

Attachment B – Explanatory Statements

1. Authority

Section 13 of the *Food Standards Australia New Zealand Act 1991* (the FSANZ Act) provides that the functions of Food Standards Australia New Zealand (the Authority) include the development of standards and variations of standards for inclusion in the *Australia New Zealand Food Standards Code* (the Code).

Division 2 of Part 3 of the FSANZ Act specifies that the Authority may prepare a proposal for the development or variation of food regulatory measures, including standards. This Division also stipulates the procedure for considering a proposal for the development or variation of food regulatory measures.

FSANZ prepared Proposal P1025 to revise the Code. The Authority considered the Proposal in accordance with Division 2 of Part 3 and has approved a draft revised Code.

Following consideration by the Legislative and Governance Forum on Food Regulation¹, section 92 of the FSANZ Act stipulates that the Authority must publish a notice about the standard or draft variation of a standard.

Section 94 of the FSANZ Act specifies that a standard, or a variation of a standard, in relation to which a notice is published under section 92 is a legislative instrument, but is not subject to parliamentary disallowance or sunseting under the *Legislative Instruments Act 2003*.

2. Purpose

The Authority has approved variations of Chapters 1 and 2 of the Australia New Zealand Food Standards Code.

3. Documents incorporated by reference

The variations to food regulatory measures do not incorporate any documents by reference. The variations update some references to documents that are incorporated by reference.

4. Consultation

In accordance with the procedure in Division X of Part X of the FSANZ Act, the Authority's consideration of Proposal P1025 included two rounds of public comment following an assessment and the preparation of a draft Standard and associated reports. Submissions were called for on 23 May 2013, for a 12 week period, and on 10 July 2014 for an eight week period.

A Regulation Impact Statement was not required, because the proposed variations to the Code are likely to have a minor impact on business and individuals.

5. Statement of compatibility with human rights

This instrument is exempt from the requirements for a statement of compatibility with human rights as it is a non-disallowable instrument under section 94 of the FSANZ Act.

¹ Previously known as the Australia and New Zealand Food Regulation Ministerial Council

6. Variation

Chapter 1—Introduction and standards that apply to all foods

Part 1—Preliminary

Standard 1.1.1 Structure of the Code and general provisions

Each standard will be introduced by 2 notes that provide information about the place of the standard within the Food Standards Code and the application of the standard in New Zealand. Other notes will also be provided if appropriate.

Division 1 Preliminary

New section 1.1.1—1 Name

This section establishes that the instrument is the *Australia New Zealand Food Standards Code – Standard 1.1.1—Structure of the Code and general provisions*. In this draft food regulatory measure the standards appear as separate instruments and every standard has a name provision—a formal requirement of the Legislative Instruments Act.

New section 1.1.1—2 Structure of the Code

Subsection (1) provides that the standards are to be read together as a single instrument.

Subsection (2) provides an outline of the structure of the Code.

In Australia, Australia New Zealand Food Standards Code is a defined term in the Food Standards Australia New Zealand Act 1991 (the FSANZ Act).

In New Zealand, the Code is given effect through the making of an adopted joint food standard under section 397 of the Food Act 2014 (the Food Act).

Throughout the Code, editorial notes indicate if a provision does not apply in either Australia or New Zealand. In addition, section 1.1.1—3 sets out the application of the Code in Australia and New Zealand.

Division 2 Application and interpretation

New section 1.1.1—3 Application of Code

New section 1.1.1—3 restates the application provision that is now in subclauses 1(1) and (5) of Standard 1.1.1. The Code applies to food that is sold, processed or handled² in, or imported into, Australia or New Zealand.

Notes provide information about the standards that have not been adopted in New Zealand and a standard that does not apply in Australia but has been made as a standard for the purposes of the joint food standards arrangements.

New subsection 1.1.1—3(2) repeats the content of subclause 1(5) of Standard 1.1.1 concerning wine that was bottled prior to 20 December 2002.

New section 1.1.1—4 Application of interpretation legislation

This section provides that the general interpretation laws of Australia and New Zealand will apply, as appropriate, to the Code. Within Australia, this means that a prosecution for an offence would be conducted under state or territory law (including the state or territory interpretation law) but the Code itself would be interpreted consistently by all state and territory courts, applying the Commonwealth law. This provision reflects the current state of the law.

New section 1.1.1—5 References to other instruments

² 'Sell' and 'handle' are defined in the Australian legislation and 'processed and handled' is defined in the New Zealand Food Act 2014.

New paragraph 1.1.1—5(1)(a) provides that any reference in the Code to an Act, including the legislation of a State, Territory or New Zealand, includes a reference to any instruments made under that Act. This provision is new.

New paragraph 1.1.1—5(1)(b) provides a mechanism for making reference in the Code to the United States Code of Federal Regulations. The subsection repeats the content of clause 16 of Standard 1.1.1 of the current Code.

New subsection 1.1.1—5(2) provides that guidelines issued by FSANZ to assist in the interpretation of the Code are not legally binding. This repeats subclause 5(1) of Standard 1.1.1 of the current Code.

New section 1.1.1—6 How average quantity is to be calculated

New section 1.1.1—6 repeats the content, but not the format, of the definition of average quantity in clause 2 of Standard 1.1.1. The term average quantity is defined in section 1.1.1—6. The clause provides that an average quantity can be determined by any one of the manufacturer's analysis of the food, calculation of the actual amount of the ingredients in a food or calculation from generally accepted data relevant to the food. An average should reflect the best estimate having regard to seasonal variance or other factors that could reasonably be a cause of lot variance.

New section 1.1.1—7 Units of measurement

New section 1.1.1—7 repeats, in different form, the content of clauses 6 and 8 of Standard 1.1.1. The clause provides the meaning of symbols used in the Code and provides that the relevant Australian or New Zealand measurement legislation or international convention will apply if a symbol is not in the table. The relevant symbols and their meaning are listed in Schedule 2.

New section 1.1.1—8 Compliance with requirements relating to mandatory statements

New section 1.1.1—8 is similar to clause 12 of Standard 1.1.1 of the current Code. It provides that where a provision of the Code requires a statement or information to be provided and suggests a form of words (for example, an advisory statement) a different form of words can be used if the intent is retained.

However, warning statements³ must be expressed in the words set out in the Code. Also, some provisions require specific words to be used in labelling, such as the date marking requirements, and those words must be used.

Division 3 Effect of variations to Code

New section 1.1.1—9 Effect of variations to Code

New section 1.1.1—9 restates the provisions in current subclause 1(2) of Standard 1.1.1. The clause provides a stock-in-trade protection for foods that comply with a provision of the Code prior to the Code being varied but would not comply after the variation. Those foods are deemed to be compliant for 12 months after the date of variation.

An effect of this provision is that there will be a 12-month stock-in-trade period, after the commencement date, for food that is compliant with the current Code.

Subclause (2) makes it clear that the types of provisions that are relevant for the stock-in-trade provisions are labelling, packaging or composition requirements.

Division 4 Basic requirements

Note on enforcement of the Code

³ Warning statements are a particular type of statement identified in the definition of warning statement.

A lengthy note on the enforcement of the Code in Australia and New Zealand is set out at the beginning of this Part. The Code is enforced by laws made by the parliaments of Australia, New Zealand and the states and territories. It is a common element of the New Zealand and state and territory legislation that it is an offence to sell food that does not comply with a requirement in the Code. Other offences are established in relation to the making of false or misleading statements about food or failing to comply with a requirement of the Code that is imposed on a person.

The note is not a legally binding element of the Code or a source of legal advice.

Division 4 sets out the basic requirements that must be complied with by suppliers, importers, and manufacturers or preparers of food for sale.

New section 1.1.1—10 Requirements relating to food

New section 1.1.1—10 sets out the basic labelling and information, packaging and compositional requirements for the Code. These requirements are expressed to apply to food for sale.

Application of the requirements provision

New subsection (1) provides that the requirements established by this section apply to foods for sale.

Compositional requirements

New subsection (2) restates the permission, in subclause 10(3) of Standard 1.1.1, for the addition of one food to another food, unless there is a specific prohibition.

New subsection (3) states the requirement that a food for sale must comply with any provision of the Code relating to composition or the presence of substances in a food of that kind.

New subsection (4) repeats the content of subclause 10(1) of Standard 1.1.1, which provides that a compositional permission to add 'other foods' is not a permission to use a substance as a food additive, nutritive substance or processing aid in that food if that use is not explicitly permitted.

New subsection (5) establishes a requirement that a food that is for sale must not be a food that is listed in the table to the subsection, unless expressly permitted. The substances listed are: prohibited or restricted plants or fungi; coca bush; novel foods offered for retail sale; foods produced using gene technology; irradiated foods; and kava or a substance derived from kava.

New subsection (6) establishes a requirement that a food that is for sale must not contain, as an ingredient, a substance that is listed in the table to the subsection, unless expressly permitted. The substances listed are: a substance that is used as a food additive; a substance that is used as a nutritive substance; a substance that is used as a processing aid, in Australia—a detectable residue of an agvet chemical; prohibited or restricted plants or fungi; coca bush; novel foods offered for retail sale; foods produced using gene technology; irradiated foods; and kava or a substance derived from kava.

New subsection (7) provides that the prohibition on addition or use of substances does not apply (unless the Code provides otherwise) to naturally occurring substances. Other provisions of the Code require declaration of some naturally occurring nutritive substances.

Labelling requirements

New subsection (8) states the requirements that a food for sale must comply with any provision of the Code relating to labelling.

Information requirements

New subsection (9) states the requirements that a food for sale must comply with any provision of the Code that requires information to be given.

Packaging requirements

New subsections (10) and (11) set out the packaging requirement that is now set out in Standard 1.4.3.

New section 1.1.1—11 Microbiological requirements

New section 1.1.1—11 provides that a lot of a food for sale must not have an unacceptable level of microorganisms. The limits for unacceptability are set out in Standard 1.6.1.

New section 1.1.1—12 Applicable standards for importation of food

This new section establishes requirements in the Code for imported food. The provisions supplement Australian and New Zealand legislation.

Food imported in the form or package intended for sale must comply with applicable standards in Australia or relevant standards in New Zealand. This provision identifies the applicable, or relevant, standards for the purposes of import control legislation.

New section 1.1.1—13 Food sold with a specified name or representation

New section 1.1.1—13(2) and (3) describe how requirements are applied to foods that are defined in the Code. Requirements apply to some foods only if they sold with the stated name. Other foods may be subject to a requirement even if the food is not sold with the defined name. New subsection (1) identifies the type of provision that the section applies to—any provision that provides that a food sold as a named food must satisfy certain requirements.

New subsection 1.1.1—13(4) provides that if a name is used when a food is sold, that name is assumed to be the true name of the food unless another name is apparent from the sale context.

New subsection 1.1.1—14 Other requirements relating to food

New section 1.1.1—14 provides that if a provision of the Code imposes a requirement for the handling of food or for record-keeping that requirement must be complied with. This provision establishes a requirement that will support enforcement of the food hygiene standards in Chapter 3 in Australia and any record-keeping requirements, such as those relating to irradiated food. In New Zealand, food handling is dealt with in the Food Act

New section 1.1.1—15 Identity and purity

New section 1.1.1—15 sets out the operative requirements of Standard 1.3.4—that a substance added to food as a food additive, a processing aid, a nutritive substance or a novel food must comply with a relevant specification. Specifications are set out in Schedule 3.

New section 1.1.1—16 Identifying terms defined in subsection 1.1.1—2(3)

New section 1.1.1—16 describes how some definitions used in the Code are highlighted, using asterisks, to assist navigation within the Code.

Standard 1.1.2 Definitions used throughout the Code

New section 1.1.2—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 1.1.2— Definitions used throughout the Code.

New section 1.1.2—2 Definitions—general

This section provides definitions for the Code, or signposts to those definitions, for terms that do not describe foods. Food definitions are in the following section 1.1.2—3.

A few definitions, that have an application only in a single section of the Code, are set out in those sections.

Section 1.1.2—2 addresses an issue raised in the legislative audit about the placement of definitions throughout the Code. The new section places all definitions that have a non-food, Code-wide application in the one place, where they can be located conveniently.

Definitions that have specific relevance in a Division of the Code are placed within that Division. In most cases a signpost to the relevant definition is included in new section 1.1.2—2. However, some definitions that have only a local function within a section are not signposted

New section 1.1.2—3 Definitions—particular foods

Definitions that currently provide standards for foods, which were previously in Standard 1.1.1 or in Chapter 2, are now in new section 1.1.2—3 (either as a stand-alone definition or as a signpost to a definition that is expressed later in the Code). The compositional requirements for foods are stated independently of the definition.

The separation of definitions and compositional elements is a response to concerns expressed in consultation that the form of drafting adopted in the current Code is out-dated. Also, it is said that the current drafting style creates difficulty for enforcement agencies because the inclusion of both identifying and compositional elements in the definition means that a food product that does not comply with the compositional element cannot be considered as a food of the type identified.

It should be noted that some definitions include characterising information that might appear to be a compositional requirement. Characterising information is not a compositional requirement.

The current drafting style relies on clause 14 of Standard 1.1.1, which provides that when a definition of food includes a compositional element the definition is taken to be a standard for the composition of that food. The application of requirements is implicit rather than explicit. New section 1.1.1—13 provides, explicitly, that if the Code provides that food that is sold with a representation that it is a specified food must comply with any requirements for that type of food, the requirements must be complied with. This style of drafting clarifies the requirement to comply with all standards.

New section 1.1.2—4 Definitions of characterising ingredient and characterising component

This provision restates the definitions of characterising ingredient and characterising component that are currently in clause 1 of Standard 1.2.10.

New section 1.1.2—5 Definition of food for special medical purposes

This provision restates the definition of food for special medical purposes that is currently in clause 1 of Standard 2.9.5.

New section 1.1.2—6 Definition of formulated caffeinated beverage

The definition of formulated caffeinated beverage has been revised to clarify the nature of the beverage as a type of formulated beverage that contains caffeine. The revisions do not alter the compositional requirements.

New section 1.1.2—7 Definition of medical institution

New section 1.1.2—7 provides a definition of medical institution. This provision restates the content of clause 8 of Standard 1.2.1. Clause 8 of Standard 1.2.1 appears to be an inclusive definition. However, in the Code it is used as an exclusive definition. The defined

medical institutions are the 'other similar institutions' for the purpose of provisions such as the definition of package in the current Code.

New section 1.1.2—8 Definition of novel food

The definitions of novel food and non-traditional food that are currently in clause 1 of Standard 1.5.1 have been revised to improve readability. The term non-traditional food is now used in the definition for 'used as a food additive' to address the concept of common usage.

New section 1.1.2—9 Definition of nutrition content claim

This new section repeats the definition of nutrition content claim that is in clause 2 of Standard 1.2.7 and the provisions in subclauses 19(2)—(4) of Standard 1.2.8. The provision has been redrafted to avoid a need to define either voluntary item or mandatory item: terms that are now in subclause 19(1).

New section 1.1.2—10 Definition of RDI and ESADDI

This new section describes where the Recommended Dietary Intake or the ESADDI levels of vitamins and minerals are specified in the Code. RDIs and ESADDIs for infants and children aged one to three years are set out in columns 4 and 5 respectively of sections S1—2 and S1—3. RDIs and ESADDIs for all other purposes are set out in column 3 of sections S1—2 and S1—3.

New section 1.1.2—11 Definition of used as a food additive

New section 1.1.2—11 provides a definition of used as a food additive. In the current Code a form of definition of food additive is provided in the purpose statement for Standard 1.3.1, but there is no operative definition of food additive. For the purposes of the current Code a food additive is considered to be any substance that is not normally consumed as a food or an ingredient that is added to a food to perform one or more of a range of designated technological functions.

New subsection (1) formalises the elements of 'substance' and 'addition for a technological purpose' as a substantive part of the Code. The relevant substances are those described in subsection (2) and the relevant technological purposes are those described in schedule 14.

New subsection (2) provides that the substances that are regulated by this Division are, first, the substances listed in Schedules 15 and 16 and, secondly, any other substance that has been selectively concentrated or refined or are synthesised and is a food or ingredient that does not have a history of use. The revision of this provision has the objective of limiting the range of substances that might be considered to be food additives to, first, those substances that have been recognised internationally as food additives and, second, a limited range of substances that have been selectively extracted or refined or have been synthesised and may require a safety assessment before being used as food additives.

New subsection (3) provides definitions of terms that describe the Schedules. FSANZ has elected to use the terms 'additive permitted at GMP', 'colouring permitted at GMP' and 'colouring permitted to a maximum level' to describe the three categories of additive that are currently listed in Schedules 2, 3 and 4 of Standard 1.3.1.

New section 1.1.2—12 Definition of used as a nutritive substance

This section defines used as a nutritive substance in similar terms to the current definition of nutritive substance in clause 2 of Standard 1.1.1. The definition focusses attention on the purpose of addition of the substance to a food, ie to achieve a nutritional purpose.

