

[4-08]

19 March 2008

# **PROPOSAL P1001 OMNIBUS VII ASSESSMENT REPORT**

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## **Executive Summary**

Proposal P1001 is a Proposal to assess a range of proposed amendments to the Code. The proposed amendments are intended to:

- correct minor errors, inconsistencies and ambiguities;
- amend food regulatory measures in the *Australia New Zealand Food Standards Code* (the Code) as a result of an internal FSANZ audit of Editorial Notes in the Code; and
- delete or amend food regulatory measures in the Code that are outdated or no longer necessary.

## **Purpose**

FSANZ conducts regular audits of the Code (referred to as Omnibus proposals) to address technical issues within the Code and to maintain its currency and clarity. FSANZ has prepared this Proposal to amend a number of provisions in the Code to ensure it remains current and to address some issues that have arisen from an audit of Editorial Notes in the Code. Reassessing these Editorial Notes has identified the need to vary some specific food regulatory measures in the Code. The Proposal is being assessed under the General Procedure.

## **Assessing the Proposal**

In assessing the Proposal and the subsequent development of food regulatory measures, FSANZ has had regard to the following matters as prescribed in section 59 of the *Food Standards Australia New Zealand Act 1991* (FSANZ Act):

- whether costs that would arise from a food regulatory measure developed or varied as a result of the Proposal outweigh the direct and indirect benefits to the community, Government or industry that would arise from the development or variation of the food regulatory measure.
- there are no other measures that would be more cost-effective than a variation to the Code that could achieve the same end.

- any relevant New Zealand standards.

### **Preferred Approach**

It is proposed to amend the Code in accordance with the draft variations to maintain the effectiveness of the Code.

### **Reasons for Preferred Approach**

- the proposed amendments do not raise any public health and safety concerns;
- the proposed amendments will ensure that the Code remains current and that regulatory measures and Editorial Notes in the Code are appropriate;
- FSANZ does not anticipate that these amendments will be of major significance or result in major costs for the community.

### **Consultation**

This Proposal is being assessed under the General Procedure in the FSANZ Act with one round of public consultation.

FSANZ acknowledges that this Proposal includes proposed amendments to a number of food regulatory measures in the Code and will therefore be of interest to a broad range of stakeholders. FSANZ does not anticipate that these amendments will be of major significance and has therefore applied a basic communication strategy to this Proposal. This will involve advertising the availability of the Assessment Report for public comment in the national press and making the reports available on the FSANZ website. FSANZ will also consult key stakeholders through targeted consultation mechanisms.

In addition, individuals and organisations that make submissions on this Proposal will be notified at each stage of the Proposal. If the FSANZ Board approves the draft variation to the Code, FSANZ will notify the Ministerial Council of its decision. Stakeholders, including the public, will be notified on the gazettal of changes to the Code in the national press and on the FSANZ website.

### **Invitation for Submissions**

FSANZ invites public comment on this Report and the draft variations to the Code based on regulation impact principles for the purpose of preparing an amendment to the Code for approval by the FSANZ Board.

Written submissions are invited from interested individuals and organisations to assist FSANZ in further considering this Application/Proposal. Submissions should, where possible, address the objectives of FSANZ as set out in section 18 of the FSANZ Act. Information providing details of potential costs and benefits of the proposed change to the Code from stakeholders is highly desirable. Claims made in submissions should be supported wherever possible by referencing or including relevant studies, research findings, trials, surveys etc. Technical information should be in sufficient detail to allow independent scientific assessment.

The processes of FSANZ are open to public scrutiny, and any submissions received will ordinarily be placed on the public register of FSANZ and made available for inspection. If you wish any information contained in a submission to remain confidential to FSANZ, you should clearly identify the sensitive information, separate it from your submission and provide justification for treating it as confidential commercial material. Section 114 of the FSANZ Act requires FSANZ to treat in-confidence, trade secrets relating to food and any other information relating to food, the commercial value of which would be, or could reasonably be expected to be, destroyed or diminished by disclosure.

