre) per serving of the food”

[3.4] omitting from paragraph 1.2.8—14(1)(c) “the presence in the food” and substituting “the average quantity per serving of the food”

[3.5] omitting “‘metric cup’,” from subsection 1.2.8—14(2)

**[4] Schedule 4** is varied by

[4.1] omitting from the entry for Lactose in the table to section S4—3 “The nutrition information panel indicates the lactose and galactose content.”

[4.2] omitting from the entry for Salt or sodium in the table to section S4—3 “The nutrition information panel indicates the potassium content.”

[4.3] omitting from the table to section S4—3

“

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Omega-3 fatty acids	(a) The food meets the conditions for a nutrition content claim about omega fatty acids; and	Good Source	(a) The food contains no less than 60 mg total eicosapentaenoic acid and docosahexaenoic acid/serving; and
	(b) the food contains no less than:	Increased	(b) the food may contain less than 200 mg alpha-linolenic acid/serving.
	(i) 200 mg alpha-linolenic acid per serving; or		(a) The food contains at least 25% more omega-3 fatty acids than in the same quantity of *reference food; and
	(ii) 30 mg total eicosapentaenoic acid and docosahexaenoic acid per serving; and		(b) the reference food meets the general claim conditions for a nutrition content claim about omega-3 fatty acids.
	(c) other than for fish or fish products with no added *saturated fatty acids, the food contains:		
	(i) as a proportion of the total fatty acid content, no more than 28% saturated fatty acids and trans fatty acids; or		
	(ii) no more saturated fatty acids and *trans fatty acids than 5 g per 100 g.		

**[5] Schedule 5** is varied by

[5.1] omitting “the content of energy and each nutrient” from section S5—3 and substituting “the average energy content and the average quantity of each nutrient”

[5.2] omitting “**AEC** is the number of points for average energy content” from section S5—3 and substituting “**AEC** is the number of points for the average energy content in the unit quantity of the food”

[5.3] omitting “**ASFA** is the number of points for average saturated fatty acids” from section S5—3 and substituting “**ASFA** is the number of points for the average quantity of saturated fatty acids in the unit quantity of the food”

[5.4] omitting “**ATS** is the number of points for average total sugars” from section S5—3 and substituting “**ATS** is the number of points for the average quantity of sugars in the unit quantity of the food.”

[5.5] omitting “**AS** is the number of points for average sodium” from section S5—3 and substituting “**AS** is the number of points for the average quantity of sodium in the unit quantity of the food”

[5.6] omitting “total” from Table 1 to S5—3

[5.7] omitting “total” from Table 2 to S5—3

[5.8] omitting “sources” wherever occurring in section S5—4

[5.9] omitting subsection S5—5(1) and substituting

“(1) Use Table 4 to determine the ‘P points’ scored, depending on the average quantity of protein in 100 g or 100 mL of the food product (based on the units used in the nutrition information panel). A maximum of five points can be awarded.”

[5.10] omitting subsection S5—6(1) and substituting

“(1) Use Table 5 to determine the ‘F points’ scored, depending on the average quantity of \*dietary fibre in 100 g or 100 mL of the food product (based on the units used in the nutrition information panel). A maximum of five points can be awarded.”

**[6] Schedule 12** is varied by omitting “1.2.8—6(3) and 1.2.8—6(5)” from section S12—3 and substituting “1.2.8—6(3), 1.2.8—6(5), 1.2.8—6(11), 1.2.8—6(12) and 1.2.8—6(13)”