The substances that are subject to the provision are substances that, first, are identified in the Code as a substance that may be used as a nutritive substance⁴ or, secondly, substances that are selectively extracted or refined or are synthesised and are not normal foods or ingredients⁵. Third, the provisions in new paragraph (2)(c) restate the descriptive part of the current definition of nutritive substance and operate to make it clear that inulin-type fructans, GOS and substances that are basic foodstuffs are not regulated as nutritive substances. Some submitters expressed concern about the use of terms relating to 'normal use' and sale to consumers. We are satisfied that the terms are well understood in the context of food regulation, in Australia and internationally, and should continue to be used notwithstanding any lack of precision.

This definition operates with new section 1.1.1—10 to prohibit the addition of substances that are not normal foods or ingredients (including vitamins and minerals) for a nutritional purpose, unless there is a specific permission in the Code. Other provisions of the Code establish limits for the addition of such substances.

New section 1.1.2—13 Definition of used as a processing aid

This new section provides a definition that describes what a reference to a substance or a food that is used as a processing aid means.

The definitions for dairy ingredient, EC number and maximum permitted level that are currently in Standard 1.3.3 have not been repeated. They are unnecessary in the new Code.

New subsection 1.1.2—13 provides in subsection (1) that a reference to a substance used as a processing aid is to a substance listed in Schedule 18 or an additive permitted at GMP (that is, a substance listed in section S16—2) when that substance is used to perform a technological purpose in processing but does not perform a technological purpose in the food when it is sold.

New subsection (2) provides that a reference to a food used as a processing aid is to a food that is used to perform a technological purpose in processing but does not perform a technological purpose in the food when it is sold, but only to so much of the food as is necessary to perform the technological purpose.

Note 1 makes it clear that the Code does not prohibit the use of foods as processing aids, unless they are foods referred to in the relevant schedules in which case the use will be subject to conditions.

New section 1.1.2—14 Calculation of amount of vitamin or mineral

This new section sets out how the amount of certain vitamins is to be calculated. In the Code this information is currently provided, partially, in a footnote and, additionally, in the definitions of RDI and ESADDI.

In the revision the forms of vitamin A that were formerly referred to as carotenoid forms are described as provitamin A forms, following current international practice.

Niacin is to be calculated after excluding niacin provided from the conversion of tryptophan. Vitamin C is calculated by adding the amounts of L-ascorbic acid and dehydroascorbic acid.

The provision clarifies uncertainty in the current standard about the manner in which naturally-occurring and added amounts of a vitamin or mineral should be included in the calculation and expression of an average or aggregate amount.

⁴ e.g. in Schedule S29—5.

⁵ This is a very broad range of substances. The current definition makes it clear that the range of substances that might be used for a nutritive purpose includes vitamins, minerals, amino acids, electrolytes and nucleotides. An example of the substances that are within the scope of this arm of the definition is the list of substances in Schedules S30.19 and S30.20.

The table to section S1—3 resolves an anomaly in the current Code in relation to the ESADDIs for biotin and pantothenic acid. At present different ESADDIs are set for adult populations in, on the one hand, Standards 2.9.3 and 2.9.4, and, on the other, the rest of the Code. The lower ESADDI recognises more recent nutrient reference values. Manufacturers of formulated sports foods and formulated meal replacements may have to alter labelling in the period after commencement of the revision. There are no health or safety concerns posed by the use of either ESADDI level.

Part 2—Labelling and other information requirements

Standard 1.2.1 Requirements to have labels or otherwise provide information

Division 1 Preliminary

New section 1.2.1—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 1.2.1 – Requirements to have labels or otherwise provide information.

New section 1.2.1—2 Outline of Standard

This Standard sets out when a food that is being sold is required to bear a label or have other information provided with it. There are different requirements depending on the type of sale—for food for retail sale, food for sale to a caterer or other sales. The Standard also sets out the information that is to be provided, either on a label or in associated information.

Division 2 sets out the labelling and information requirements for a food that is for retail sale. Division 3 sets out the labelling and information requirements for a food that is sold to caterers and Division 4 sets out the labelling and information requirements for all other sales of foods (except intra-company transfers of food). Division 5 sets out general prohibitions relating to labels and advertising and Division 6 sets out the legibility requirements.

New section 1.2.1—3 Definitions

This section has no operative part. It provides note references to definitions for label, labelling, bear a label and caterer that are in section 1.1.1—6. The content of the definition of label in clause 2 of Standard 1.1.1 is restated and the other definitions are provided to give better context for the use of those terms within the Code.

In the context of the Code the word label has a very broad meaning. That meaning is not limited to words appearing on packaging, but includes information provided with food. The Commonwealth interpretation law provides that where a word or phrase is given a particular meaning in an Act, other parts of speech and grammatical forms of that word or phrase have corresponding meanings⁶. This provision operates to ensure that a word such as label can be used as a verb or a noun without there being any question as to the scope of each.

Accordingly, the definition for label is for the use of that word as a noun. When it is used as a verb the word relates to the action of affixing such a label or, given the broad scope of the noun, providing the information that is required in labelling.

The definition in relation to bear a label is an enabling definition that provides that a package will be taken to bear a label in certain circumstances. Otherwise, the words bear a label will have their common meaning.

Division 2 Retail sales of food

New section 1.2.1—4 When this Division applies

⁶ Section 18A Acts Interpretation Act 1901

New section 1.2.1—4 provides that Division 2 applies to retail sales of food and to sales of foods that are not retail sales but are sales that are made on the basis that the food is suitable for retail sale without further processing, packaging or labelling, for example, a wholesale transfer of an item packaged for retail sale. Put another way, the Division relates to sales that are not dealt with in the following two Divisions.

New section 1.2.1—5 Outline of Division

This new section provides an outline of Division 2 relating to labelling of food for retail sale.

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

New section 1.2.1—6 sets out when a label is required on foods that are for retail sale.

If a food for sale is in a package it must usually be labelled. The exceptions are if the food is:

- made and packaged on the premises where it is sold;
- packaged in the presence of the purchaser;
- whole or cut fresh fruit or vegetables (other than seed sprouts, or similar) sold in a clear package;
- delivered packaged and ready for consumption at the express order of a purchaser (eg take-away pizza), except in a vending machine;
- sold at a fund-raising event; or
- sold in an assisted service display cabinet.

The provision restates paragraphs (c) to (h) of current subclause 2(1) of Standard 1.2.1. Paragraph (a) is restated in subsection (4) and paragraph (b) is restated in subsections (2) and (3).

If a food for sale has more than one layer of packaging, and is required to bear a label, the food need have only one label. However, if a food is sold in individual portion packs not designed for individual sale and with a package surface area greater than 30cm², the individual portion pack and the outer package must each bear a label, although the label on the individual portion package is required to have only some of the information required on the outer label: see subsection 1.2.1—8(3).

Unpackaged food is not required to bear a label. However, information may have to be provided by another means.

The obligation to label food for retail sale and relevant exemptions are currently in subclause 2(1) of Standard 1.2.1.

New section 1.2.1—7 Australia only—country of origin labelling requirement

New section 1.2.1—7 sets out the basic requirement to provide country of origin information for packaged and unpackaged foods for retail sale in Australia. Details of the information that is to be provided are in sections 1.2.11—3 (unpackaged foods other than fruit and vegetables), 1.2.11—4 (packaged fresh fruit and vegetables) and 1.2.11—5 (other packaged foods).

The retail sale country of origin labelling requirement is currently stated in paragraph 2(2)(g) of Standard 1.2.1 and in Standard 1.2.11.

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

New section 1.2.1—8 sets out the basic labelling requirement for foods that are required to bear a label. This section provides a listing of all of the provisions of the Code that set out more detailed labelling requirements.

Subsection (1) lists the basic requirements for a food for retail sale that is required to bear a label. The provisions are currently listed in subclause 2(2) of Standard 1.2.1 and a range of

other provisions in the Code. Subsection (1) lists two types of labelling requirement—general requirements, which apply to all foods and additional requirements, for particular foods.

Subsections (2)-(4) set out specific and additional labelling requirements for food sold in hampers, food in individual portion packs and food sold from vending machines.

Food in a hamper

Subsection (2) provides special requirements for foods for retail sale in a hamper. These arrangements are currently set out in subclause 2(4) of Standard 1.2.1 and the editorial note to that subclause. When food is sold for retail sale in a hamper any food in the hamper that is in a package must bear a label that provides all of the information required by the Code. Any food that is not in a package must be accompanied by documentation setting out the information required by the Code. This requirement exists even though the food might be exempt from the labelling requirement if not in a hamper, for example, if the sale is for a fund-raising activity.

Food in individual portion packs

Subsection (3) sets out the requirement that is currently in paragraph 2(2)(b) of Standard 1.2.1, that if a food for sale is in an individual portion pack, and required to bear a label only, the warning or advisory information required by Division 3 of this Part must be provided. The outer package will be subject to the general requirement that a food for sale in a package must be labelled.

Food sold in vending machines

Subsection (4) repeats the requirement in subclause 3(2) of current Standard 1.2.2 that the name and business address of the supplier of food sold from a vending machine must be displayed clearly and prominently on the vending machine.

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

New section 1.2.1—9 sets out the basic requirements to provide information when a food for sale is not, because of the operation of section 1.2.1—6, required to bear a label.

Different requirements apply to different categories of information. Depending on the type of information, the information is required to be provided in one of the following ways:

- accompanying or displayed in connection with the display of the of the food,
- accompanying the food,
- declared or provided to the purchaser,
- accompanying or displayed in connection with the display of the food or provided to the purchaser on request.

These requirements are currently set out in isolated provisions of the Code.

New subsection 1.2.1—9(1) provides that the section applies to foods that are not required to bear a label.

Subsections (2) and (3) identify and restate the requirements in the current Code to provide warning statements or declarations and information about irradiation either with a food for sale or to display that information in connection with the sale of the food.

Subsection (4) identifies and restates the requirements in the current Code to provide information about storage or use conditions with a food for sale.

Subsection (5) identifies and restates the requirements in the current Code to declare information to a purchaser of offal or provide information to a purchaser of joined or formed meat or fish.

Subsections (6) and (7) identify and restate the requirements in the current Code to either provide information with a food for sale or display the information in connection with the display of the food or provide the information to the purchaser on request. These requirements relate to the name of the food, nutrition or health claims, nutrition information, information about characterising ingredients, the maximum proportion of fat in minced meat and any advisory statements required for formulated caffeinated beverages.

Division C Sales of food to caterers

New section 1.2.1—10 When this Division applies

New section 1.2.1-10 provides that Division 3 relates to sales to caterers.

Food that is sold to caterers is not required to be labelled in the same manner as food sold to the public, although the basic requirement is that all of the same information is to be provided or available.

New section 1.2.1—11 Outline of Division

This new section provides an outline of Division 3 relating to sales to caterers.

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

This section sets out the basic labelling requirement for a food that is sold to a caterer. This section sets out part of the requirement that is currently in clause 5 of Standard 1.2.1, other than the country of origin labelling requirement. The other part of clause 5, setting out the information to be provided, is in sections 1.2.1.1—14 and 1.2.1—15.

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

New section 1.2.1—13 sets out the basic requirement to provide information with a food sold to a caterer if the food is not required to bear a label. This requirement is now in subclause 6(3) of Standard 1.2.1.

New section 1.2.1—14 Australia only—country of origin labelling requirement

New section 1.2.1—14 sets out the basic requirement to provide country of origin information for packaged food that is sold to a caterer. This section repeats the effect of paragraph 5(1)(e) of Standard 1.2.1 and Standard 1.2.11.

New section 1.2.1—15 Information required to be on labelling for food sold to a caterer

This new section sets out the balance of the provisions that are now in clause 5 of Standard 1.2.1. The section sets out the requirement that a label include the information required for food identification, mandatory warning or advisory statements, date marking, directions for use and storage, country of origin marking and identify food produced using gene technology or irradiated food. Subsection (2) sets out the requirement that is now in paragraphs 5(2)(c) and (d) of Standard 1.2.1 relating to labelling of outer and inner packages of food sold to caterers etc.

New section 1.2.1—16 Other information that must be provided with food sold to a caterer

This new section sets out the requirement, for food sold to a caterer, that information that is required on a label for a food sold at retail sale, other than the information that is required by section 1.2.1—15 to be on a label for catering sale or characterising information, can be provided either on a label or in documentation accompanying the catering sale.

New section 1.2.1—17 Information that can be requested with food sold to a caterer

This section repeats in amended form the current requirement, in subclause 6(4) of Standard 1.2.1, that a supplier must provide certain information about a food that is sold to a caterer if requested to provide that information by the caterer or a relevant authority. The

supplier is required to provide sufficient information to enable the caterer to comply with compositional or labelling and declaration requirements in the Code.

Division D Other sales of food

New section 1.2.1—18 When this Division applies

New section 1.2.1—18 provides that Division 4 applies to transfers of food that are not retail sales, sales to caterers, or intra-company transfers.

New subsection 1.44(2) provides a definition for intra-company transfer.

New section 1.2.1—19 Outline of Division

This new section provides an outline of Division 4 relating to sales other than retail sales, sales to caterers or intra-company transfers.

New section 1.2.1—20 Labelling requirements

New section 1.2.1—20 sets out when a label is required in relation to a food that is sold in circumstances where Division 4 applies.

A food that is not for retail sale or for sale to a caterer etc is required by new section 1.2.1—20 to bear a label that provides the information about the name of the food, the lot identification and the name and address of the supplier.

New subsection (3) provides that the information may be on the package, on the outer layer of multi-layer packaging or visible through a transportation outer.

New section 1.2.1—21 When information can be requested

This new section repeats the current requirement, in clause 4 of Standard 1.2.1, that a supplier must, if requested by a purchaser provide information about a food that is sold for purposes other than sale to the public or to a caterer. The supplier is required to provide sufficient information to permit the purchaser to comply with compositional or labelling and declaration requirements in the Code.

Division 5 General prohibitions relating to labels

New section 1.2.1—22 Prohibition on altering labels

This new section repeats the current general prohibition on altering a label on a food for sale, and the permission for over-labelling, that is now in clause 11 of Standard 1.1.1. The provision is moved within the Code to co-locate it with other labelling provisions and has been revised to improve clarity. The effect of the provision is that a label may not be altered before sale without the approval of a relevant authority, unless the label is replaced by a complying label.

New section 1.2.1—23 Application of labelling provisions to advertising

New section 1.2.1—23 repeats the current requirement, in clause 13 of Standard 1.1.1, that an advertisement cannot include a statement, information, design or representation that the Code prohibits being on a label.

Division 6 Legibility requirements

New section 1.2.1—24 —General legibility requirements

New section 1.2.1—24 repeats the general legibility requirements in clause 2 of Standard 1.2.9 in a modified form.

New section 1.2.1—25 Legibility requirements for warning statements

New subsection 1.2.1—25 repeats the requirement in clause 3 of Standard 1.2.9 that warning statements must have a minimum type size. Other provisions about warning statements are listed in the definition of warning statement in subsection 1.1.2—2(2).

Standard 1.2.2 Information requirements—food identification

New section 1.2.2—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 1.2.2 – Information requirements—food identification.

New section 1.2.2—2 Name of food

New subsection 1.2.2—2(1) repeats the requirements contained in clause 1 of Standard 1.2.2 that a label on a package of food for sale must include either the prescribed name⁷ of the food or a description sufficient to indicate the true nature of the food. The current provisions are amended to improve clarity and function and to address the requirement that is now in subclause 26(2) of Standard 2.9.1 for certain words to appear as part of the name of infant formula products formulated for premature or low birthweight infants.

New subsection (2) repeats the current provision, in clause 1(3) of Standard 1.2.2, that makes it clear that the definitions of foods in Chapter 2 of the current Code do not prescribe names for those foods.

New section 1.2.2—3 Lot identification

New subsection 1.2.2—3 repeats a list of exceptions to the requirement to provide lot identification, now in clause 2 of Standard 1.2.2, with some minor revision to improve clarity.

New section 1.2.2—4 Name and address of supplier

New subsection 1.2.2—4 makes it clear that if the labelling provisions require the name and address of a supplier, the address can be an address in either Australia or New Zealand of a person who is a supplier.

Standard 1.2.3 Information requirements—Mandatory warning statements, advisory statements and declarations

New section 1.2.3—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 1.2.3 – Information requirements—warning statements, advisory statements and declarations

New section 1.2.3—2 Mandatory advisory statements

New subsection (1) repeats the substance of clauses 2 and 5 of Standard 1.2.3, to require the label on a food listed in Column 1 in the table in Schedule 9 to provide the advisory statement that appears in the corresponding row of Column 2.

Subsection (2) sets out the conditions for an advisory statement that a food for sale might have a laxative effect.

New section 1.2.3—3 Mandatory warning statement—royal jelly

New section 1.2.3—3 replaces clause 3 of Standard 1.2.3, which requires warning statements about royal jelly to be given when royal jelly is presented as a food for sale or as an ingredient of a food for sale.

⁷ Prescribed names have been established for honey, fermented comminuted meats, infant formula and follow-on formula, formulated supplementary food, formulated supplementary, food for young children, formulated supplementary sports food, and formulated meal replacement .