Submissions must be made in writing and should clearly be marked with the word 'Submission' and quote the correct project number and name. While FSANZ accepts submissions in hard copy to our offices, it is more convenient and quicker to receive submissions electronically through the FSANZ website using the Standards Development tab and then through Documents for Public Comment. Alternatively, you may email your submission directly to the Standards Management Officer at [standards.management@foodstandards.gov.au](mailto:standards.management@foodstandards.gov.au). There is no need to send a hard copy of your submission if you have submitted it by email or the FSANZ website. FSANZ endeavours to formally acknowledge receipt of submissions within 3 business days.

**DEADLINE FOR PUBLIC SUBMISSIONS: 6pm (Canberra time) 30 April 2008**

**SUBMISSIONS RECEIVED AFTER THIS DEADLINE WILL NOT BE CONSIDERED**

Submissions received after this date will only be considered if agreement for an extension has been given prior to this closing date. Agreement to an extension of time will only be given if extraordinary circumstances warrant an extension to the submission period. Any agreed extension will be notified on the FSANZ website and will apply to all submitters.

Questions relating to making submissions or the application process can be directed to the Standards Management Officer.

If you are unable to submit your submission electronically, hard copy submissions may be sent to one of the following addresses:

**Food Standards Australia New Zealand  
PO Box 7186  
Canberra BC ACT 2610  
AUSTRALIA  
Tel (02) 6271 2222**

**Food Standards Australia New Zealand  
PO Box 10559  
The Terrace WELLINGTON 6036  
NEW ZEALAND  
Tel (04) 473 9942**

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## **INTRODUCTION**

The *Australia New Zealand Food Standards Code* (the Code) is regularly amended to reflect the changing nature of the food supply and the associated changes to regulatory requirements. On occasions, minor typographical errors or inconsistencies can occur and FSANZ identifies and corrects these errors and inconsistencies to ensure the Code remains as accurate as possible. This Proposal includes a small number of proposed variations to the Code to address these matters.

In addition to these minor changes, FSANZ also reviews provisions in the Code to identify outdated or unnecessary provisions. The enactment of recent amendments to the *Food Standards Australia New Zealand Act 1991* (FSANZ Act) have provided the opportunity to assess some longstanding provisions and propose amendments to the Code to address any outdated or unnecessary aspects of these provisions. This Proposal includes a number of proposed variations to address these matters.

Finally, FSANZ has conducted an audit of the Editorial Notes in the Code and this Proposal includes a number of proposed variations to food regulatory measures to address the issues highlighted as part of this audit.

This is the first Proposal prepared under the FSANZ Act, as amended on 1 October 2007. In accordance with the amended FSANZ Act, this Proposal is being assessed in accordance with the General Procedure with one round of public comment.

### **1. The Issue / Problem**

#### **1.1 Minor inconsistencies**

From time to time, FSANZ identifies and addresses issues with provisions in the Code to ensure that requirements are adequately expressed. These issues include inconsistencies, misspellings, grammatical errors, omissions and items requiring updating or clarification. FSANZ has compiled these issues for consideration as part of this Proposal (**Attachment 3**). Specific changes proposed in this Proposal include but are not limited to:

- the deletion of subclause 1(2) of Standard 1.1.1 (colloquially known as the 'stock in trade provisions') as it is no longer needed. This is because specific transition periods are determined and instituted as part of the implementation of any new regulatory measures;
- updating the references to specifications in Standard 1.3.4 – Identity and Purity;
- amending the requirements in relation to methods for microbiological analysis;
- updating references to out of date legislation.

## 1.2 Editorial Notes

During the development of amendments to the FSANZ Act, concern was expressed<sup>1</sup> about Editorial Notes in the Code and that some of the Editorial Notes in the Code may be regarded as regulation or as a 'substitute for regulation' i.e. impose obligations or restrictions that are not contained within the provisions or modify the application of food regulatory measures. During the consideration of these amendments to the FSANZ Act, FSANZ made a commitment to address specific examples where Editorial Notes appear to go beyond merely providing an interpretative aid to clauses.