**[7] Schedule 13** is varied by omitting the table to section S13—2, and substituting

**“Nutrition information for food in small packages**

<i>Column 1</i>	<i>Column 2</i>
<i>Claim is about</i>	<i>Label must include</i>
Any nutrient or biologically active substance (other than a vitamin or mineral with a RDI)	Average quantity of the nutrient or biologically active substance present per serving of the food
Any vitamin or mineral with a RDI	(a) *Average quantity of the vitamin or mineral present per serving of the food; and (b) Percentage of the RDI for the vitamin or mineral contributed by one serving of the food, and calculated in accordance with section 1.2.8—9.
Polyunsaturated fatty acids or monounsaturated fatty acids in a food standardised in Standard 2.4.1 or 2.4.2	Saturated fatty acids, trans fatty acids, *polyunsaturated fatty acids and monounsaturated fatty acids content per serving of the food
Polyunsaturated fatty acids or monounsaturated fatty acids in a food that is not a food standardised in Standard 2.4.1 or 2.4.2	Average quantity of saturated fatty acids, trans fatty acids, *polyunsaturated fatty acids and monounsaturated fatty acids content per serving of the food
Cholesterol, saturated fatty acids, trans fatty acids, omega-6 or omega-9 fatty acids	Average quantity of saturated fatty acids, trans fatty acids, *polyunsaturated fatty acids and monounsaturated fatty acids content per serving of the food
Dietary fibre, sugars or any other *carbohydrate	Average energy content per serving of the food and average quantity of carbohydrate, sugars and dietary fibre (calculated in accordance with section S11—4) present per serving of the food
Energy	Average energy content per serving of the food
Fat-free	Average energy content per serving of the food
Omega-3 fatty acids	(a) Average quantity of *saturated fatty acids, *trans fatty acids, *polyunsaturated fatty acids and *monounsaturated fatty acids content per serving of the food; and (b) Average quantity of each type of omega-3 fatty acids per serving of the food (that is, alpha-linolenic acid, docosahexaenoic acid, eicosapentaenoic acid or a combination of these); and (c) Average quantity of the total of omega-3 fatty acids per serving of the food
Lactose	Average quantity of galactose content per serving of the food
Potassium	Average quantity of sodium content per serving of the food
Sodium or salt	Average quantity of sodium and potassium content per serving of the food

### **Food Standards (P1038 - Vitamin & Mineral Claims & Sodium Claims about Food containing Alcohol) Variation**

The Board of Food Standards Australia New Zealand gives notice of the making of this variation under section 92 of the *Food Standards Australia New Zealand Act 1991*. The Standard commences on the date specified in clause 3 of this variation.

Dated 30 November 2015

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

**Note:**

This variation will be published in the Commonwealth of Australia Gazette No. FSC 101 on 7 December 2015. This means that this date is the gazettal date for the purposes of clause 3 of the variation.

**1 Name**

This instrument is the *Food Standards (P1038 - Vitamin & Mineral Claims & Sodium Claims about Food containing Alcohol) Variation*.

**2 Variation to Standards in the *Australia New Zealand Food Standards Code***

The Schedule varies a Standard in the *Australia New Zealand Food Standards Code*.

**3 Commencement**

The Schedule commences on the date of gazettal.

**SCHEDULE**

[1] **Standard 1.2.7** is varied by

[1.1] inserting in clause 2 in alphabetical order, the following definitions

“**maximum claimable amount** means the maximum claimable amount as prescribed by clause 4 or clause 5 of Standard 1.3.2.”

“**reference quantity** means the reference quantity specified for the food in Column 2 of the Table to clause 3 of Standard 1.3.2.”

[1.2] deleting paragraph 3(b), substituting

“(b) a food that contains more than 1.15% alcohol by volume, other than a nutrition content claim about -  
 (i) energy content, carbohydrate content or gluten content; or  
 (ii) salt or sodium content about a food that is not a beverage; or”

[1.3] deleting the following from Column 2 of the entry for Vitamin or mineral (not including potassium or sodium) in Schedule 1

“

(a) the vitamin or mineral is mentioned in column 1 of the Schedule to Standard 1.1.1; and

(b) a serving of the food contains at least 10% of the RDI or ESADDI for that vitamin or mineral; and

(c) a claim is not for more of the particular vitamin or mineral than the maximum claimable amount as prescribed by clause 4 or clause 5 of Standard 1.3.2; and

(d) the food is not a food standardised by Standard 2.6.4, Standard 2.9.2, Standard 2.9.3 or Standard 2.9.4.