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

New section 1.2.3—4 repeats the requirements of clause 4 of Standard 1.2.3 that require certain allergens to be notified, either on the label or in related documentation, when the allergens are in a food for sale.

Standard 1.2.4 Information requirements—statement of ingredients

New section 1.2.4—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 1.2.4 – Information requirements—Statement of ingredients

New section 1.2.4—2 Requirement for statement of ingredients

New section 1.2.4—2 substantially repeats clause 2 of Standard 1.2.4, which sets out the requirement that the label on most food for sale must include a statement of ingredients. The provisions in Clause 2 of Standard 1.2.4 have been reordered to improve clarity.

New subsection (1) sets out what is meant by the term statement of ingredients.

New paragraph 1.2.1—8(1)(e) sets out the basic requirement that labels on food for retail sale are to include a statement of ingredients.

New subsection (2) sets out in modified form the clarifying statement, in current paragraph 2(a) of Standard 1.2.4, that a separate statement of ingredients is not required if the name of the food includes all ingredients.

New subsection (3) repeats the exceptions to the general requirement to state ingredients that are currently listed in paragraphs 2(b), (c) and (d) of Standard 1.2.4 for packaged water, alcoholic beverages and food in small packages.

New section 1.2.4—3 Requirement to list all ingredients

New section 1.2.4—3 repeats exceptions to the general requirement to list all ingredients, now in paragraphs 3(a), (b), (c) and (d) of Standard 1.2.4, for:

- ingredients of flavouring substances;
- volatile ingredients that are not in the food;
- water that has been added to reconstitute ingredients;
- water that is added in broth, brine or syrup and is declared;
- water that constitutes less than 5% of the food, or
- a substance or food that is used as a processing aid.

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

New section 1.2.4—4 repeats clause 4 of Standard 1.2.4, which requires that a statement of ingredients must identify each ingredient:

- as required by section 2.2.1—6 if the ingredient is offal; or, in any other case, by either
- its common name, or
- a descriptive name, or
- a generic name listed in Schedule 8.

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

New section 1.2.4—5 repeats the requirement, currently in clause 5 of Standard 1.2.4, that ingredients be listed in the order of their ingoing weight. New subsection (1) states the basic requirement. New subsections (2) and (3) respectively restate the alternate requirements for listing reconstituted ingredients. New subsection (4) restates the method for calculating the ingoing weight of added water or a volatile ingredient for the purpose of listing ingredients in order.

New subsections (5) to (8) restate the method of determining the ingoing weight of compound ingredients—currently in clause 6 of Standard 1.2.4.

New section 1.2.4—6 Declaration of alternative ingredients

New section 1.2.4—6 repeats the permission, now in clause 7 and subclause 8(8) of Standard 1.2.4, to declare alternative substances used as food ingredients, as alternatives or substitutes, if the composition of the food is subject to minor variation of ingredients.

New section 1.2.4—7 Declaration of substances used as food additives

New section 1.2.4—7 restates the provision, in clause 8 of Standard 1.2.4, which describes how substances used as food additives are to be declared in a statement of ingredients.

New subsection (1) repeats the general requirement that substances used as food additives should be listed by either the class name followed by the name and code number of each food additive or the name of the substance. The class names of additives are listed in Schedule 5 and the names and code numbers of food additives are listed in Schedule 6.

New subsection (2) repeats the general rule, now in subclause 8(4) of Standard 1.2.4, that if a substance used as a food additive can be classified into more than one class, the most appropriate class name should be used.

New subsection (3) consolidates current subclause 8(3) and an editorial note to restate the special rule for naming food additives that are enzymes.

New subsection (4) repeats the content of subclause 8(6) of Standard 1.2.4, which sets out the requirement for listing flavouring substances.

New subsection (5) repeats the requirement, in subclause 8(7) of Standard 1.2.4, that if certain substances are added as flavouring substances each substance must be named specifically, by its name or code number, in the statement of ingredients.

New subsection (6) sets out the special case of caffeine, which must be declared as caffeine and cannot be declared generically as a flavouring substance.

New section 1.2.4—8 Declaration of vitamins and minerals

New section 1.2.4—8 repeats a permission, now in clause 9 of Standard 1.2.4, to declare vitamins or minerals in the ingredient list under an appropriate class name.

Standard 1.2.5 Information requirements—Date marking of food for sale

New section 1.2.5—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 1.2.5 – Information requirements—Date marking of food for sale

New section 1.2.5—2 Definitions

This section has no operative part. It provides note references to definitions for baked-for date, baked-on date, best-before date and use-by date that are in subsection 1.1.2—2(3).

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

New subsection 1.2.5—3(1) repeats the requirements:

- in subclause 2(1) of Standard 1.2.5, that a packaged food must include on the label either the use-by date or, if a use-by date is not appropriate, a best-before date, and
- in subclause 2(3) of Standard 1.2.5, that bread that has a shelf-life less than 7 days may provide a baked-on date or a baked-for date instead of a best-before date

New subsection (2) repeats the provisions, now in paragraphs 2(1)(c) and (d)(i), that exempt:

- food for which the best-before date is greater than 2 years from the date of production; and
- individual portions of ice cream or ice confection,

from a requirement to bear a date marking.

The current reduced date-marking requirement in paragraph 2(1)(d)(ii), for food in small packages, is restated in new subsection (3).

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

New section 1.2.5—4 repeats clause 3 of Standard 1.2.5, which prohibits the sale of food after its use-by date. The provision is revised to provide a clearer basis for a prosecution for selling food after the use-by date.

New section 1.2.5—5 Required wording and form for dates for labels

New section 1.2.5—5 describes the way that date marking is to be set out on a package or label. The new section repeats the provisions now in clauses 4, 5 and 7 of Standard 1.2.5.

A label may also contain a manufacturer's code or packed-on date, but the provision of such a marking does not avoid the requirement to provide date marking.

Standard 1.2.6 Information requirements—Directions for use and storage

New section 1.2.6—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 1.2.6 – Information requirements—Directions for use and storage.

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

The basic requirement to state directions for use and storage conditions is in paragraph 1.2.1—8(1)(g).

New section 1.2.6—2 repeats clause 6 of current Standard 1.2.5, which requires the label on a package of food to include a statement of storage conditions required to ensure the food will keep for a specified period indicated by the use-by date or best-before date, and clause 1 of current Standard 1.2.6, which requires the label to include information about use or storage that is required for health or safety reasons and information about the preparation of cassava or bamboo shoots.

Standard 1.2.7 Nutrition, health and related claims

Division 1 Preliminary

New section 1.2.7—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 1.2.7 – Nutrition, health and related claims.

New section 1.2.7—2 Definitions

This section provides the definitions for fruit and vegetable that apply only in Standards 1.2.7 and 1.2.8. It also provides note references to definitions for biomarker, claim, endorsement, endorsing body, food group, general level health claim, general level health claims table, health claim, health effect, high level health claim, high level health claims table, meets the NPSC, NPSC, nutrient profiling score, property of food, reference food and serious disease and sugars that are in subsection 1.1.2—2(3), and the definition of nutrition content claim that is in section 1.1.2—9.

Division 2 Outline of Standard

New section 1.2.7—3 Outline

New section 1.2.7—3 provides an outline of Division 7 that restates the content of the Purpose statement in Standard 1.2.7.

Division 3 Claims framework and general principles

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

New section 1.2.7—4 restates the content of clause 3 of Standard 1.2.7

New section 1.2.7—5 Standard does not apply to certain foods

This new section repeats clause 4 of standard 1.2.7.

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

This new section repeats clause 5 of standard 1.2.7.

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

This new section repeats clause 6 of standard 1.2.7.

New section 1.2.7—8 Claims not to be therapeutic in nature

This new section repeats clause 7 of standard 1.2.7.

New section 1.2.7—9 Claims not to compare vitamin or mineral content

This new section repeats clause 8 of standard 1.2.7.

New section 1.2.7—10 Standard does not prescribe words

This new section repeats clause 9 of standard 1.2.7. The content of subclause 9(2) is now stated in subsection 1.1.1—8.

Division 4 Requirements for nutrition content claims

New section 1.2.7—11 Presentation of nutrition content claims

This new section repeats clause 10 of standard 1.2.7.

New section 1.2.7—12 Nutrition content claims about properties of food in section S4—2

This new section repeats clause 11 of standard 1.2.7.

New section 1.2.7—13 Nutrition content claims about properties of food not in section S4—1

This new section repeats clause 12 of standard 1.2.7.

New section 1.2.7—14 Nutrition content claims about choline, fluoride or folic acid

This new section repeats clause 13 of standard 1.2.7.

New section 1.2.7—15 Nutrition content claims must not imply slimming effects

This new section repeats clause 14 of standard 1.2.7.

New section 1.2.7—16 Comparative claims

This new section restates clause 15 of standard 1.2.7. The order of provisions has been varied to conform to modern drafting styles.

Division 5 Requirements for health claims

New section 1.2.7—17 Application or Proposal to vary section S4—4 taken to be a high level health claims variation

This new section repeats clause 16 of standard 1.2.7.

New section 1.2.7—18 Conditions for making health claims

This new section restates clause 17 of standard 1.2.7. The provision has been re-ordered.

New section 1.2.7—19 Requirement when making a general level health claim under paragraph 1.2.7—17(3)(b)

This new section repeats clause 18 of standard 1.2.7.

New section 1.2.7—20 How health claims are to be made

This new section repeats clause 19 of standard 1.2.7. The subsections are re-ordered.

New section 1.2.7—21 Split health claims variation

This new section repeats clause 20 of standard 1.2.7.

New section 1.2.7—22 Statements for claims about phytosterols, phytostanols and their esters

This new section repeats clause 21 of standard 1.2.7.

Division 6 Endorsements

New section 1.2.7—23 Endorsing bodies

This new section repeats clause 22 of standard 1.2.7.

New section 1.2.7.24 Criteria for endorsements

This new section repeats clause 23 of standard 1.2.7.

Division 7 Additional labelling of food required to meet the NPSC

New section 1.2.7—25 Method for calculating a nutrient profiling

This new section repeats clause 24 of standard 1.2.7.

New section 1.2.7—26 Labelling of food required to meet the NPSC

This new section repeats clause 25 of standard 1.2.7.

New section 1.2.7—27 Labelling exemptions for certain

This new section repeats clause 26 of standard 1.2.7.

Standard 1.2.8 Nutrition information requirements

Division 1 Preliminary

New section 1.2.8—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 1.2.8 – Nutrition information requirements.

New section 1.2.8—2 Purpose

New section 1.2.8—2 repeats the first part of the purpose statement for Standard 1.2.8.

New section 1.2.8—3 Application of Standard

New section 1.2.8—3 restates the content of clause 1A of Standard 1.2.8.

New section 1.2.8—4 Definitions

New section 1.2.8—4 repeats, in two notes, the definitions of average energy content, available carbohydrate, available carbohydrate by difference, biologically active substance, claim, claim requiring nutrition information, dietary fibre, fat, fruit, monounsaturated fatty acids, polyunsaturated fatty acids, saturated fatty acids, sugars, trans fatty acids, unit quantity and vegetable that apply in this Standard. The definitions are set out formally in subsection 1.1.2—2(3) and Standard 1.2.7.

Division 2 Nutrition information panels

New section 1.2.8—5 When nutrition information panel is required

The basic requirement to provide a nutrition information panel on the label on packaged food is in subsection 1.2.8--5(1). The only requirement to provide nutrition information on a label is in relation to food for retail sale. The information may be provided on a label or in documentation with food sold to a caterer. In other sales, the information must be provided if requested by a purchaser.

New subsection 1.2.8—5(2) restates that part of clause 3 of Standard 1.2.8 that lists when a nutrition information panel is not required, in a revised format. The purpose of the restatement is to provide a clearer statement of the exceptions.

New section 1.2.8—6 What must be on nutrition information panel

New subsection (1) provides that a nutrition information panel must contain certain information. This repeats the first part of the requirement currently stated in subclause 5(1) of Standard 1.2.8.

New subsection (2) provides that a nutrition information panel is to be set out in the format described in section S12.01 in Schedule 12. This repeats the second part of the requirement currently stated in subclause 5(1) of Standard 1.2.8.

New subsection (3) repeats the additional requirements, currently in subclause 5(4) of Standard 1.2.8, which sets out what must be in a nutrition information panel if a nutrition claim is made in relation to certain fatty acids.

New subsection (4) restates subclauses 5(1A) and (1B) of Standard 1.2.8, which provide a permission to state the minimum and maximum quantity of fatty acids in a nutrition information panel if a nutrition content claim has been made.

New subsection (5) repeats the additional requirements, currently in subclause 5(5) of Standard 1.2.8, which set out what must be in a nutrition information panel if a nutrition claim is made in relation to fibre, monosaccharides or disaccharides or other carbohydrates.

New subsection (6) repeats the provision in subclause 5(5A) of Standard 1.2.8 requiring zero (0) to be used in a nutrition information panel to indicate the absence of dietary fibre.

New subsections (7) and (8) restate the content of current subclauses 5(6) and (6A) of Standard 1.2.8, which provide that if carbohydrate has been expressed as carbohydrate by difference the unavailable carbohydrate, not including dietary fibre, must be declared separately.

New subsection (9) restates subclauses 5(6B) and (6C) of Standard 1.2.8. The provision requires the nutrition information panel to declare the substances listed in subsection S11—2(2) if they are present, separately or in aggregate, at more than 5g/100g and one of two calculation events has occurred.

New subsection (10) restates subclause 6(5) of Standard 1.2.8. The provision sets out how to declare phytosterols, phytosterols and their esters in a nutrition information panel consistently with the advisory statements that are required by subsection 1.2.3—2(1).

New section 1.2.8—7 How to express particular matters in nutrition information panel

This section sets out how information is to be provided in a nutrition information panel. The requirements are currently set out in clauses 5 and 6 of Standard 1.2.8.

New subsection (1) repeats the content of subclause 5(2) of Standard 1.2.8, which requires clear statements as to whether amounts are average, minimum or maximum amounts.

New subsection (2) repeats the content of subclause 5(3) and (3A) of Standard 1.2.8, which permits words such as slice, pack or package to replace 'serving' and 'Carbohydrate, total' to replace 'Carbohydrate' in a nutrition information panel.

New subsection (3) restates the requirement in subclause 6(1) of Standard 1.2.8 that average energy content and average, minimum or maximum quantities of biologically active substances and nutrients should be expressed to no more than 3 significant figures.

New subsections (4) to (6) restate the content of current subclauses 6(2) to (4) of Standard 1.2.8. These provisions enable low average quantities to be expressed in simple terms.

New subsection (7) repeats the content of subclause 5(8) of Standard 1.2.8.

New subsection (8) repeats the 'declared as' component of the fatty acid definitions in subsection 1.1.2—2(3).

New section 1.2.8—8 Percentage daily intake information

New section 1.2.8—8 sets out information that can be included in a nutrition information panel, but is not mandatory. The information relates to the percentage daily intake of nutrients. The permission is currently in clause 7 of Standard 1.2.8.

New subsection (3) sets out the method of determining percentage daily intake—currently in subclause 7(3) of Standard 1.2.8.

The optional format for a nutrition information panel for use when percentage daily intakes are provided is given as an example at section S12—4.

New section 1.2.8—9 Percentage recommended dietary intake information

New section 1.2.8—9 repeats the content of clause 7A of Standard 1.2.8, which provides that percentage recommended dietary intake information must be provided if a claim is made.

New section 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

New section 1.2.8—10 repeats the content of clause 7B of Standard 1.2.8, which provides that the percentage RDI may in some circumstances be also provided elsewhere on the label.

New sections 1.2.8—11 Requirement for dehydrated or concentrated food, 1.2.8—12 Food intended to be drained before consumption and 1.2.8—13 Food intended to be prepared or consumed with other food

The requirements that are now set out in clauses 9 to 11A of Standard 1.2.8, for food in dehydrated or concentrated form, food intended to be drained before consumption and food intended to be prepared or consumed with other food are set out in new subsections 1.2.8—11 to 1.2.8—13.

New section 1.2.8—14 Requirement for food for sale in small packages

New section 1.2.8—14 sets out the information that must be provided if a nutrition claim is made in relation to a food for sale in a small package. This repeats the content of clauses 8 and 8A of Standard 1.2.8.

There is no Standard 1.2.9.

Standard 1.2.10 Information requirements—characterising ingredients and components of food

New section 1.2.10—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 1.2.10 – Characterising ingredients and components of food.

New section 1.2.10—2 Definitions

New subsection (1) repeats the definitions of characterising component and the positive elements of the definition of characterising ingredient that are now in clause 1 of Standard 1.2.10.

New subsection (2) repeats the provisions in paragraphs (1)(d) to (g) of the definition of characterising ingredient in Standard 1.2.10, which describe ingredients that are not characterising ingredients.

New subsection (3) repeats the provisions in current subclause 1(2) in Standard 1.2.10.