By way of background, clause 4 of the FSANZ Act states that:

***standard*** means:

- (aa) *a standard made under this Act after the commencement of Part 1 of Schedule 1 to the Australia New Zealand Food Authority Amendment Act 2001; or*
- (a) *a standard that has been adopted, or taken to have been adopted, by a former Council under this Act before the commencement of Part 1 of Schedule 1 to the Australia New Zealand Food Authority Amendment Act 2001; or*
- (b) *a standard that is included in the Australia New Zealand Food Standards Code.*

*However, neither of the following is taken to be part of a standard:*

- (c) *text identified as an Editorial Note;*
- (d) *text identified as an example.*

In addition, subclause 5(2) of the Code states that:

(2) *In this Code, the Commentary and editorial notes are for information only and are not legally binding.*

In accordance with these provisions, FSANZ regards Editorial Notes as being purely interpretive and as an aid to interpret the legally binding parts of the Code, which are the substantive clauses within each standard. Each of the substantive clauses in each standard can be easily identified, and FSANZ has used the device of 'boxing' Editorial Notes to clearly differentiate between the Editorial Note component of the standard and the legally binding parts of the standard. FSANZ has always had the view that Editorial Notes should not create legally binding requirements and has never intended to use them as a means of imposing regulation.

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<sup>1</sup> [http://www.afph.gov.au/Senate/committee/clac\\_ctte/food\\_standards/report/index.htm](http://www.afph.gov.au/Senate/committee/clac_ctte/food_standards/report/index.htm) (accessed 6 November 2007)

To address the concerns that have been expressed about Editorial Notes, FSANZ has conducted an audit of the Editorial Notes in the Code. An internal FSANZ report on this audit is attached (**Attachment 4**) and this includes the basis for the changes to certain Editorial Notes.

This Proposal includes a number of amendments to food regulatory measures in the Code that have been identified and considered consequentially necessary as part of this audit. In the context of this Proposal, FSANZ is inviting submissions on the amendments to food regulatory measures and not on the internal audit of Editorial Notes. This is because the Editorial Notes are not food regulatory measures and are not subject to the same standard development processes as food regulatory measures. For indicative purposes the changes to the Editorial Notes have been included in **Attachment 4**.

Some specific changes proposed in this Proposal include:

- changes to a number of definitions and the inclusion of a number of interpretative clauses to clarify regulatory requirements resulting from the audit of Editorial Notes; and
- changes to some labelling and information declarations to reflect the audit of Editorial Notes and the need to include the current implied requirements in these Editorial Notes as food regulatory measures.

## **2. Proposed Changes to Food Regulatory Measures**

The Code includes a small number of inconsistencies and typographical errors which must be addressed. In addition, the Code currently includes a number of Editorial Notes which will be reworded to ensure that they are in a form consistent with interpretative guidance. As a consequence of this rewording, a number of amendments are proposed to the Code to include relevant food regulatory measures in the Code. These measures are considered to clarify the existing regulatory requirements.

## **3. Objectives**

This Proposal includes a number of minor amendments to the Code which have been identified FSANZ and other interested parties. In developing or varying a food standard, FSANZ is required by its legislation to meet three primary objectives which are set out in section 18 of the FSANZ Act. These are:

- the protection of public health and safety;
- the provision of adequate information relating to food to enable consumers to make informed choices; and
- the prevention of misleading or deceptive conduct.

In developing and varying standards, FSANZ must also have regard to:

- the need for standards to be based on risk analysis using the best available scientific evidence;

- the promotion of consistency between domestic and international food standards;
- the desirability of an efficient and internationally competitive food industry;
- the promotion of fair trading in food; and
- any written policy guidelines formulated by the Ministerial Council.

The specific objective for this Proposal is to correct and update food regulatory measures in the Code in relation to errors, outdated provisions or inappropriate Editorial Notes.

#### **4. Key Assessment Issues**

The amendments proposed are not considered to alter any requirements that would require an assessment of the risk to public health and safety, and as such risk assessments have not been conducted in relation to any of the proposed food regulatory measures.

### **RISK ASSESSMENT**

#### **5. Risk Assessment Summary**

The proposed amendments in this Proposal have been provided to FSANZ from internal staff, jurisdictions and other stakeholders. The issues relate to:

- correction of typographical and editorial errors;
- updating of information which is no longer relevant; and
- clarification of the intent and application for a number of clauses.