”

and substituting

“



(a) the vitamin or mineral is mentioned in column 1 of the Schedule to Standard 1.1.1; and

(b) a serving of the food contains at least 10% of the RDI or ESADDI for that vitamin or mineral; and

(c) a claim is not for more of the particular vitamin or mineral than the maximum claimable amount; and

(d) the food is not a food standardised by Standard 2.6.4, Standard 2.9.2, Standard 2.9.3 or Standard 2.9.4.

Paragraph (b) does not apply where -

(i) a maximum claimable amount applies in relation to the vitamin or mineral; and

(ii) the serving size is less than the reference quantity; and

(iii) the reference quantity contains at least 10% of the RDI or ESADDI for the vitamin or mineral; and

(iv) the maximum claimable amount is less than 10% of the RDI or ESADDI per serving.

”

***Australia New Zealand Food Standards Code - Transitional Variation 2015 (P1038 - Vitamin & Mineral Claims & Sodium Claims about Food containing Alcohol)***

The Board of Food Standards Australia New Zealand gives notice of the making of this variation under section 92 of the *Food Standards Australia New Zealand Act 1991*. The Standard commences on the date specified in clause 2 of the variation.

Dated 30 November 2015

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

**Note:**

This variation will be published in the Commonwealth of Australia Gazette No. FSC 101 on 7 December 2015.

**1 Name of instrument**

This instrument is the *Australia New Zealand Food Standards Code - Transitional Variation 2015 (P1038 - Vitamin & Mineral Claims & Sodium Claims about Food containing Alcohol)*.

**2 Commencement**

The Schedule commences on 1 March 2016 immediately after the commencement of Standard 5.1.1 - Revocation and transitional provisions — 2014 Revision.

**3 Variation of Standards**

The Schedule varies a Standard and a Schedule of the *Australia New Zealand Food Standards Code*.

**Schedule**

**[1] Standard 1.2.7** is varied by deleting subsections 1.2.7—4(1) and (2), substituting

A \*nutrition content claim or \*health claim must not be made about:

- (a) kava; or
- (b) an infant formula product; or
- (c) a food that contains more than 1.15% alcohol by volume, other than a \*nutrition content claim about:
  - (i) energy content, carbohydrate content or gluten content; or
  - (ii) salt or sodium content about a food that is not a beverage.

**[2] Schedule 4** is varied by

[2.1] inserting the following at the beginning of section S4—2

In this Schedule:

**maximum claimable amount** means the maximum claimable amount as prescribed by section 1.3.2—4 or 1.3.2—5.

**reference quantity** means the reference quantity specified for the food in the Table to section S17—4.

[2.2] deleting Column 2 of the entry for “Vitamin or mineral (not including potassium or sodium)” from the table to section S4—3 and substituting

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(a) The vitamin or mineral is mentioned in Column 1 of the table to section S1—2 or S1—3; and

(b) a serving of the food contains at least 10% \*RDI or \*ESADDI for that vitamin or mineral; and

(c) a claim is not for more of the particular vitamin or mineral than the amount permitted by section 1.3.2—4 or 1.3.2—5; and

(d) the food is not any of the following:

(i) a formulated caffeinated beverage;

(ii) food for infants;

(iii) a formulated meal replacement;

(iv) a formulated supplementary food;

(v) a formulated supplementary sports food.

Paragraph (b) does not apply where:

(i) a maximum claimable amount applies in relation to the mineral or vitamin; and

(ii) the serving size is less than the reference quantity; and

(iii) the reference quantity contains at

least 10% \*RDI or  
\*ESADDI for the vitamin  
or mineral; and

(iv) the maximum  
claimable amount is less  
than 10% \*RDI or  
\*ESADDI per serving.

For food for infants, the  
food satisfies the condition  
for making a claim under  
subsection 2.9.2—10(2).

For a formulated meal  
replacement, the food  
meets the condition for  
making a claim under  
subsection 2.9.3—4(2).

For a formulated  
supplementary food, the  
food meets the conditions  
for making a claim under  
subsection 2.9.3—6(2).

For a formulated  
supplementary food for  
young children, the food  
meets the conditions for  
making a claim under  
2.9.3—8(2).

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