New section 1.2.10—3 Requirement to declare characterising ingredients and components

The basic requirement to declare characterising components and characterising ingredients on food for retail sale is set out in paragraph 1.2.1—8(1)(j).

New subsection (1) establishes a requirement that the proportion of characterising components and characterising ingredients is to be calculated in accordance with section 1.2.10—4 to 1.2.10—7 and to be expressed in accordance with section 1.2.10—8. This requirement is currently stated in subclause 2(1) of Standard 1.2.10.

New subsection (2) repeats the content of subclause 2(2) of Standard 1.2.10.

New subsection (3) repeats the content of subclause 2(3) of Standard 1.2.10. The list of foods for which information about characterising ingredients or characterising components is not required is amended by removing the references in the current Code to food for sale that is not required to bear a label. That reference is no longer required as any requirement to provide information has been excluded in Standard 1.2.1.

New section 1.2.10—4 Method of calculating proportion of characterising ingredients

New subsection (1) replaces the description for calculating the proportion of characterising ingredients by ingoing weight that is currently in subclause 3(1) of Standard 1.2.10.

New subsection (2) repeats the content of subclause 3(2) of Standard 1.2.10.

New subsection (3) repeats the content of subclause 3(3) of Standard 1.2.10, which sets the requirements for determining the ingoing weight for a concentrated or dehydrated ingredient or component is reconstituted during manufacture.

New subsection (4) repeats the requirements, for determining the ingoing weight of an ingredient or component that requires reconstitution prior to consumption, that are currently in subclause 3(4) of Standard 1.2.10.

New section 1.2.10—5 Calculating proportion of characterising ingredients where moisture loss occurs

New section 1.2.10—5 repeats clause 4 of Standard 1.2.10.

New section 1.2.10—6 Calculating proportion of characterising ingredient where proportion is declared in nutrition information panel

New section 1.2.10—6 repeats clause 4A of Standard 1.2.10, which provides that where a proportion of a characterising ingredient is declared in a nutrition information panel, the amount declared must be the average quantity of the characterising ingredient or category of ingredients present in the final food.

New section 1.2.10—7 Method of calculating proportion of characterising components

New section 1.2.10—7 substantially repeats clauses 6 of Standard 1.2.10. The effect of subclauses 6(1) and (3) is restated in new subsection (1). New subsection (2) repeats the content of subclause 6(2).

The current requirement in subclause 6(4) of Standard 1.2.10, that if the proportion of a characterising component is declared in a nutrition information panel the amount declared must be the average quantity in the final food, is restated in paragraph 1.2.10—8(4)(c).

New section 1.2.10—8 Declaration of characterising ingredients and components

New section 1.2.10—8 restates the content of clauses 5 and 7, and part of section 6, of the current Standard 1.2.10, which provide for the declaration of characterising ingredients and components.

Standard 1.2.11 Country of origin labelling requirements

This Standard applies only in Australia.

New section 1.2.11—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 1.2.11 – Country of origin labelling requirements.

New section 1.2.11—2 Labelling requirements—unpackaged food

New section 1.2.11—2 restates the current provisions of clause 2(2) of Standard 1.2.11 relating to unpackaged food for sale. The basic requirement to provide country of origin labelling is in paragraph 1.2.1—9.

Subsections (1) and (2) set out, respectively, the foods for which labelling is required and exceptions. Subsection (3) describes the information that is to be provided and subsection (4) sets out the size of type that must be used when providing country of origin information, repeating the content of subclause 2(3) of Standard 1.2.11.

New section 1.2.11—3 Labelling requirements—Packaged fresh fruit and vegetables

New section 1.2.11—3 restates the provisions of subclause 2(2) of current Standard 1.2.11 relating to packaged fresh fruit and vegetables.

New section 1.2.11—4 Labelling requirements—packaged food for sale other than fresh fruit and vegetables

New section 1.2.11—4 repeats the requirements that are now in subclause 2(1) of Standard 1.2.11.

Part 3—Substances added to food

Standard 1.3.1 Food additives

This Standard repeats substantially the content of Standard 1.3.1.

The content of clause 9 of the Standard relating to the addition of garnish is repeated in subsection S15—4(2).

New section 1.3.1—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 1.3.1 – Food additives.

New section 1.3.1—2 Definitions

This section has no operative part. It provides note references to definitions for used as a food additive, additive permitted at GMP, colouring permitted at GMP and colouring permitted to a maximum limit that are in section 1.1.2—11.

A substance is used as a food additive if it is added to perform one or more of the technological purposes described in Schedule 14 and is a substance of a type described in subsection 1.1.2—11(2). The described substances are all those substances that are recognised in the schedules as food additives and a category of substances that is described so as to ensure that substances that might require a safety assessment before being used as a food additive have that assessment. The category is substances that are non-traditional foods that have been concentrated, refined or synthesised. The purpose of the definition is to exclude from consideration substances that are generally available as foodstuffs even though concentrated, refined or synthesised.

The terms additive permitted at GMP, colouring permitted at GMP and colouring permitted to a maximum limit are used as descriptive terms to describe the food additives that are currently listed in Schedules 2, 3 and 4 of Standard 1.3.1.

New section 1.3.1—3 When food additives may be used as ingredients in foods

New section 1.3.1—3 sets out the conditions for substances to be used as food additives.

The term technological purpose is adopted instead of technological function, consistent with current international usage.

A technological purpose can be performed by a food additive or a processing aid. The distinction lies, essentially, in whether that technological purpose is performed in the food that is sold. In addition, the range of technological purposes that might be achieved by a processing aid is not limited to those mentioned in Schedule 14, although there is some correspondence.

New subsection (1) restates the content of subclause 3(1) of Standard 1.3.1—permitting the use of listed food additives. The provision permits the addition of substances listed in Schedule 15 as ingredients of food if the addition is permitted in Schedule 15 for the type of food; the use complies with any restriction that is imposed in Schedule 15; and, when appropriate, no more of the substance is used than is necessary to achieve that purpose under GMP.

The provision provides the permission for adding substances for use as food additives that is required to negate the prohibition that is in paragraph 1.1.1—10(6)(a).

New section (2) repeats the content of current clause 7, which provides that if a substance used as a food additive is in a food for sale as a result of carry-over from use in a raw material or an ingredient the level of the substance must be no greater than would be introduced by the use of the raw material or ingredient under proper technological conditions and GMP.

New section 1.3.1—4 Maximum permitted levels of food additives in foods

New section 1.3.1—4 sets out the basic requirements for maximum levels of food additives in food for sale.

New subsection (1) repeats the requirement in subclause 3(2) of Standard 1.3.1.

New subsection (2) repeats the requirement currently in subclause 3(1)(a) of Standard 1.3.1 that the use of a food additive in a food must comply with any limitation that is set out in the schedule of food additive permissions—Schedule 15.

New subsection (3) repeats the requirement, currently in subclause 3(4) of Standard 1.3.1, that colours may not exceed a combined maximum limit in food for sale.

New subsection (4) repeats the content of current subclause 5(1), which requires that if a food is sold with the expectation that it will be prepared according to instructions before consumption the maximum level of food additives is to be determined after preparation.

New subsection (5) repeats the content of current clause 8 of Standard 1.3.1, which permits the use of a food additive in an ingredient of a food if the food additive is permitted in the food and the level of the food additive in the food does not exceed the maximum limit specified in Schedule 12.

New subsection (6) repeats the content of subclause 5(2) of Standard 1.3.1, which sets out how certain additives are to be calculated. The provision also includes some conditions that are currently set out as qualifications in column 5 of Schedule 1 in Standard 1.3.1.

New subsection (7) repeats the content of subclause 5(3) of Standard 1.3.1, which sets out a method for calculating steviol equivalent levels.

New section 1.3.1—5 Limitation on use of intense sweeteners

New section 1.3.1—5 repeats the limitation on the use of intense sweeteners that is currently in clause 4 of Standard 1.3.1.

New section 1.3.1—6 Food additives performing the same purpose

This new section repeats the content of clause 6 of Standard 1.3.1, which provides a method for calculating the proportion of food additives that can be used when more than one is used to perform the same technological purpose.

Standard 1.3.2 Vitamins and Minerals

New section 1.3.2—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 1.3.2 – Vitamins and minerals.

New section 1.3.2—2 Definitions

This section has no operative part. It provides a note reference to the definition of reference quantity that is in subsection 1.1.2—2(3).

New section 1.3.2—3 Listed vitamins and minerals may be used as nutritive substance in foods

This new section repeats the permission, in clause 2 of Standard 1.3.2, for vitamins or minerals to be added to a food in accordance with any conditions that are set out in the Standard. The permission provides a set of exceptions to the prohibition on adding non-permitted substances to a food, currently in clause 2 of the Standard, that is now in section 1.1.1—10(4)(b).

New section 1.3.2—3 Restriction on claims in relation to the vitamin and mineral added to foods

This new section, which repeats the content of clause 4 of Standard 1.3.2, imposes a limit on the amount of vitamin or mineral that can be claimed to be in a food that is listed in section S17--4.

New section 1.3.2—4 Calculation of maximum quantity of a vitamin or mineral which may be claimed in a reference quantity of food

New section 1.130 repeats the content of clause 5 of Standard 1.3.2, which provides a method of calculating the maximum quantity of a vitamin or mineral that can be claimed in a food. An example calculation that was in an editorial note has been omitted. That example is:

Vitamin C claim for an apple and blackcurrant fruit drink (42% juice, apple 40%, blackcurrant 2%) in a reference quantity of 200 mL:

(a) Apple juice: 120 mg (maximum claim) x 40/100 (proportion of juice in final product) = 48 mg

Blackcurrant juice: 500 mg (maximum claim) x 2/100 (proportion of juice in final product) = 10 mg

(b) 48 mg + 10 mg = 58 mg

(c) Maximum claim for the apple and blackcurrant fruit drink is 60 mg (result rounded to nearest multiple of 5 mg)

Standard 1.3.3 Processing aids

Division 1 Preliminary

New section 1.3.3—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 1.3.3 – Processing aids.

New section 1.3.3—2 Definitions

This section has no operative part. It provides note references to definitions for substances and foods used as a processing aid that are in section 1.1.2—13.

New section 1.3.3—3 Permission to use substance as processing aid

This new section sets out the permission for the use of substances as processing aids. Substances may be used as processing aids if they perform a technological purpose during, but not after, processing; are used only at the level required by GMP or a stated maximum level and the use is expressly permitted by the Standard.

Division 2 Processing aids that can be used with any food

New section 1.3.3—4 Generally permitted processing aids for all foods

New section 1.3.3—4 sets out the basic condition for use of processing aids that can be used for any technological purpose. The section repeats the content of clause 3 of Standard 1.3.3.

Foods, any additive permitted at GMP and the substances listed in section S18—2 can be used as generally permitted processing aids.

The condition for use is that a generally permitted processing aid may be used only at the level necessary to achieve a technological purpose in the processing of the food.

New subsection (3) repeats the restrictions on the use of carbon monoxide in fish that are in clause 3A of Standard 1.3.3.

New section 1.3.3—5 Processing aids for certain purposes for all foods

New section 1.3.3—5 repeats the provisions now in clauses 4 to 10 of Standard 1.3.3, which list the substances that may be used as processing aids for the technological purposes of anti-foam agent, catalyst, decolourant, clarifying, filtration or absorbent agent, desiccating preparation, ion exchange agent, lubricant, release or anti-stick agent or carrier, solvent or diluent.

New section 1.3.3—6 Enzymes

New section 1.3.3—6 repeats the content of clauses 15 to 17 of Standard 1.3.3.

New section 1.3.3—7 Microbial nutrients and microbial nutrient adjunct

New section 1.3.3—7 repeats the content of clause 18 of Standard 1.3.3.

Division 3 Processing aids that can be used with specified foods

New section 1.3.3—8 Processing aids for water

New section 1.3.3—8 repeats the content of clause 11 of Standard 1.3.3.

New section 1.3.3—9 Bleaching, washing and peeling agents—various foods

New section 1.3.3—9 repeats the content of clause 12 of Standard 1.3.3.

New section 1.3.3—10 Extraction agents—various foods

New section 1.3.3—10 repeats the content of clause 13 of Standard 1.3.3.

New section 1.3.3—11 Processing aids that perform miscellaneous

New section 1.3.3—11 repeats the content of clause 14 of Standard 1.3.3.

New section 1.3.3—12 Microbial control agent—dimethyl

New section 1.3.3—12 repeats the content of clause 19 of Standard 1.3.3.

Part 4—Contaminants and residues

Standard 1.4.1 Contaminants and natural toxicants

New section 1.4.1—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 1.4.1 – Contaminants and natural toxicants.

New section 1.4.1—2 Interpretation

This section restates the provision in Standard 1.4.2 that applies the list of commodity names in that Standard to foods named in Standard 1.4.1, and restates the provision in subclause 1(3) of Standard 1.4.1.

New section 1.4.1—3 L Levels of contaminants and natural toxicants in food

New subsection 1.4.1—3(1) creates a requirement that is not stated explicitly in the current Standard—that a food for sale must not contain a level of a contaminant mentioned in sections S19—4, S19—5 or S19—6 in Schedule 19 that is greater than the corresponding level listed in that Schedule. This provision restates in clearer language the inference that is now contained in the definition of maximum level.

New subsection (2) sets out the requirement that the level of mercury in fish must comply with maximum limits that are set out in section S19—7.

New subsection (3) restates the provisions that are now in subclauses 1(6), 2(3), 3(3), 4(3) and 5(3) of Standard 1.4.1 for the calculation of maximum levels in mixed foods.

Standard 1.4.2 Agvet chemicals

This Standard substantially repeats the content of Standard 1.4.2. That Standard is called Maximum Residue Limits. The Standard is renamed to more accurately describe the purpose, which is to establish the maximum levels of the residues of agricultural and veterinary chemicals that are permitted in food after a consideration of good agricultural practice and an assessment of the potential for harm to public health and safety at that level. MRLs do not establish limits for safety purposes.

The specification of maximum residue limits for agricultural and veterinary chemicals is not included as a joint standard in the Australia New Zealand food standards system. New Zealand has established its own standard.

New section 1.4.2—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 1.4.2 – Agvet chemicals.

New section 1.4.2—2 Purpose of Standard

New section 1.4.2—3 provides that the objective of the Division is to establish the maximum residue levels of agricultural or veterinary chemicals in food for sale. An editorial note indicates how the levels are determined.

New section 1.4.2—3 Definitions and interpretation

New subsection 1.4.2—3 provides notes that cross reference to the new definitions of agvet chemical, extraneous residue limit and maximum residue limit in subsection 1.1.2—2(3) and provides a definition of permitted residue for this Standard. Agvet chemical has the same meaning as in the Commonwealth *Agricultural and Veterinary Chemicals Code Act 1994*.

New subsection (2) restates the provision in subclause 4(1) of Standard 1.4.2 that specifies the portion of a food that is relevant for testing residue levels. Schedule 22 contains the list of commodities that is currently in Schedule 4 to Standard 1.4.2.

New subsection (3) restates subclause 4(2) of Standard 1.4.2, which provides that the maximum residue limit is to be applied to processed and unprocessed forms of a food unless a specific maximum residue limit is designated for the processed food.

New subsection (4) is a new provision that is to clarify that, for the purposes of the standard and the schedules of maximum residue limits and extraneous residue limits, a reference to a food is a reference to a food described in Schedule 22.

New section 1.4.2—4 Maximum residue limit of agvet chemicals in foods

New subsection (1) provides that a food listed in Schedule 20 may contain a permitted residue of an agvet chemical that is listed in Schedule 20 for that food.

New subsection (2) provides that the level calculated by subsection 1.4.2—3(2) shall not exceed the level listed in Schedule 20. This new provision repeats the effect of the current definition of maximum residue limit and subclause 1(7) of Standard 1.4.2.

New subsection (3) repeats the content of subclause 4(4) of Standard 1.4.2, which provides a mechanism to determine the amount of permitted residues for foods with more than one ingredient.

New section 1.4.2—5 Extraneous residue limits

New subsection (1) provides that an extraneous presence can only arise from environmental sources and not from direct or indirect application of an agvet chemical.

New subsection 1.4.2—5(2) provides that a food listed in Schedule 21 may contain a residue not greater than the amount listed in Schedule 21.

New subclause (3) mirrors the provisions for maximum residue limits for calculating and applying levels when a food has two or more ingredients.

There is no Standard 1.4.3.

Standard 1.4.4 Prohibited and restricted plants and fungi

New section 1.4.4.—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 1.4.4 – Prohibited and restricted plants and fungi.

New section 1.4.4—2 Definitions

This section has no operative part. It provides note references to definitions for coca bush, prohibited plant or fungus and restricted plant or fungus.

New section 1.4.4—3 Exception to prohibition relating to restricted plants and fungi

New section 1.4.4—3 repeats the content of clause 2 of Standard 1.4.4, which permits the addition of some plant or fungi when added as flavouring substances. The relevant

conditions are set out in section 1.4.1—3 and subsection S19—6(1), which list maximum limits for natural toxicants from the addition of flavouring substances.