On this basis, the assessment of the issues is not considered to require a risk assessment to be undertaken.

### **RISK MANAGEMENT**

#### **6. Proposed Amendments**

The draft amendments listed in **Attachment 3** are intended to address minor inconsistencies, to amend outdated provisions and to include appropriate food regulatory measures arising from the Editorial Note audit. The amendments are required to ensure that the information contained in the Code is correct and current. Each of these amendments has been assessed by scientific and legal staff to ensure that the recommended solutions are consistent with the intent of the food regulatory measures in the Code.

The following details are provided with regard to each proposed amendment arranged under the relevant Standards:

**Location:** the relevant clause, subclause, paragraph, sub-paragraph or Table where the problem arises or, where relevant, additional details such as the section heading or column;

**Issue:** the nature of the inconsistency, error or proposed change and where necessary the rationale for the suggested amendment; and  
**Solution:** the proposed amendment

## **7. Options**

FSANZ is required to consider the impact of various regulatory (and non-regulatory) options on all sections of the community, including consumers, food industries and governments. The regulatory options available for this Proposal are:

### **7.1 Option 1 – To not vary the Code to incorporate the proposed amendments**

This option maintains the *status quo* by retaining the existing provisions in the Code.

### **7.2 Option 2 – To vary the Code to incorporate the proposed amendments**

This option would require amendments to the Code to incorporate the proposed changes.

## **8. Impact Analysis**

### **8.1 Affected Parties**

The parties likely to be affected by this Proposal include:

1. industry who would need to comply with any amendments to the Code;
2. consumers that may have concerns about amendments to the Code and the implications of these amendments; and
3. government agencies in Australia who, among other activities, ensure compliance with the Code.

### **8.2 Benefit Cost Analysis**

#### *8.2.1 Option 1 – To not vary the Code to incorporate the proposed amendments*

##### 8.2.1.1 Benefits

- there are no perceived or discernable benefits for affected parties if this option is adopted.

##### 8.2.1.2 Costs

- for consumers, there are unlikely to be any discernable costs if this option is adopted;
- for industry there are unlikely to be any discernable costs if this option is adopted;

- for Australian Government, State and Territory agencies, adopting this option would be unlikely to result in any specific costs, although the uncertainty associated with some existing regulatory measures may be an inconvenience.

FSANZ invites comment on whether any costs are likely to be discernable by interested parties.

## 8.2.2 *Option 2 – To vary the Code to incorporate the proposed amendments*

### 8.2.2.1 Benefits

- for consumers, the major benefit would be maintaining existing confidence in the food supply in relation to improving regulatory requirements in the Code;
- for some members of industry the proposed amendments will have the benefit of clarifying regulatory measures;
- for Australian Government, State and Territory agencies, adopting this option would foster community confidence that regulatory authorities are auditing standards to ensure clarity and consistency.

FSANZ invites comment on whether there are any other benefits associated with this option.

### 8.2.2.2 Costs

- for consumers, there are unlikely to be any discernable costs associated with the proposed amendments to the Code;
- for some members of industry the proposed amendments may result in costs of complying with mandatory regulatory measures when previously this was not the case. The impact of this is not regarded as major because it is understood that these measures are simply instituting measures with which industry are already complying;
- for Australian Government, State and Territory agencies, adopting this option would be unlikely to result in any specific costs, although there may be a need for these agencies to acquaint themselves with any changes to the Code.

FSANZ invites comment on whether there are any costs for industry or government agencies associated with this option.

## 8.3 **Comparison of Options**

In assessing Proposals, FSANZ considers the impact of various regulatory (and non-regulatory) options on all sectors of the community, including consumers, food industries and governments in Australia.

For this Proposal, Option 1 is not regarded as viable or desirable because it would perpetuate errors, inconsistencies and outdated provisions in the Code. While the costs to the community of adopting this option are low, the lack of credibility associated with retaining provisions that are known to be inadequate means that this option is not considered appropriate.

