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Food Standards Code—Standard 1.3.1

as in effect on [date of Standard]

Made under the *Food Standards Australia New Zealand Act 1991*

CONSULTATION DRAFT **7 July 2014**

Standard 1.3.1 Food additives

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 by reference into a food standard under the *Food Act 1981* (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 [date of commencement], 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) is a substance identified in subsection 1.1.2—11(2); and

(b) performs 1 or more of the technological purposes listed in Schedule 14.

(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 in processed foods;

(iii) a colouring permitted in processed foods;

(iv) a colouring permitted in processed foods to a maximum level; and

Note Schedule 15 lists a number of substances that are not additives permitted in processed foods, colourings permitted in processed foods or colourings permitted in processed foods to a maximum level.

(b) any substance that:

(i) has been selectively 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 in processed foods means a substance that is listed in section S16—2.

colouring permitted in processed foods means a substance that is listed in section S16—3.

colouring permitted in processed foods 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 in processed foods or a colouring permitted in processed foods 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 in processed foods or a colouring permitted in processed foods 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 in processed foods 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 INS numbers 249 and 250. Nitrates have INS 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 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:

$$sum\ of\ the\ proportions = \sum_{i=1}^{N} \frac{Conc_i}{MPL_i}$$

where:

N is the number of substances used as food additives in the food that perform the same technological purpose.

$\boldsymbol{Conc_i}$ is the concentration of the ith food additive in the food.

$\boldsymbol{MPL_i}$ is the maximum permitted level of the ith 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.