New section 1.4.4—4 Exception relating to coca bush

New section 1.4.4—4 restates the restriction, that coca bush may only be used as an ingredient if the cocaine has been removed, that is set out in subclause 1(2) of Standard 1.4.4.

Standard 1.5.1 Novel foods

New section 1.5.1—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 1.5.1 – Novel foods.

New section 1.5.1—2 Definitions

This section has no operative part. It provides note references to definitions for non-traditional food and novel food that are now in clause 1 of Standard 1.5.1. The definition of novel food has been modified to improve readability.

New section 1.5.1—3 Sale of novel foods

New section 1.5.1—3 repeats the content of clause 2 of Standard 1.5.1. The list of approved novel foods is now in section S25—2. The content of clause 3 of Standard 1.5.1, which provided for a period during which use of a novel food will be restricted to a named brand of food is now dealt with under this provision as a matter about which the standard may impose conditions that must be complied with.

Standard 1.5.2 Food produced using gene technology

New section 1.5.2 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 1.5.2 – Food produced using gene technology.

New section 1.5.2—2 Definitions

This section has no operative part. It provides note references to the definitions for food produced using gene technology and gene technology in section 1.1.2—2.

New section 1.5.2—3 When food produced using gene technology is permitted for sale

The basic prohibition on the use of food produced using gene technology is in section 1.1.1—10. This new section restates the provision, now in clause 2 of Standard 1.5.2, which provides that food produced using gene technology can be used in a food for sale if the food is listed in the schedule and complies with any conditions that are imposed or is a food additive or processing aid that is permitted for use. The conditions of approval are set out in Schedule 26.

New section 1.5.2—4 Requirement to label food as genetically modified

This new section restates, with modification, the content of parts of clauses 1, 4 and 5 of Standard 1.5.2—consolidating the requirements for labelling a food that contains a food produced using gene technology in one provision. Clause 7 has not been repeated as it has no operative effect.

The definition of altered characteristics in the current Code is not required in the redraft. The concept of altered characteristics was used to identify the characteristics that led to labelling conditions being imposed regardless of the presence of novel DNA or novel protein. Those foods are now clearly identified by having labelling conditions imposed in subsections S26—3(2) and (3).

The basic requirements to label a food or to display information to indicate that a food for retail sale is a food produced using gene technology are in paragraphs 1.2.1—8(1)(k), for a food required to bear a label, and 1.2.1—9(3)(b), for food that is or is not required to bear a label, respectively.

The labelling requirements apply to foods that consist of or contain a food produced using gene technology that contains either DNA or protein that has been modified using gene technology, where the DNA or protein is different in chemical sequence or structure from DNA or protein present in counterpart food that has not been produced using gene technology. An exception is made for protein that is a food additive or processing aid and has an amino acid sequence that is found in nature.

The genetically modified labelling requirement does not apply to a food if:

- the food has been highly refined with the effect of the refining process being to remove any novel DNA or novel protein. This exception does not apply to a food that is subject to a condition that it be labelled as genetically modified; that is, food that was previously categorised as having altered characteristics.
- a food additive or processing aid that is a food produced using gene technology leaves no novel DNA that or novel protein in the food.
- the food produced using gene technology is a flavouring that is in the food at a concentration of no more than 1g of flavouring for each kilogram of food
- the food produced using gene technology is not intentionally present in the food and is present in a quantity of no more than 10g for each kilogram of an ingredient, or
- the food is for immediate consumption and is prepared and sold by a food business of a type mentioned in subparagraph 1.5.2—4(1)(e)(ii).

The information that is to be provided is the statement 'genetically modified' followed by the name of the food produced using gene technology. If the food produced using gene technology is an ingredient the statement may be made in a statement of ingredients. Conditions requiring such labelling can also be imposed as a condition of approval for foods produced using gene technology that do not contain novel DNA or novel protein⁸. Further additional labelling requirements can also be imposed as a condition of approval for foods produced using gene technology.

Subsection (4) repeats the content of clause 6 of Standard 1.5.2.

New subsection (5) provides new definitions for novel DNA, novel protein and genetically modified food, which are applicable in this labelling section only. The new definitions for novel DNA and novel protein replace the single definition for 'novel DNA and/or protein'. They provide a definition, for novel protein, that deals more effectively with protein engineered food additives or processing aids that can, in practice, have no counterpart (the term used in the current definition) but do have natural equivalents.

Standard 1.5.3 Irradiation of food

Division 1 Preliminary

New section 1.5.3—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 1.5.3 – Irradiation of food.

New section 1.5.3—2 Definitions

This section has no operative part. It provides a note reference to the definition for irradiation that is now in clause 1 of Standard 1.5.3. It has not been necessary to repeat the definition of re-irradiation.

⁸ See, for example, the conditions imposed in section S26—3.

Division 2 Irradiation of food

New section 1.5.3—3 Irradiation of fruit and vegetables

New subsection 1.5.3—3 repeats the content of clause 4 of Standard 1.5.3 as it applies to a range of fruit and vegetables. Some of this information was previously provided in the table to clause 4.

New section 1.5.3—4 Irradiation of herbs and spices

New subsection 1.5.3—4 repeats the content of clause 4 of Standard 1.5.3 as it applies to herbs and spices. Some of this information was previously provided in the table to clause 4.

New section 1.5.3—5 Irradiation of herbal infusions

New subsection 1.5.3—5 repeats the content of clause 4 of Standard 1.5.3 as it applies to herbal infusions. Some of this information was previously provided in the table to clause 4.

New section 1.5.3—6 Re—irradiation of food

New section 1.5.3—6 restates the content of clause 5 of Standard 1.5.3.

New section 1.5.3—7 Sources of radiation that may be used

New section 1.5.3—7 repeats the content of clause 3 of Standard 1.5.3.

Division 3 Record-keeping for and labelling of irradiated food

New section 1.5.3—8 Record-keeping for and labelling of irradiated food

New section 1.5.3—8 repeats the content of clause 7 of Standard 1.5.3.

New section 1.5.3—9 Labelling and other information—retail and catering

New section 1.5.3—9 repeats the content of part of clause 6 of Standard 1.5.3. This section sets out the content of the labelling required by sections 1.2.1—8(1)(l) and 1.2.1—15(1)(g).

Part 6—Microbiological limits and processing requirements

Standard 1.6.1 Microbiological limits for food

New section 1.6.1—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 1.6.1 – Microbiological limits for food.

New section 1.6.1—2 Unacceptable microbiological levels

New section 1.6.1—2 combines the provisions currently in clauses 1 and 5 of Standard 1.6.1. The section provides that a lot of food that is listed in Schedule 27 has an unacceptable level of a microorganism that is listed in the corresponding row of the Schedule if sampling reveals a level of the microorganism that is greater than permitted in the Schedule. A food with an unacceptable level of a microorganism poses a risk to human health and safety.

New section 1.6.1—3 Assessment of microbiological levels

New section 1.6.1—3 repeats the content of clauses 3 and 4 of Standard 1.6.1, which provide sampling methodology and prescribed methods of analysis.

New section 1.6.1—4 Food in which growth of *Listeria monocytogenes* will not occur

New section 1.6.1—4 repeats the content of clause 6 of Standard 1.6.1, which establishes criteria for determining when a food is a ready to eat food in which growth of *Listeria monocytogenes* will not occur.

Standard 1.6.2 Processing requirements

Standard 1.6.2 applies in Australia only.

New section 1.6.2—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 1.6.2 – Processing requirements.

New section 1.6.2—2 Game meat

New section 1.6.2—2 repeats the content of clause 7 of Standard 1.6.2.

New section 1.6.2—3 Fermented meat products

New section 1.6.2—3 repeats the content of clause 8 of Standard 1.6.2.

Chapter 2—Food standards for particular foods

Chapter 2 of the Australia New Zealand Food Standards Code establishes:

- prescribed standards for the purposes of the false description of foods provisions of the application Acts⁹; and
- compositional requirements that are relevant for both the Code¹⁰ and the false description of foods provisions of the application Acts.

Definitions are provided in a Chapter 2 standard—also referred to as a commodity standard—if they can be justified on the grounds of protecting public health and safety, preventing misleading practices or facilitating market access.

Definitions may be included in a Chapter 2 standard to define the scope of the standard and to assist enforcement officers in their assessment of the provisions of the standard; to avoid confusion. When specific definitions are not included in a Chapter 2 standard, enforcement officers and manufacturers may refer to dictionaries for clarification.

Compositional requirements are stated when it is necessary that a food that is sold on the basis that it is a defined food have a particular composition.

Part 1—Cereals

Standard 2.1.1 Cereals and cereal products

Division 1 Preliminary

New section 2.1.1—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 2.2.1 – Cereals and cereal products.

Division 2 Bread and bread products

New section 2.1.1.—2 Definitions

This section has no operative part. It provides a note reference to the definitions of bread, wheat flour, wholegrain and wholemeal that are in section 1.1.2—3.

New section 2.1.1—3 Requirement for food sold as bread

This provision sets out the requirement that a food sold as bread must conform to the definition of bread.

New section 2.1.1—4 Application of sections 2.1.1—5 and 2.1.1—6

This new section sets out the way that the following provisions concerning fortification of bread are to be applied.

⁹ Section 18 of the model food provisions

¹⁰ Section 17 of the model food provisions

New section 2.1.1—5 Requirement for folic acid and thiamin in bread flour

This section sets out the requirement, currently in clause 4 of Standard 2.1.1 that suppliers of wheat flour that is sold for making bread in Australia must contain minimum amounts of folic acid and thiamine. The definition of wheat flour that is currently in clause 1 of Standard 2.1.1 is moved to this section.

New section 2.2.2—6 Requirement for iodised salt in bread

This section sets out the requirement, currently in clause 5 of Standard 2.1.1, that iodised salt must be used whenever salt is used in making bread.

Division 3 Wholegrain cereals and cereal products

New section 2.1.1—7 Requirement for food sold as wholemeal or wholegrain product

This new section restates the content of clause 1 of Standard 2.1.1 relating to wholemeal and wholegrain products. The section makes it clear that the requirement is that a food that is for sale with the name wholemeal or wholegrain must conform to the definition of wholemeal or wholegrain, as appropriate.

Part 2—Meat, eggs and fish

Standard 2.2.1 Meat and meat products

Division 1 Preliminary

New section 2.2.1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 2.2.1 – Meat and meat products.

New section 2.2.1—2 Definitions

This section has no operative part. It provides a note reference to the definitions of cured and/or dried meat flesh in whole cuts or pieces, dried meat, manufactured meat, meat, meat flesh, meat pie, offal, processed meat and sausage that are in section 1.1.2—3.

Division 2 Requirements for sale

New section 2.2.1—3 Requirement for food sold as sausage

This provision sets out the requirement that a food sold as sausage must conform to the definition of sausage and satisfy compositional requirements relating to meat flesh and fat content.

New subsection 1.1.1—3 restates the definition for sausage that is currently set out in clause 1 of Standard 2.2.1

New section 2.1.1—4 Requirement for food sold as meat pie

This provision sets out the requirement that a food sold as a meat pie, for example, a beef pie, must conform to the definition of meat pie.

New subsection 1.1.1—3 restates the definition for meat pie that is currently set out in clause 1 of Standard 2.2.1.

New section 2.1.1—4 Requirements for food sold as dried meat or cured and/or dried meat flesh in whole cuts or pieces, manufactured meat or processed meat

This provision sets out the requirements for food sold as dried meat, cured and/or dried meat flesh in whole cuts or pieces, manufactured meat or processed meat. These requirements are currently set out in definitions.

Division 3 Information requirements

New section 2.2.1—6 Statement indicating the presence of offal

New section 2.2.1—6 repeats the requirement in clause 4 of Standard 2.2.1 that the presence of offal in a food must be declared either on the label, if a label is required, or in a display associated with the food.

New section 2.2.1—7 Proportion of fat in minced meat

This new section repeats the content of clause 5 of Standard 2.2.1, which requires the fat content of minced meat to be declared, in grams of fat per 100 grams of minced meat, either on the label, if a label is required, or in a display associated with the food.

New section 2.2.1—8 Information about raw meat joined or formed into the semblance of a cut of meat

New section 2.2.1—8 repeats the content of current clause 6 of Standard 2.2.1, which requires a declaration if meat has been formed or joined using a cold binding system and cooking instructions that provide advice about how to achieve microbiological safety in the cooked product. The declaration and instructions must be provided either on the label, if a label is required, or in a display associated with the food.

New section 2.2.1—9 Labelling of fermented comminuted processed meat

New clause 2.2.1—9 repeats the content of current clause 8 of Standard 2.2.1, which sets out the labelling requirements for fermented comminuted processed meats.

New section 2.2.1—10 Labelling of fermented comminuted manufactured meat

New clause 2.2.1—10 repeats the content of current clause 9 of Standard 2.2.1, which sets out the labelling requirements for fermented comminuted manufactured meats.

New section 2.2.1—11 Fermented comminuted meat—unpackaged

This section repeats the content of clause 10 of Standard 2.2.1, which sets out the labelling requirement for unpackaged fermented comminuted meats. The requirement is that the prescribed name must be displayed near the meat. The words 'not heat treated' can be omitted if the meat is not heat treated.

Division 4—Sourcing requirements

New section 2.2.1—12 Bovine meat and meat products must be derived from animals free from bovine spongiform encephalopathy

This new section repeats the requirement in current clause 11 of Standard 2.2.1 that, subject to the limited exceptions noted in subsection 2.2.1—12(2), bovine meat and ingredients derived from bovines must be derived from BSE-free animals.

Standard 2.2.2 Egg and egg products

Standard 2.2.2 applies in Australia only and deals with retail and catering sales of eggs.

Standard 4.2.5 establishes processing standards for egg production and processing prior to sale—for Australia only.

New section 2.2.2—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 2.2.2 – Eggs and egg products.

New section 2.2.2—2—Definitions

This section has no operative part. It provides a note reference to the definition of unacceptable egg that is in Standard 4.2.5. This is relevant for subsection 2.2.2—3(2).

New section 2.2.2—3 Sale or supply of unacceptable eggs

This section repeats the requirement in clause 2 of Standard 2.2.2 that an unacceptable egg must not be sold or supplied for catering purposes or retail sale.

Subsection (2) provides a link to the definition of unacceptable egg in Standard 4.2.5, and the subordinate definitions of cracked egg and dirty egg.

New section 2.2.2—4 Traceability

This section repeats the requirement in clause 3 of Standard 2.2.2 that requires eggs that are for retail sale or sale for catering purposes to be individually marked with the producers' or processors' unique identification.

Standard 2.2.3 Fish and fish products

New section 2.2.3—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 2.2.2 – Fish and fish products.

New section 2.2.3—2 Definitions

This new section provides a reference to the definition of fish that is in current clause 1 of Standard 2.2.3. The definition is in section 1.1.2—3.

New section 2.2.3—3 Labelling of formed or joined fish

This section repeats the requirement in clause 2 of Standard 2.2.3 that requires a declaration if fish has been formed or joined using a cold binding system and cooking instructions that provide advice about how to achieve microbiological safety in the cooked product. The declaration and instructions must be provided either on the label, if a label is required, or in a display associated with the product for sale.

Part 3—Fruit and vegetables

Standard 2.3.1 Fruit and vegetables

New section 2.3.1—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 2.3.1 – Fruit and vegetables.

New section 2.3.1—2 Definitions

This section has no operative part. It provides a note reference to the definition of fruit and vegetables that is in section 1.1.2—3.

New section 2.3.1—3 Requirement for food sold as fruit and vegetables in brine

This section restates the requirement, now in clause 2 of Standard 2.3.1, that fruit and vegetables in brine, oil, vinegar or water, other than commercially canned fruit and vegetables, must not have a pH greater than 4.6 when sold.

Standard 2.3.2 Jam

New section 2.3.1—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 2.3.2 – Jam.

New section 2.3.1—2 Definitions

This section has no operative part. It provides a note reference to the definition for jam that is set out in section 1.1.2—3. The definition is modified to clarify the role of fruit as the basic ingredient of jam.

New section 2.3.2—3 Requirement for food sold as jam

This section sets out the requirement that a food that is sold as jam must be jam, as defined, and comply with the compositional requirements that are now in clause 2 of Standard 2.3.2 that:

if the name of a fruit, or fruits, appears on the label of a package of jam, the food must contain at least 40% that fruit, or fruits, and jam must contain at least 65% water soluble solids

Part 4—Edible oils

Standard 2.4.1 Edible Oils

New section 2.4.1—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 2.4.1 – Edible oils.

New section 2.4.1—2 Definitions

This section has no operative part. It provides a note references to the definition for edible oil that is set out in section 1.1.2—3.

New section 2.4.1—3 Requirement for food sold as edible oil

This section sets out the requirement that a food that is sold as an edible oil must be edible oil, as defined and provides that a representation that an oil is a particular type of edible oil is a representation that the food is sold as an edible oil.