Option 2 is a viable and desirable option, as overall it is considered that the benefits to the community of amending the Code will outweigh any costs.

## **COMMUNICATION AND CONSULTATION STRATEGY**

### **9. Communication**

This Proposal includes proposed amendments to a number of food regulatory measures in the Code and will therefore be of interest to a broad range of stakeholders. FSANZ does not anticipate that these amendments will be of major significance and for this reason FSANZ has applied a basic communication strategy to this Proposal. This will involve advertising the availability of the Assessment Report for public comment in the national press and making the reports available on the FSANZ website.

### **10. Consultation**

This Proposal is being assessed under the General Procedure in the FSANZ Act. This means that one round of public consultation is required for the Proposal. FSANZ will also consult key stakeholders through targeted consultation mechanisms.

Individuals and organisations that make submissions on this Proposal will be notified at each stage of the Proposal. If the FSANZ Board approves the draft variation to the Code, FSANZ will notify the Ministerial Council of its decision. Stakeholders, including the public, will be notified on the gazettal of changes to the Code in the national press and on the FSANZ website.

#### **10.1 World Trade Organization (WTO)**

As members of the World Trade Organization (WTO), Australia and New Zealand are obligated to notify WTO member nations where proposed mandatory regulatory measures are inconsistent with any existing or imminent international standards and the proposed measure may have a significant effect on trade. The proposed amendments to the Code are unlikely to have a significant effect on international trade as they relate to the correction of errors and clarification of the intent of certain provisions. On this basis, a notification is not recommended.

## **CONCLUSION**

### **11. Conclusion and Preferred Option**

The proposed draft variations in this Proposal have been prepared to correct errors and inconsistencies, to include regulatory measures as a result of an audit of Editorial Notes in the Code, and to remove or amend unnecessary or outdated requirements in the Code.

#### **Preferred Approach**

It is proposed to amend the Code in accordance with the draft variations to maintain the effectiveness of the Code.

#### **Reasons for Preferred Approach**

- the proposed amendments do not raise any public health and safety concerns;
- the proposed amendments will ensure that the Code remains current and that regulatory measures and Editorial Notes in the Code are appropriate;
- FSANZ does not anticipate that these amendments will be of major significance or result in major costs for the community.

### **12. Implementation**

It is proposed that the variations in this Proposal should take effect on gazettal.

## **ATTACHMENTS**

1. Draft variations to the *Australia New Zealand Food Standards Code*
2. Draft variations to the Editorial Notes in the *Australia New Zealand Food Standards Code*
3. Proposed Amendments to the *Australia New Zealand Food Standards Code*
4. Report on FSANZ Internal Editorial Note Audit

## Attachment 1

### Draft variations to the *Australia New Zealand Food Standards Code*

*Section 94 of the FSANZ Act provides that standards or variations to standards are legislative instruments, but are not subject to disallowance or sunseting*

#### To commence: on gazettal

[1] **Standard 1.1.1** of the *Australia New Zealand Food Standards Code* is varied by –

[1.1] *omitting subclause 1(2), substituting –*

(2) Deleted

[1.2] *omitting the definition of **Code** in clause 2, substituting –*

**Code** has the same meaning as *Australia New Zealand Food Standards Code* as defined in section 4 of the *Food Standards Australia New Zealand Act 1991*.

[1.3] *omitting from the definition of **code number** in clause 2 –*

Standard 1.3.1

*substituting –*

Standard 1.2.4.

[1.4] *omitting subclause 5(1), substituting –*

(1) In this Code, guidelines as developed by Food Standards Australia New Zealand pursuant to section 13(1)(c) of the *Food Standards Australia New Zealand Act 1991* are to assist in the interpretation of the Code and are not legally binding.

[1.5] *omitting from subclause 5(2) –*

Commentary and

[2] **Standard 1.2.3** of the *Australia New Zealand Food Standards Code* is varied by *omitting from the Table to clause 4 –*

Tree nuts and sesame seeds and their products

*substituting –*

Tree nuts and sesame seeds and their products other than coconut from the fruit of the palm *Cocos nucifera*

[3] **Standard 1.2.4** of the Australia New Zealand Food Standards Code is varied by –

[3.1] *inserting the subclause number (1) before the words In this standard in clause 1, and inserting after that subclause –*

(2) Nothing in this Standard affects the mandatory declaration requirements in Standard 1.2.3.