New section 2.4.1—4 Process declaration for edible oils

This new section repeats the requirement in clause 3 of Standard 2.4.1 to declare a process that has been used (eg, esterification or hydrogenation), in the production of an edible oil, to alter the fatty acid composition of the oil. That requirement is also set out at present in clause 10 of Standard 1.2.4. The requirement has not been restated in Chapter 1.

Standard 2.4.2 Edible oil spreads

New section 2.4.2—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 2.4.2 – Edible oil spreads.

New section 2.4.2—2 Definitions

This section has no operative part. It provides a note reference to the definitions for edible oil, edible oil spread and margarine that are set out in section 1.1.2—3. The definition includes the provisions that are now in clause 2 of Standard 2.4.2 that permit edible oil spreads to contain water, edible proteins, salt, lactic acid producing microorganisms, flavour producing organisms, milk products and no more than 82g/kg total plant sterol equivalents.

New section 2.4.2—3 Requirement for food sold as edible oil spread or margarine

New subsection (1) repeats the exception for the vitamin D fortification requirement in New Zealand that is now in subclause 2(2).

This provision sets out, in subsection (2), the requirement that a food sold as edible oil spread must conform to the definition of edible oil spread.

New subsections (3) and (5) repeat the provision in subclause 2(3) of Standard 2.4.2 concerning the fortification of table edible oil spreads and margarine with vitamin D.

New subsection (4) repeats the requirement that a food sold with the name margarine must conform to the definition of margarine.

Part 5—Dairy products

Standard 2.5.1 Milk

Note 3 refers to the requirement that in Australia dairy products must be processed in accordance with Standard 4.2.4.

New section 2.5.1—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 2.5.1 – Milk.

New section 2.5.1—2 Definitions

This section has no operative part. It provides a note reference to the definitions for milk and skim milk that are now set out in section 1.1.2—3.

New section 2.5.1—3 Requirement for food sold as milk

This provision sets out the requirement that a food sold with the name milk must conform to the definition of milk.

New section 2.5.3—4 Requirement for retail sale as cow's milk

New section 2.5.3—4 repeats the content of clause 2 of Standard 2.5.1, which sets out the compositional requirement for cow's milk that is for retail sale.

New subsection (2) sets out the requirement that a food that is sold at retail as cow's milk must be milk (including milk from which milk components have been added or withdrawn) and comply with the compositional requirements set out in the subsection. Those requirements are currently set out in the table to subclause 2(1).

New section 2.5.3—5 Requirement for food sold as skim milk

New subsection 2.5.1—5(1) sets out the requirement that a food that is sold with the name skim milk must be skim milk, as defined, and comply with compositional requirements relating to milkfat and protein content. Those requirements are currently set out in the table to subclause 3(1) of Standard 2.5.1.

New section 2.5.1—6 Compositional requirement for phytosterols, phytostanols and their esters in milk

New section 2.5.1—6 sets out the permission and requirements, currently in clause 5 of Standard 2.5.1, for phytosterols, phytostanols and their esters to be added to milk.

Standard 2.5.2 Cream

New section 2.5.2—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 2.5.2 – Cream.

New section 2.5.2—2 Definitions

This section has no operative part. It provides a note reference to the definition for cream that is now set out in section 1.1.2—3.

New section 2.5.2—3 Requirement for food sold as cream

This provision sets out the requirement that a food sold with the name cream must conform to the definition of cream and satisfy a compositional requirement, in relation to milkfat content.

Standard 2.5.3 Fermented milk products

New section 2.5.3—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 2.5.3 – Fermented milk products.

New section 2.5.3—2 Definitions

This section has no operative part. It provides a note reference to the definitions for fermented milk and yoghurt that are now set out in section 1.1.2—3.

New section 2.5.3—3 Requirement for food sold as fermented milk or yoghurt

This provision sets out the requirement that a food sold as fermented milk or sold with the name yoghurt must conform to the definition of fermented milk or yoghurt and comply with the requirements relating to acidity, microorganisms and milkfat content.

New section 2.5.3—4 Compositional requirement for fermented milk or yoghurt used as an ingredient

New subsection 2.5.3--4 repeats the contents of clause 2 of Standard 2.5.3 as they apply to fermented milk products that are ingredients of a food.

New section 2.5.3—5 Compositional requirement for phytosterols, phytostanols and their esters

New section 2.5.3—5 sets out the permission, currently in clause 4 of Standard 2.5.3, for phytosterols, phytostanols and their esters to be added to yoghurt.

Standard 2.5.4 Cheese

New section 2.5.4—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 2.5.4 – Cheese.

New section 2.5.4—2 Definitions

This section has no operative part. It provides a note reference to the definitions for cheese and processed cheese that are now set out in section 1.1.2—3.

New section 2.5.4—3 Requirement for food sold as cheese

This provision sets out the requirement that a food sold as cheese or processed cheese must conform to the definition of cheese or processed cheese, as appropriate.

New section 2.5.4—4 Compositional requirement for tall oil phytosterol esters in cheese

New section 2.5.4—4 sets out the conditions for adding tall oil phytosterols to cheese or processed cheese, currently in clause 3 of Standard 2.5.4.

Standard 2.5.5 Butter

New section 2.5.5—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 2.5.5 – Butter.

New section 2.5.5—2 Definitions

This section has no operative part. It provides a note reference to the definition for butter that is now set out in section 1.1.2—3.

New section 2.5.5—3 Requirement for food sold as butter

This provision sets out the requirement that a food sold with the name butter must conform to the definition of butter and comply with the compositional requirement relating to milkfat content.

Standard 2.5.6 Ice cream

New section 2.5.6—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 2.5.6 – Ice cream.

New section 2.5.6—2 Definitions

This section has no operative part. It provides a note reference to the definition for ice cream that is now set out in section 1.1.2—3.

New section 2.5.6—3 Requirement for food sold as ice cream

This provision sets out the requirement that a food sold with the name ice cream must conform to the definition of ice cream and satisfy compositional requirements relating to milkfat and food solids.

Standard 2.5.7 Dried milk, evaporated milk and condensed milk

New section 2.5.7—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 2.5.7 – Dried milk, evaporated milk and condensed milk.

New section 2.5.7—2 Definitions

This section has no operative part. It provides a note reference to the definitions for adjusted milk, condensed milk, dried milk and evaporated milk that are now set out in section 1.1.2—3. The definition of adjusted milk is provided to avoid duplication within the Standard.

New section 2.5.7—3 Requirement for food sold as condensed milk

This provision sets out the requirement that a food sold as condensed milk must conform to the definition of condensed milk and comply with the compositional requirements set out in the section.

New section 2.5.7—4 Requirement for food sold as dried milk

This provision sets out the requirement that a food sold as dried milk must conform to the definition of dried milk and comply with the compositional requirements set out in the section.

New section 2.5.7—5 Requirement for food sold as evaporated milk

This provision sets out the requirement that a food sold as evaporated milk must conform to the definition of evaporated milk and comply with the compositional requirements set out in the section.

Part 6—Non-alcoholic beverages

Standard 2.6.1 Fruit juice and vegetable juice

New section 2.6.1—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 2.6.1 – Fruit juice and vegetable juice.

New section 2.6.1—2 Definitions

This section has no operative part. It provides a note reference to the definitions for fruit juice, juice, juice blend and vegetable juice that are now set out in section 1.1.2—3.

New section 2.6.1—3 Requirement for food sold as fruit juice or vegetable juice

This provision sets out the requirement that a food sold as fruit juice or vegetable juice or the juice of a specified fruit or fruits or vegetable or vegetables or a blend of juices, must

conform to the definitions of fruit juice, vegetable juice and juice blend, as appropriate, and comply with the compositional requirements set out in the subsection.

New section 2.6.1—4 Name and percentage by volume of juices in juice blend

New section 2.6.1—4 repeats the content of clause 3 of Standard 2.6.1, which requires the label on blended juices to declare the name and percentage of each juice used in the blend. The requirement does not apply to orange juice that is a blend of orange and either tangelo or mandarin juice in which the percentage of tangelo or mandarin juice is less than 10%. The basic requirement to provide name and percentage information is in paragraph 1.2.1—8(1)(s).

Standard 2.6.2 Non-alcoholic beverages and brewed soft drinks

New section 2.6.2—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 2.6.2 – Non-alcoholic beverages and brewed soft drinks.

New section 2.6.2—2 Definitions

This section has no operative part. It provides a note reference to the definitions for brewed soft drink, electrolyte drink, electrolyte drink base, formulated beverage, mineral water or spring water and non-alcoholic beverage that are currently in clause 1 of Standard 2.6.2 and are in section 1.1.2—3.

New section 2.6.2—3 Composition requirement for packaged water

New section 2.6.2—3 repeats the permission that is in clause 2 of Standard 2.6.2 for packaged water to contain added carbon dioxide and the restriction on the content of packaged water of some natural chemicals.

New section 2.6.2—4 Addition of fluoride to packaged water

New section 2.6.2—4 restates the content of clause 2A of Standard 2.6.2, which sets out the conditions under which fluoride may be added to packaged water.

New section 2.6.2—5 Labelling—composition of packaged water

New section 2.6.2—5 repeats the requirements that are now in subclause 2B of Standard 2.6.2 setting out the labelling requirements for packaged water, including the permission for a typical analysis statement.

New section 2.6.2—6 Requirement for food sold as brewed soft drink

This new section provides that a food sold as brewed soft drink must conform to the definition of brewed soft drink.

New section 2.6.2—7 Requirement for food sold as fruit drink

This new section provides that a food sold as fruit drink must conform to the definition of fruit drink and comply with a compositional requirement relating to fruit content.

New section 2.6.2—8 Non-alcoholic beverages not to be labelled or presented as alcoholic beverages

New section 2.6.2—8 repeats the content of clause 5 of Standard 2.6.2, which prohibits the presentation, express or implicit, of non-alcoholic beverages as beverages that contain alcohol.

New section 2.6.2—9 Requirement for food sold as electrolyte drink or electrolyte drink base

This new section provides that a food sold as electrolyte drink or electrolyte drink base must, as a drink or when made up according to directions (as appropriate), conform to the definition of electrolyte drink.

New section 2.6.2—10 Permission to add minerals to electrolyte drink or electrolyte drink base

This new section provides permissions to add minerals to a food sold as electrolyte drink or electrolyte drink base.

New section 2.6.2—11 Labelling of electrolyte drinks and electrolyte drink bases

This new section repeats the requirement in clause 7 of Standard 2.6.2 that the label on an electrolyte drink or electrolyte drink base must provide information about energy value, total carbohydrate, added minerals and electrolytes and the recommended volume and frequency of consumption.

New section 2.6.2—12—Claims in relation to the tonicity of electrolyte drinks

New section 2.6.2—12 sets out the conditions under which a claim may be made that an electrolyte drink is isotonic and the labelling requirements if a claim is made that an electrolyte drink is isotonic, hypertonic or hypotonic. These matters are currently set out in clause 8 of Standard 2.6.2.

New section 2.6.2—13 Requirement for food sold as formulated beverage

This new section provides that a food sold as formulated beverage must conform to the definition of formulated beverage.

Standard 2.6.3 Kava

New section 2.6.3—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 2.6.3 – Kava.

New section 2.6.3—2—Definitions

This section has no operative part. It provides a note reference to the definitions for kava and kava root that are now set out in section 1.1.2—3.

New section 2.6.3—3—Exception to prohibition

New section 2.6.3—3 repeats the exception, to the prohibition on sale or use, for a beverage obtained by cold water extraction or is kava that is dried or raw kava root. The exception is currently set out in paragraphs 2(1)(1) and (b) of Standard 2.6.3. The prohibition on the sale of kava, or its use as an ingredient, is in paragraphs 1.1.1—10(3)(e) and (4)(i).

New section 2.6.3—4 Labelling of foods containing kava

New section 2.6.3—4 repeats the labelling requirements that are now set out in clause 3 of Standard 2.6.3.

Standard 2.6.4 Formulated caffeinated beverages

New section 2.6.4—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 2.6.4 – Formulated caffeinated beverages.

New section 2.6.4—2 Definitions

This section has no operative part. It provides note references to the definitions of non-alcoholic beverage in section 1.1.2—3 and formulated caffeinated beverage in section 1.1.2—6.

The section also provides a new definition, for this Standard only, of the term listed substance, which is used to simplify the presentation of the section by avoiding repetition.

New section 2.6.4—3 Composition—Formulated caffeinated beverage

New section 2.6.4—3 repeats the requirements that are now set out in subclauses 2(1) and (2) of Standard 2.6.4.

New section 2.6.4—4 Prohibition on mixing formulated caffeinated beverages

New section 2.6.4—4 restates the requirement that is now set out in subclause 2(3) of Standard 2.6.4.

New section 2.6.4—5 Labelling requirements—formulated caffeinated beverages

New section 2.6.4—5 restates the requirements that are currently in clause 3 of Standard 2.6.4.

Part 7—Alcoholic Beverages

Standard 2.7.1 Labelling of alcoholic beverages and food containing alcohol

New section 2.7.1—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 2.7.1 – Labelling of alcoholic beverages and food containing alcohol.

New section 2.7.1—2 Definitions

This section has no operative part. It provides a note reference to the definition of standard drink in subsection 1.1.2—2(3).

New section 2.7.1—2 Statement of alcohol content

This new section repeats the requirement that is currently in clause 2 of Standard 2.7.1 for labelling the alcohol content of certain foods, including beverages. The basic labelling requirement is in subparagraph 1.2.1—8(1)(w)(i). The requirement is met by one type of statement on foods, including alcoholic beverages, that have an alcohol content greater than 1.15% by volume and a different statement on alcoholic beverages, such as low alcohol beer, that have an alcohol content below 1.15% by volume or non-alcoholic beverages, such as brewed soft drink, that have an alcohol content below 1.15% by volume but greater than 0.05% by volume.

New section 2.7.1—3 Statement of number of standard drinks

New section 2.7.1--3 repeats the requirement that is currently in clause 3 of Standard 2.7.1 that the label on a package of alcoholic beverage that contains more than 0.5% alcohol by volume must include a statement of the approximate number of standard drinks in the package. The basic labelling requirement is in subparagraph 1.2.1—8(1)(w)(ii).

New section 2.7.1—4 Restriction on representations of low alcohol

New section 2.7.1—4 repeats the prohibition that is in clause 4 of Standard 2.7.1 on representing an alcoholic beverage that contains more than 1.15% alcohol by volume as a low alcohol beverage.

New section 2.7.1—5 Restriction on representations of ‘non-intoxicating’

New section 2.7.1—5 repeats the prohibition that is in clause 5 of Standard 2.7.1 on representing an alcoholic beverage that contains more than 0.5% alcohol by volume as non-intoxicating.

New section 2.7.1—6 Restriction on representation as non-alcoholic

New section 2.7.1—6 repeats the prohibition that is in clause 6 of Standard 2.7.1 on representing a food that contains any alcohol as a non-alcoholic beverage or confection.

Standard 2.7.2 Beer

New section 2.7.2—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 2.7.2 – Beer.

New section 2.7.2—2 Definitions

This section has no operative part. It provides a note reference to the definition of beer in section 1.1.2—3 and a note indicating that beer might also be known as ale, lager, pilsener, porter or stout.

New section 2.7.2—3 Requirement for food sold as beer

This provision sets out the requirement that a food sold as beer must conform to the definition of beer.

Standard 2.7.3 Fruit wine, vegetable wine and mead

New section 2.7.3—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 2.2.2 – Fruit wine, vegetable wine and mead. The name of the current standard is amended as mead is not a fruit or vegetable wine.

New section 2.7.3—2 Definitions

This section has no operative part. It provides a note reference to the definitions of cider, fruit wine or vegetable wine, fruit wine product and vegetable wine product, mead and perry in section 1.1.2—3. Another note indicates that perry might also be known as pear cider.

New section 2.7.3—3 Requirement for food sold as cider, mead, perry, fruit wine and vegetable wine

This provision sets out the requirement that a food sold with the name cider, mead or perry, or sold as a fruit wine or a vegetable wine must conform to the definition of cider, mead, perry, fruit wine or vegetable wine, as appropriate.

Standard 2.7.4 Wine and wine product

New section 2.7.4—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 2.7.4 – Wine and wine product.

New section 2.7.4—2 Definitions

This section has no operative part. It provides a note reference to the definitions of wine and wine product in section 1.1.2—3.

New section 2.7.4—3 Requirement for food sold as wine

This provision sets out the requirement that a food sold as wine must conform to the definition of wine.

New section 2.7.4—4 Requirement for food sold as wine product

This provision sets out the requirement that a food sold as wine product must conform to the definition of wine product.

Standard 2.7.5 Spirits

New section 2.7.5—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 2.7.5 – Spirits.

New section 2.7.5—2 Definitions

This section has no operative part. It provides a note reference to the definitions of brandy, liqueur and spirit in section 1.1.2—3.

New section 2.7.5—3 Requirement for food sold as brandy, liqueur or spirit

This provision sets out the requirement that a food sold as brandy, liqueur or spirit must conform to the definition of brandy, liqueur or spirit (including a requirement that spirit contain at least 37% alcohol by volume), as appropriate.

New section 2.7.5—4 Restriction on use of geographical indications

New section 2.7.5—4 repeats:

- the prohibition currently in subclause 4(1) of Standard 2.7.5 on the use of a geographical indication with spirits except when the spirit has been produced in the country or locality indicated; and
- the prohibition currently in subclause 4(2) of Standard 2.7.5 on the use of a geographical indication, when a spirit has been bottled outside the territory in which it was produced, if the concentration of alcohol in the bottled spirit is lower than permitted by the laws of the territory of production or any other factor is likely to mislead consumers about the nature of the product; and
- the definition of geographical indication that is now in clause 1 of Standard 2.7.5.

Part 8—Sugars and honey

Standard 2.8.1 Sugars

New section 2.8.1—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 2.8.1 – Sugars.

New section 2.8.1—2 Definitions

This section has no operative part. It provides a note reference to the definitions of icing, sugar, sugars and white sugar in section 1.1.2—3.

New section 2.8.1—3 Requirement for food sold as white sugar

This provision sets out the requirement that a food sold with the name white sugar must conform to the definition of white sugar and comply with a compositional requirement relating to sucrose content.

New section 2.8.1—4 Requirement for food sold as icing

This provision sets out the requirement that a food sold with the name icing must conform to the definition of icing.

Standard 2.8.2 Honey

New section 2.8.2—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 2.8.2 – Honey.

New section 2.8.2—2 Definitions

This section has no operative part. It provides a note reference to the definition of honey in section 1.1.2—3.

New section 2.8.2—3 Requirement for food sold as honey

This provision sets out the requirement that a food sold with the name honey must conform to the definition of honey and satisfy compositional requirements relating to moisture and reducing sugar content.

New section 2.8.2—4 Prescribed name

New section 2.8.2—4 repeats the provision in clause 3 of Standard 2.8.2 that honey is a prescribed name.

Part 9—Special purpose foods

Standard 2.9.1 Infant formula products

Division 1 Preliminary

New section 2.9.1—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 2.9.1 – Infant formula products.

New section 2.9.1—2 Outline of Standard

New section 2.9.1—2 provides an outline of Standard 2.9.1.

New section 2.9.1—3 Definitions

This section has no operative part. It provides a note reference to the definitions of follow-on formula, infant formula, infant formula product, medium chain triglycerides, pre-term formula, protein substitute and soy-based formula that are in section 1.1.2—3.

New section 2.9.1—4 Interpretation

New subsection (1) repeats the content of clause 2 of Standard 2.9.1.

New subsection (2) repeats the content of clauses 3, 4 and 5 of Standard 2.9.1, which sets out the parameters for calculating energy content, protein content and potential renal solute load in infant formula product.

Division 2 General compositional requirements for infant formula products

New section 2.9.1—5 Use of substances as nutritive substances

New section 2.9.1—5 repeats the content of clause 7 of Standard 2.9.1, which sets out the conditions under which first, nutritive substances may be added to infant formula products and, secondly, statements may be made on labels about the presence of a nutritive substance.

New section 2.9.1—6 Addition of lactic acid producing microorganisms

This new section 2.9.1—6 repeats the permission in clause 9 of Standard 2.9.1 for lactic acid producing microorganisms to be added to infant formula products. The terms lactic acid producing microorganisms has been used to provide consistency in the Code, replacing lactic acid cultures and lactic acid producing cultures.

New section 2.9.1—7 Permitted quantities of added inulin—derived fructans and galacto—oligosaccharides

New section 2.9.1—7 restates the content of clause 9A of Standard 2.9.1. The provision sets out limits on the amount of inulin-derived fructans and galacto-oligosaccharides that may be added to infant formula product.

New section 2.9.1—8 Restriction on level of other substances in infant formula

New section 2.9.1—8 repeats the content of subclause 6(2) and clauses 8 and 10 of Standard 2.9.1, which set out limits on the amount of gluten, nucleotide 5'-monophosphates (whether added or naturally occurring) and aluminium that can be in infant formula products.

Division 3 Infant formula and follow-on formula

New section 2.9.1—9 Infant formula and follow-on formula—composition

New section 2.9.1—9 restates the content of clause 21 of Standard 2.9.1, which sets out the compositional requirements for infant formula and follow-on formula.

New section 2.9.1—10 Infant formula and follow-on formula—protein—further requirements

New section 2.9.1—10 restates the content of clause 22 of Standard 2.9.1, which sets out the protein content requirements for infant formula and follow-on formula.

New section 2.9.1—11 Infant formula and follow-on formula—fat—further requirements

New section 2.9.1—11 restates the content of clause 23 of Standard 2.9.1, which sets out the fat requirements for infant formula and follow-on formula.

New section 2.9.1—12 Infant formula and follow-on formula—vitamins, minerals and electrolytes—further requirements

New section 2.9.1—12 Infant formula and follow-on formula—vitamins, minerals and electrolytes—further requirements

New section 2.9.1—12 restates the content of subclauses 24(2)—(4) of Standard 2.9.1, which sets out the requirements for infant formula and follow-on formula that relate to polyunsaturated fatty acids, the ratio of calcium to phosphorus and the ratio of zinc to copper.

Division 4 Infant formula for special dietary purposes

New section 2.9.1—13 Products formulated for premature or low birthweight infants

New section 2.9.1—13 restates the content of clauses 25 and 26 of Standard 2.9.1, which require specific labelling of infant formula products that have been formulated for premature or low birthweight infants.

New section 2.9.1—14 Products for metabolic, immunological, renal, hepatic or malabsorptive conditions

New section 2.9.1—14 restates the content of clauses 27, 28, 29 and 30 of Standard 2.9.1, which require specific labelling of infant formula products for that are formulated for metabolic, immunological, renal, hepatic or malabsorptive conditions.

New section 2.9.1—15 Products for specific dietary use based on a protein substitute

New section 2.9.1—15 repeats the content of clauses 31 and 32 of Standard 2.9.1, which set out the requirements for infant formula products that are based on a protein substitute.

Division 5 Labelling and packaging requirements

New section 2.9.1—16 Representations about food as infant formula product

New section 2.9.1—16 repeats the requirement in clause 11 of Standard 2.9.1 that food can only be represented as infant formula product if it complies with the Division.

New section 2.9.1—17 Prescribed names

This new section repeats the content of clause 12 of Standard 2.9.1, which lists infant formula and follow-on formula as prescribed names.

New section 2.9.1—18 Requirement for measuring scoop

New section 2.9.1—18 restates the requirement in clause 13 of Standard 2.9.1 that a package of infant formula product in powdered form must contain a scoop to enable mixing according to instructions. A scoop is not required for powdered infant formula product in single serve sachets.

New section 2.9.1—19 Requirement for warning statements and directions

New section 2.9.1—19 restates the content of clause 14 of Standard 2.9.1 which sets out labelling requirements for infant formula products.

New section 2.9.1—20 Print size

This new section repeats the requirements in clause 15 of Standard 2.9.1 for print size on packages of infant formula product.

New section 2.9.1—21 Declaration of nutrition information

New section 2.9.1—21 sets out the requirements that are now in clause 16 of Standard 2.9.1 for declaring nutrition information on a package of infant formula product.

New section 2.9.1—22 Date marking and storage instructions

New section 2.9.1—22 repeats the content of clause 17 of Standard 2.9.1. The section provides that a use-by date does not have to be provided on a package of infant formula product. Instead, the label must provide storage instructions for the period after the package is opened. An editorial note that provides that the full range of climatic conditions that exist in Australia and New Zealand may need to be considered when determining valid and appropriate storage instructions has been omitted.

New section 2.9.1—23 Statements about protein source and dental fluorosis

New section 2.9.1—23 restates the content of clauses 18 and 19 of Standard 2.9.1, which require statements about protein source and, in certain circumstances, dental fluorosis on the label of infant formula product.

New section 2.9.1—24 Prohibited representations

New section 2.9.1—24 repeats the content of clause 20 of Standard 2.9.1, which prohibits a range of representations on packages of infant formula product.

Division 6 Guidelines

New section 2.9.1—25 Guidelines for infant formula product

New section 2.9.1—25 provides that guidelines in relation to the maximum amounts of vitamins and minerals in infant formula product, which are not legally binding, are repeated in section S29—10.

Standard 2.9.2 Food for infants

New section 2.9.2—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 2.9.2 – Food for infants.

New section 2.9.2—2 Definitions

This section has no operative part. It provides a note reference to the definitions of cereal-based food for infants, food for infants and fruit-based food that are in section 1.1.2—3.

New section 2.9.2—3 Food for infants—general compositional requirements

New subsection (1) repeats the content of subclause 2(1) of Standard 2.9.2. This section repeats the requirement that a food shall not contain a food additive or nutritive substance unless the addition is permitted by the Code or is naturally present in an ingredient.

New section 2.9.2—4 Additional compositional requirements for cereal—based food for infants over the age of 6 months

New section 2.9.2—4 repeats the content of subclause 3(1) of Standard 2.9.2.

New section 2.9.2—5 Additional compositional requirements for cereal-based food for infants over the age of 4 months

New section 2.9.2—5 repeats the content of clause 3(2) of Standard 2.9.2.

New section 2.9.2—6 Additional compositional requirements for non-cereal-based food for infants

New section 2.9.2—6 repeats the content of clause 4 of Standard 2.9.2.

New section 2.9.2—7 Labelling

New section 2.9.2—7 repeats the content of clause 5 of Standard 2.9.2.

New section 2.9.2—8 Additional labelling requirements relating to specific nutrients and energy information

New section 2.9.2—8 repeats the content of clause 6 of Standard 2.9.2.

New section 2.9.2—9 Representations

New section 2.9.2—9 repeats the content of clause 7 of Standard 2.9.2.

New section 2.9.2—10 Claims about vitamins and minerals

New section 2.9.2—10 repeats the content of clause 8 of Standard 2.9.2.

New section 2.9.2—11 Nutrition information

New section 2.9.2—11 repeats the content of clause 9 of Standard 2.9.2.

New section 2.9.2—12 Food in dehydrated or concentrated form

New section 2.9.2—12 repeats the content of clause 10 of Standard 2.9.2.

New section 2.9.2—13—Storage requirements

New section 2.9.2—13 repeats the content of clause 11 of Standard 2.9.2.

Standard 2.9.3 Formulated meal replacement and formulated supplementary foods

Division 1 Preliminary

New section 2.9.3—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 2.9.3 – Formulated meal replacements and formulated supplementary foods.

New section 2.9.3—2—Definitions

This section has no operative part. It provides a note reference to the definitions of serving that is in section 1.1.1—6 and the definitions of formulated meal replacement, formulated supplementary food and formulated supplementary food for young children that are in section 1.1.2—3.

Division 2 Formulated meal replacements

New section 2.9.3—3 Compositional requirements for formulated meal replacements

New section 2.9.3—3 restates clause 2 of Standard 2.9.3.

New section 2.9.3—4—Labelling of formulated meal replacements

New section 2.9.3—4 restates clause 3 of Standard 2.9.3.

Division 3 Formulated supplementary foods

New section 2.9.3—5—Compositional requirements for formulated supplementary foods

New section 2.9.3—5 restates clause 4 of Standard 2.9.3. The provision corrects an error in the current provision, which operates to apply the maximum quantities set out in column 4 of table 3 of the Schedule to the current Standard to naturally occurring vitamins and

minerals. Column 4 amounts are intended to apply only if vitamins or minerals have been added. The relevant information is now set out in section 30—14.

New section 2.9.3—6—Labelling of formulated supplementary foods

New section 2.9.3—6 restates clause 5 of Standard 2.9.3.

Division 4 Formulated supplementary foods for young children

New section 2.9.3—7 Compositional requirements for formulated supplementary foods for young children

New section 2.9.3—7 restates clauses 6 and 6A of Standard 2.9.3.

New section 2.9.3—8 Labelling of formulated supplementary foods

New section 2.9.3—8 restates clause 7 of Standard 2.9.3.

Standard 2.9.4 Formulated supplementary sports foods

Division 1 Preliminary

New section 2.9.4—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 2.9.4 – Formulated supplementary sports foods.

Division 2 Formulated supplementary sports foods generally

New section 2.9.4—2 Definitions

This section has no operative part. It provides a note reference to the definitions of formulated supplementary sports foods and one day quantity that are in section 1.1.2—3.

New section 2.9.4—3 Composition of formulated supplementary sports foods

New section 2.9.4—3 restates clause 2 of Standard 2.9.4. The information that is currently in the tables to that clause is now set out in sections S29—16, S29—17, S29—18 and S29—19.

New section 2.9.4—4 Labelling information

New section 2.9.4—4 restates clause 3 of Standard 2.9.4.

New section 2.9.4—5 Nutritive substance claims

New section 2.9.4—5 restates clause 4 of Standard 2.9.4.

New section 2.9.4—6—Vitamin and mineral claims

New section 2.9.4—6 restates clause 5 of Standard 2.9.4.

New section 2.9.4—7—Prohibition on representations

New section 2.9.4—7 restates clause 6 of Standard 2.9.4.

Division 2 Particular formulated supplementary sports foods

New section 2.9.4—8 High carbohydrate supplement

New section 2.9.4—8 restates clause 7 of Standard 2.9.4.

New section 2.9.4—9—Protein energy supplement

New section 2.9.4—9 restates clause 8 of Standard 2.9.4.

New section 2.9.4—10—Energy supplement

New section 2.9.4—10 restates clause 9 of Standard 2.9.4.

Standard 2.9.5 Food for special medical purposes

Division 1 Preliminary

New section 2.9.5—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 2.9.5 – Food for special medical purposes.

New section 2.9.5—2 Definitions

This section has no operative part. It provides a note reference to the definitions of inner package, responsible institution and package that are in subsection 1.1.2—2(3) and the definition of food for special medical purposes that is in section 1.1.2—5.

New section 2.9.5—3 Application of other Standards

New section 2.9.5—3 repeats the content of clause 3 of Standard 2.9.5.

New section 2.9.5—4 Claims must not be therapeutic in nature

New section 2.9.5—4 repeats the content of clause 4 of Standard 2.9.5.

Division 2 Sale of food for special medical purposes

New section 2.9.5—5 Restriction on the persons by whom, and the premises at which, food for special medical purposes may be sold

New section 2.9.5—5 repeats the content of clause 5 of Standard 2.9.5.

Division 3 Composition

New section 2.9.5—6 Permitted form of particular substances [New section 2.141— Permitted form of particular substances]

New section 2.9.5—6 repeats the content of clause 6 of Standard 2.9.5.

New section 2.9.5—7 Compositional requirements for food represented as being suitable for use as a sole source of nutrition

New section 2.9.5—7 repeats the content of clause 7 of Standard 2.9.5.

Division 4 Labelling

New section 2.9.5—8 Labelling and related requirements

New section 2.9.5—8 repeats the content of clause 8 of Standard 2.9.5.

New section 2.9.5—9 Mandatory labelling information

New section 2.9.5—9 restates the content of part of clause 9 and clause 16 of Standard 2.9.5.

New section 2.9.5—10 Advisory and warning statements—food for special medical purposes

New section 2.9.5—10 restates the content of clauses 10 and 11 of Standard 2.9.5.

New section 2.9.5—11 Information relating to ingredients—food for special medical purposes

New section 2.9.5—11 repeats the content of clause 12 of Standard 2.9.5.

New section 2.9.5—12 Date marking information—food for special medical purposes

New section 2.9.5—12 repeats the content of clause 13 of Standard 2.9.5.

New section 2.9.5—13 Nutrition information—food for special medical purposes

New section 2.9.5—13 restates the content of parts of clause 9 of Standard 2.9.5.

New section 2.9.5—14 Claims in relation to lactose content

New section 2.9.5—14 restates the content of clause 14 of Standard 2.9.5, as at 28 June 2014.

New section 2.9.5—15 Claims in relation to gluten content

New section 2.9.5—15 restates the content of clause 15 of Standard 2.9.5.

New section 2.9.5—16 Labelling requirement—food for special medical purposes in inner package

New section 2.9.5—16 repeats the content of clause 17 of Standard 2.9.5.

New section 2.9.5—17 Labelling requirement—food for special medical purposes in transportation outer

New section 2.9.5—17 repeats the content of clause 18 of Standard 2.9.5.

Standard 2.9.6 Transitional standard for special purpose foods (including amino acid modified foods)

Standard 2.9.6 does not apply in Australia.

New section 2.9.6—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 2.9.6 – Transitional standard for special purpose foods (including amino acid modified foods).

New section 2.9.6—2—Definitions of amino acid modified food and special purpose food

New section 2.9.6—3—Application

New section 2.9.6—4—Composition

New section 2.9.6—5—Labelling of special purpose foods

New section 2.9.6—6—Labelling of amino acid modified foods

New sections 2.9.6—2 to 2.9.6—6 repeat Standard 1.1A.6 of the current Code, which provides a standard for special purpose foods that are made in, or imported into, New Zealand.

Part 10—Standards for other foods

Standard 2.10.1 Vinegar and related products

New section 2.10.1—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 2.10.1 – Vinegar and related products.