[3.2] *omitting from the Table to clause 4 –*

Milk solids	No specific condition set
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*substituting –*

Milk solids	May be used to describe milk powder, skim milk powder, dried milk products standardised in this Code and/or any two or more of the following ingredients: whey, whey powder, whey proteins, lactose, caseinates, milk proteins and milk fat.
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[4] **Standard 1.2.8** of the Australia New Zealand Food Standards Code is varied by –

[4.1] *omitting the heading to clause 1, substituting –*

## 1 Interpretation

[4.2] *inserting the subclause number (1) before the words In this Standard in clause 1, and inserting after that subclause –*

(2) Where this Standard permits average energy content to be expressed in calories, the average energy content in calories is to be calculated in accordance with the following formula –

$$E_{cal} = \frac{E_{kJ}}{4.18}$$

Where  $E_{cal}$  is the average energy content expressed in calories and  $E_{kJ}$  is the average energy content calculated in accordance with the formula in subclause (1).

[4.3] *inserting following subclause 5(5) –*

(5A) An absence of dietary fibre must be declared as zero (0) in the Nutrition Information Panel.

[4.4] *omitting the Table to subclause 18(1), substituting –*

**Table to subclause 18(1)**

<b>Column 1</b>	<b>Column 2</b>
<b>Dietary Fibre</b>	<b>Method of analysis</b>
Total dietary fibre	Section 985.29 of the AOAC, 18th Edition (2005), or Section 991.43 of the AOAC, 18th Edition (2005).
Total dietary fibre (including all resistant maltodextrins)	Section 2001.03 of the AOAC, 18th Edition (2005)
Inulin and fructooligosaccharide	Section 997.08 of the AOAC, 18th Edition (2005).
Inulin	Section 999.03 of the AOAC, 18th Edition (2005).
Polydextrose	Section 2000.11 of the AOAC, 18th Edition (2005)

[4.5] *omitting subclause 18(2), substituting –*

(2) Where the dietary fibre content of a food has been determined by more than one method of analysis listed in column 2 of the Table to subclause 18(1), the total dietary fibre content is calculated by adding together the results from each method of analysis and then subtracting any portion of dietary fibre which has been included in the results of more than one method of analysis.

[5] **Standard 1.2.11** of the Australia New Zealand Food Standards Code is varied by omitting subclause 1(1A).

[6] **Standard 1.3.1** of the Australia New Zealand Food Standards Code is varied by –

[6.1] *omitting from paragraph (b) of clause 3 –*

does not exceed

*substituting –*

is no more than

[6.2] *omitting from subclause 6(2) –*

must not exceed

*substituting –*

must be no more than

[6.3] *omitting from subparagraph 11(a)(i) –*

August 2005

*substituting –*

August 2007

[6.4] *omitting from subparagraph 11(a)(ii) –*

2003

*substituting –*

November 2000

[6.5] *omitting from subparagraph 11(a)(iii) –*

1996

*substituting –*

2007

[7] **Standard 1.3.2** of the Australia New Zealand Food Standards Code is varied by omitting from clause 3 –

does not exceed

*substituting –*

is no more than

[8] **Standard 1.3.3** of the Australia New Zealand Food Standards Code is varied by –

[8.1] *inserting, following the definition of **processing aid**, in clause 1 –*

**silicates** include calcium aluminium silicate, calcium silicate, magnesium silicate, sodium aluminosilicate, sodium calcium polyphosphate silicate, sodium hexafluorosilicate, sodium metasilicate and sodium silicate.

[8.2] *omitting wherever appearing in the Table to clause 8 –*

does not exceed

*substituting –*

is no more than

[8.3] *omitting from the Table to clause 8 –*

Methyl acrylate-divinylbenzene-diethylene glycol divinyl ether terpolymer containing not less than 7% by weight divinylbenzene and not more than 2.3% by weight of diethylene glycol divinyl ether, aminolysed with dimethaminopropylamine and quaternized with methyl chloride	GMP
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*substituting –*

Methyl acrylate-divinylbenzene-diethylene glycol divinyl ether terpolymer containing not less than 7% by weight divinylbenzene and not more than 2.3% by weight of diethylene glycol divinyl ether, aminolysed with dimethaminopropylamine and quaternised with methyl chloride	GMP
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[8.4] *omitting wherever appearing in the Table to clause 11 –*

does not exceed

*substituting –*

is no more than

[9] **Standard 1.3.4 of the Australia New Zealand Food Standards Code is varied by –**

[9.1] *omitting clauses 2 and 3, substituting –*

## **2 Substances with specifications in primary sources**

A substance must comply with a relevant monograph (if any) published in one of the following –

- (a) Combined Compendium of Food Additive Specifications, FAO JECFA Monograph 1 (2005) as superseded by specifications published in FAO JECFA Monographs 3 (2006) and FAO JECFA Monographs 4 (2007), Food and Agriculture Organisation of the United Nations. Rome; or
- (b) *Food Chemicals Codex* (6<sup>th</sup> Edition) published by United States Pharmacopoeia (2008); or
- (c) the Schedule to this Standard.

## **3 Substances with specifications in secondary sources**

If there is no monograph applying to a substance under clause 2, the substance must comply with a relevant monograph (if any) published in one of –

- (a) the *British Pharmacopoeia 2008*, TSO, Norwich (2007); or
- (b) *The United States Pharmacopoeia*, 30<sup>th</sup> Revision and *The National Formulary*, 25<sup>th</sup> Edition, including the first and second supplement official from 1 December 2007; or

- (c) *The Pharmaceutical Codex*, 12<sup>th</sup> Edition, Council of the Pharmaceutical Society of Great Britain. The Pharmaceutical Press, London (1994); or
- (d) *Martindale; The Complete Drug Reference*. The Pharmaceutical Press, London (2007); or
- (e) the *European Pharmacopoeia* 6<sup>th</sup> Edition, Council of Europe, Strasbourg (2007); or
- (f) the *International Pharmacopoeia* 4<sup>th</sup> Edition, World Health Organization, Geneva (2006); or
- (g) *The Merck Index*, 14th Edition, (2006); or
- (h) Code of Federal Regulations of the United States of America, 1 April, 2007; or
- (i) *The Specifications and Standards for Food Additives*, 7<sup>th</sup> edition (2000), Ministry of Health and Welfare (Japan).

[9.2] *omitting the border surrounding the text in the Specification for oxidised polyethylene in the Schedule.*

[9.3] *omitting from paragraph (a) of the Specification for carboxymethyl cellulose ion exchange resin in the Schedule –*

does not exceed

*substituting –*

is no more than

[9.4] *omitting from paragraph (b) of the Specification for carboxymethyl cellulose ion exchange resin in the Schedule –*

shall not exceed

*substituting –*

must be no more than

[9.5] *omitting from paragraph (a) of the Specification for quaternary amine cellulose ion exchange resin in the Schedule –*

does not exceed

*substituting –*

is no more than

[9.6] *omitting from paragraph (b) of the Specification for quaternary amine cellulose ion exchange resin in the Schedule –*

shall not exceed

*substituting –*

must be no more than

[9.7] *omitting the words wherever appearing in subparagraph (a)(i) and (ii) of the Specification for diethyl aminoethyl cellulose ion exchange resin in the Schedule –*

does not exceed

*substituting –*

is no more than

[9.8] *omitting from paragraph (b) of the Specification for diethyl aminoethyl cellulose ion exchange resin in the Schedule –*

shall not exceed

*substituting –*

must be no more than.

[9.9] *omitting the Specification for Neotame from the Schedule.*

[10] **Standard 1.4.1** of the Australia New Zealand Food Standards Code is varied by omitting from the fourth paragraph of the Purpose –

a separate document to this Standard.

*substituting –*

the User Guide – Generally Expected Levels (GELs) for Metal Contaminants.