New section 2.10.1—2 Definitions

This section has no operative part. It provides a note reference to the definitions of imitation vinegar and vinegar in section 1.1.2—3.

New section 2.10.1—3 Requirement for food sold as vinegar or imitation vinegar

This provision sets out the requirement that a food sold with the name vinegar or imitation vinegar must conform to the definition of vinegar or imitation vinegar, as appropriate.

Standard 2.10.2 Salt and salt products

Division 1 Compositional requirements

New section 2.10.2—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 2.10.3 – Salt and salt products.

New section 2.10.2—2 Definitions

This section has no operative part. It provides a note reference to the definitions of iodised salt and iodised reduced sodium salt mixture, reduced sodium salt mixture, salt and salt substitute in section 1.1.2—3.

New section 2.10.2—3 Requirement for food sold as salt

This provision sets out the requirement that a food sold with the name salt must conform to the definition of salt.

New section 2.10.2—4 Requirement for food sold as reduced sodium salt mixture

This provision sets out the requirement that a food sold with the name reduced sodium salt mixture must conform to the definition of reduced sodium salt mixture.

New section 2.10.2—5 Requirement for food sold as salt substitute

This provision sets out the requirement that a food sold with the name salt substitute must conform to the definition of salt substitute.

New section 2.10.2—6 Requirement for food sold as iodised salt

This provision sets out the requirement that a food sold with the name iodised salt must conform to the definition of iodised salt.

New section 2.10.2—7 Requirement for food sold as iodised reduced sodium salt

This provision sets out the requirement that a food sold with the name iodised reduced sodium salt must conform to the definition of iodised reduced sodium salt.

Division 2 Labelling requirements

New section 2.10.2—8—Labelling requirement for reduced sodium salt mixtures and salt substitutes

New section 2.10.2—8 repeats the content of clause 5 of Standard 2.10.2.

Standard 2.10.3 Chewing gum

New section 2.10.3—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 2.10.3 – Chewing gum.

New section 2.10.3—2 Definitions

This section has no operative part. It provides a note reference to the definition of releasable calcium in section 1.1.1—7.

New section 2.10.3—3—Addition of calcium to chewing gum

New section 2.10.3—3 repeats clause 2 of Standard 2.10.3.

New section 2.10.3—4—Claims about the presence of calcium in chewing gum

New section 2.166—Claims about the presence of calcium in chewing gum

New section 2.10.3—4 restates the content of clause 3 of Standard 2.10.3. The definition of calcium claim, now in clause 1, is not required in the restatement.

New section 2.10.3—5—Labelling requirements

New section 2.10.3—5 repeats the content of clauses 4 and 5 of Standard 2.10.3.

Standard 2.10.4 Miscellaneous standards for other foods

New section 2.10.4—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code – Standard 2.10.4 – Salt and salt products.

New section 2.10.4—2 Definitions

This section has no operative part. It provides a note reference to the definitions of chocolate, cocoa, coffee, decaffeinated coffee, decaffeinated tea, gelatine, instant coffee, instant tea, peanut butter and tea in section 1.1.1—7.

New section 2.10.4—3—Requirements for food sold as tea or coffee

New section 2.10.4—3 repeats the requirements for products that are sold as named teas or coffees that are now set out in Standard 1.1.2.

New section 2.10.3—4— Requirements for food sold as peanut butter

This provision sets out the requirement that a food sold with the name peanut butter must conform to the definition of peanut butter and meet a compositional requirement.

New section 2.10.3—5 Requirement for food sold as chocolate

This provision sets out the requirement that a food sold with the name chocolate must conform to the definition of chocolate.

New section 2.10.3—6 Requirement for food sold as cocoa

This provision sets out the requirement that a food sold with the name cocoa must conform to the definition of cocoa.

New section 2.10.3—6 Requirement for food sold as gelatine

This provision sets out the requirement that a food sold with the name gelatine must conform to the definition of gelatine.

Chapter 3 Food Safety Standards (Australia only)

New section 3.01—Incorporation by reference of other standards

Chapter 3 of the Code has not been revised. It is incorporated in its current form.

Chapter 4 Primary production and processing standards (Australia only)

New section 4.01—Incorporation by reference of other standards

Chapter 4 of the Code has not been revised. It is incorporated in its current form.

Chapter 5 Revocation, transitionals, etc

Division 1 Preliminary

Standard 5.1.1 Revocation and transitional provisions—2014 Revision

New section 5.1.1—1 Name

This section establishes that the instrument is the Australia New Zealand Food Standards Code — Standard 5.1.1 Revocation and transitional provisions — 2014 Revision.

Division 2 Revocation

New section 5.1.1—2 Revocation of standards

New section 5.01 revokes the standards in Chapters 1 and 2 of the current Code, other than Standard 1.1A.2¹¹.

Division 3 Other provisions with delayed commencement

Schedules of the Code

Schedule 1 ESADDIs and RDIs

Schedule 1 combines information that is now set out in:

- the Schedule to Standard 1.1.1, which provides ESADDIs and RDIs for vitamins and minerals for children aged 1 to 3 and for all other purposes except infants, and
- tables 2 and 3 to clause 8 of Standard 2.9 2, which sets out RDIs and ESADDIs respectively for food for infants.

New section S1—1 establishes that the instrument is the Australia New Zealand Food Standards Code – Schedule 1 – RDIs and ESADDIs.

S1—2 sets out ESADDIs and RDIs for vitamins. S1—3 sets out ESADDIs and RDIs for minerals.

S1—4 and S1—5 provide detail of the methods of calculating retinol equivalents for provitamin A forms of vitamin A and alpha-tocopherol equivalents for vitamin E, respectively.

Schedule 2 Units of measurement

Schedule 2 repeats, for new section 1.1.1—6, the information that is currently provided in a table in clause 8 of Standard 1.1.1 to define symbols and units of measurement that are used in the Code.

Schedule 3 Identity and purity

Schedule 3 sets out, for new section 1.1.1—15, the specifications for substances that are currently set out in the Schedule to Standard 1.3.4.

Schedule 4 Nutrition, health and related claims

New section S4—1 establishes that the instrument is the Australia New Zealand Food Standards Code – Schedule 4 – Nutrition, health and related claims.

Section S4—2 sets out references to definitions that are relevant for Schedule 4.

Section S4—3 sets out, for new subsection 1.2.7—12(1), the conditions for making nutrition content claims.

Section S4—4 sets out, for new subsection 1.2.7—18(2), the conditions for permitted high level health claims.

Section S4—4 sets out, for new subsection 1.2.7—18(3), the conditions for permitted general level health claims.

Section S4—5 sets out the nutrient profiling scoring criteria. The criteria are used to determine whether a food that must meet the NPSC, before a claim can be made, does so.

Schedule 5 Nutrient profiling scoring method

Schedule 5 sets out, for new section 1.2.7—25, the nutrient profiling scoring method. This is currently set out in Schedule 5 to Standard 1.2.7.

Schedule 6 Required elements of a systematic review

¹¹ This standard is repealed on 18 January 2016.

Schedule 6 repeats Schedule 6 of Standard 1.2.7, which sets out the required elements of a systematic review.

Schedule 7 Food additive class names (for statement of ingredients)

Schedule 7 sets out, for new section 1.2.4—7, the food additive class names that are currently set out in Schedule 1 to Standard 1.2.4.

Schedule 8 Food additive names and code numbers (for statement of ingredients)

Schedule 8 sets out, for new subsection 1.1.2—2(3) and section 1.2.4—7, the lists of food additives and their code numbers. Section S8—2 contains an alphabetic and a numeric list.

Schedule 9 Mandatory advisory statements

Schedule 9 sets out, for new subsection 1.2.3—2(1) and paragraph 2.9.5—10(2)(a), the mandatory advisory statements that are currently set out in the table to clause 2 in Standard 1.2.3.

Schedule 10 Generic names of ingredients and conditions for their use

Schedule 10 sets out, for new section 1.2.4—4, the generic names (and any conditions for the use of those names) that may be used in a statement of ingredients. The information is now set out in the table to clause 4 in Standard 1.2.4.

Schedule 11 Calculation of values for nutrition information panel

Schedule 11 sets out, for sections 1.1.1—6, subsection 1.2.8—7(7) and section S5—6, the methods of calculating average energy content, available carbohydrate, carbohydrate by difference, and dietary fibre and other fibre content.

Schedule 12 Nutrition information panels

Schedule 12 sets out, for new section 1.2.8—6, the mandatory and sample formats for nutrition information panels that are currently set out in Standard 1.2.8.

Schedule 13 Nutrition information required for food in small packages

Schedule 13 restates the content of clause 8 of Standard 1.2.8, which sets out the information that must be included in a declaration when a claim is made in relation to food in a small package.

Schedule 14 Technological purposes performed by food additives

Schedule 14 sets out the technological purposes for which a food additive may be added as an ingredient. This list is currently in Schedule 5 of Standard 1.3.1.

Schedule 15 Substances that may be used as food additives

Schedule 15 sets out, for new section 1.3.1—3, the permissions and associated restrictions on use for the use of substances as food additives. This information is currently set out in Schedule 1 in Standard 1.3.1.

New section S15—2 describes the hierarchy of permissions that are set out in the table to new section S15—5.

New section S15—3 describes the purpose of class 0 of the table to new section S15—5.

New section S15—4 provides definitions of GMP and MPL that are used only in section S15—5. New subsection S15—4(2) repeats the content of clause 9 of Standard 1.3.1 relating to the use of a garnish.

New section S15—5 repeats the content of Schedule 1 to Standard 1.3.1, listing the foods for which certain food additives may be used and any limits or restrictions on use.

Schedule 16 Types of substances that may be used as food additives

Schedule 16 sets out, for section 1.1.1—12, the information that is currently in Schedules 2, 3 and 4 of Standard 1.3.1 relating to additives permitted at GMP, colourings permitted at GMP and colourings permitted to a maximum limit.

Schedule 17 Vitamins and minerals

New sections S17—2 and S17—3 set out respectively, for new section 1.3.2—3, the permitted forms of vitamins and minerals. This information is currently set out in Column 2 of the Schedule to Standard 1.1.1.

New section S17—4 repeats the content of the table to clause 3 of Standard 1.3.2, which sets out the permitted quantities of vitamins and minerals in certain foods and the restrictions on claims.

Schedule 18 Processing aids

New section S18—2 lists, for new paragraph 1.3.3—4(2)(b), the general permitted processing aids that are currently listed in the table to clause 3 in Standard 1.3.3.

New section S18—3 lists, for section 1.3.3—5, the processing aids that can be used for certain purposes. This new section repeats the information that is now set out in the tables to clauses 4 to 10 of Standard 1.3.3.

New section S18—4 lists, for section 1.3.3—6, the enzymes, and their sources, that may be used as processing aids. This new section repeats the information that is now set out in the tables to clauses 15 to 17 of Standard 1.3.3.

New section S18—5 lists, for section 1.3.3—7, the microbial nutrients and microbial nutrient adjuncts that may be used as processing aids. This new section repeats the information that is now set out in the table to clause 18 of Standard 1.3.3.

New section S18—6 lists, for section 1.3.3—8, the substances that may be used as processing aids in packaged water or water used as an ingredient in other foods. This new section repeats the information that is now set out in the table to clause 11 of Standard 1.3.3.

New section S18—7 lists, for section 1.3.3—9, the bleaching, washing and peeling agents that may be used as processing aids. This new section repeats the information that is now set out in the table to clause 12 of Standard 1.3.3.

New section S18—8 lists, for section 1.3.3—10, the extraction solvents that may be used as processing aids. This new section repeats the information that is now set out in the table to clause 13 of Standard 1.3.3.

New section S18—9 lists, for section 1.3.3—11, the processing aids with miscellaneous functions that are now listed in the table to clause 14 of Standard 1.3.3.

New section S18—10 sets out, for section 1.3.3—12, the permissions to use dimethyl carbonate as a processing aid that are now listed in the table to clause 19 of Standard 1.3.3.

Schedule 19—Maximum levels of contaminants and natural toxicants

Schedule 19 repeats, for new section 1.4.1—3, the content of the tables in Standard 1.4.1.

Schedule 20—Maximum residue limits

Schedule 20 repeats, for new section 1.4.2—4, the table of maximum residue limits that is now in Schedule 1 in Standard 1.4.2.

Schedule 21—Extraneous residue limits

Schedule 21 repeats, for new section 1.4.2—5, the table of extraneous residue limits that is now in Schedule 2 in Standard 1.4.2.

Schedule 22—Foods and classes of foods

Schedule 22 repeats, for new section 1.4.2—3, the list of animal and crop commodities and processed foods of plant or animal origin that is now in Schedule 4 in Standard 1.4.2.

Schedule 23—Prohibited plants and fungi

Schedule 23 repeats, for new section 1.1.2—3, the content of Schedule 1 of Standard 1.4.4, which lists prohibited plants and fungi.

Schedule 24—Restricted plants and fungi

Schedule 23 repeats, for new section 1.1.2—3, the content of Schedule 2 of Standard 1.4.4, which lists restricted plants and fungi.

Schedule 25—Permitted novel foods

Schedule 25 repeats, for new sections 1.5.1—3 and 1.5.1—4, the content of the table to clause 2 of Standard 1.5.1, which lists permitted novel foods.

Schedule 26—Food produced using gene technology

New section S26—2 provides some definitions that are currently in clause 1 of Standard 1.5.2, but are now relevant only for the Schedule.

New section S26—3 restates the permission for the sale or use of a food produced using gene technology that is in clause 2 of Standard 1.5.2 and the content of the Schedule to Standard 1.5.2.

Schedule 27—Microbiological limits for food

Schedule 27 repeats, for new section 1.6.1—3, the microbiological limits that are now set out in the Schedule to standard 1.6.1.

Schedule 28—Formulated caffeinated beverages

Schedule 28 repeats, for new sections 2.6.4—2 and 2.6.4--5, the amounts of substances that may be in formulated caffeinated beverages. The information is currently presented in the table to subclause 2(2) of Standard 2.6.4.

Schedule 29—Special purpose foods

New sections S29—2, S29—3 and S29—4 provide methods of calculation of energy, protein content and potential renal solute load respectively for infant formula products. This information is currently in Division 2 of Standard 2.9.1.

New section S29—5 lists permitted nutritive substances for infant formula products. This information is currently in the table to clause 7 of Standard 2.9.1.

New section S29—6 lists L-amino acids that must be present in infant formula and follow-on formula. This information is currently in the table to clause 22 of Standard 2.9.1.

New section S29—7 lists permitted nutritive substances for infant formula products, infant food and food for special medical purposes. This information is currently in the table to clause 7 of Standard 2.9.1 and is extended to apply to FSMP.

New section S29—8 lists limits on fatty acids that may be present in infant formula and follow-on formula. This information is currently in the table to clause 23 of Standard 2.9.1.

New section S29—9 lists required vitamins, minerals and electrolytes in infant formula and follow-on formula. This information is currently in the table to subclause 24(1) of Standard 2.9.1.

New section S29—10 provides the guidelines for infant formula products that are currently annexed to Standard 2.9.1.

New section S29—11 lists the maximum RDI claims that can be made when vitamins or minerals have been added to cereal-based food for infants. This information is currently in table 1 to clause 8 of Standard 2.9.2.

New section S29—12 lists vitamins and minerals that must be present in formulated meal replacements. This information is currently in table 1 in the Schedule to Standard 2.9.3.

New section S29—13 lists vitamins and minerals that may be added to formulated meal replacements. This information is currently in table 2 in the Schedule to Standard 2.9.3.

New section S29—14 lists vitamins and minerals that may be added to formulated supplementary foods. This information is currently in columns 4 and 5 of table 3 in the Schedule to Standard 2.9.3.

New section S29—15 lists vitamins and minerals that may be added to formulated supplementary foods for young children. This information is currently in columns 2 and 3 of table 3 in the Schedule to Standard 2.9.3.

New section S29—16 lists vitamins and minerals that may be added to formulated supplementary sports foods. This information is currently in the table to paragraph 2(a) to Standard 2.9.4.

New section S29—17 lists additional permitted forms of vitamins and minerals that may be added to formulated supplementary sports foods and formulated meal replacements. This information is currently in the Schedule to Standard 2.9.4. The intake amounts for biotin and pantothenic acid have been revised to ensure consistency with the RDI or ESADDI currently specified for these vitamins in the Schedule to Standard 1.1.1.

New section S29—18 lists the amino acids that may be added to formulated supplementary sports foods. This information is currently in the table to paragraph 2(b) in the Schedule to Standard 2.9.4.

New section S29—19 lists nutritive substances that may be added to formulated supplementary sports foods. This information is currently in the table to paragraph 2(c) in Standard 2.9.4. In Standard 2.9.4 the substances are not identified as nutritive substances.

New section S29—20 lists substances that may be added to food for special medical purposes. This information is currently in table 2 in Schedule 1 to Standard 2.9.5.

New section S29—21 lists the amounts of nutrients that must be in food for special medical purposes that is represented as a sole source of nutrition. This information is currently in Schedule 2 to Standard 2.9.5.