[11] **Standard 1.4.2** of the Australia New Zealand Food Standards Code is varied by –

[11.1] *omitting the third paragraph of the Purpose, substituting –*

Residues of agricultural compounds are regulated in New Zealand by a food standard issued under section 11C of the *Food Act 1981*.

[11.2] *omitting from subclause 4(3) –*

must not exceed

*substituting*

must be no more than

[11.3] omitting from Schedule 1 the chemical residue definition for the chemical appearing in Column 1 of the table to this sub-item, substituting the chemical residue definition appearing in Column 2 –

<b>COLUMN 1</b>	<b>COLUMN 2</b>
BENDIOCARB	<p><i>COMMODITIES OF PLANT ORIGIN:</i> UNCONJUGATED BENDIOCARB</p> <p><i>COMMODITIES OF ANIMAL ORIGIN:</i> SUM OF CONJUGATED AND UNCONJUGATED BENDIOCARB, 2,2-DIMETHYL-1,3-BENZODIOXOL-4-OL AND N-HYDROXYMETHYLBENDIOCARB, EXPRESSED AS BENDIOCARB</p>

[11.4] omitting the foods and associated MRLs for each of the following chemicals –

<b>BIFENTHRIN</b> BIFENTHRIN	
CITRUS FRUIT	*0.05
<b>BOSCALID</b> <i>COMMODITIES OF PLANT ORIGIN:</i> BOSCALID <i>COMMODITIES OF ANIMAL ORIGIN:</i> SUM OF BOSCALID, 2-CHLORO-N-(4'-CHLORO-5-HYDROXYBIPHENYL-2-YL) NICOTINAMIDE AND GLUCURONIDE CONJUGATE OF 2-CHLORO-N-(4'-CHLORO-5-HYDROXYBIPHENYL-2-YL) NICOTINAMIDE, EXPRESSED AS BOSCALID EQUIVALENTS	
ONION, BULB	T1.0
<b>CETRIMIDE</b> CETRIMIDE	
SHEEP, EDIBLE OFFAL OF	T*1.0
SHEEP MEAT (IN THE FAT)	T*1.0
<b>CHLORPYRIFOS</b> CHLORPYRIFOS	
BLUEBERRIES	T1.0
<b>CLOMAZONE</b> CLOMAZONE	
BEANS [EXCEPT BROAD BEANS AND SOYA BEANS]	*0.05
<b>CYMAZOLE</b> CYMAZOLE	
CATTLE, KIDNEY	T*0.04
CATTLE, LIVER	T*0.04
<b>DIAZINON</b> DIAZINON	
VEGETABLE OILS, CRUDE [EXCEPT OLIVE OIL, CRUDE]	0.1

<b>DIMETHOATE</b>	
SUM OF DIMETHOATE AND OMETHOATE, EXPRESSED AS DIMETHOATE <i>SEE ALSO OMETHOATE</i>	
PEACHES	3
<b>DITHIOCARBAMATES</b>	
TOTAL DITHIOCARBAMATES, DETERMINED AS CARBON DISULPHIDE EVOLVED DURING ACID DIGESTION AND EXPRESSED AS MILLIGRAMS OF CARBON DISULPHIDE PER KILOGRAM OF FOOD	
BERRIES AND OTHER SMALL FRUITS(EXCEPT STRAWBERRIES)	T10
<b>EMAMECTIN</b>	
EMAMECTIN B1A, PLUS ITS 8,9-Z ISOMER AND EMAMECTIN B1B, PLUS ITS 8,9-Z ISOMER	
BRASSICA (COLE OR CABBAGE) VEGETABLES, HEAD CABBAGES, FLOWERHEAD CABBAGES	0.02
<b>GLYPHOSATE</b>	
SUM OF GLYPHOSATE AND AMINOMETHYLPHOSPHONIC ACID (AMPA) METABOLITE, EXPRESSED AS GLYPHOSATE	
PULSES [EXCEPT AS OTHERWISE LISTED UNDER THIS CHEMICAL]	*0.1
<b>IMAZAMOX</b>	
IMAZAMOX	
BROAD BEANS (DRY) (FAVA BEANS)	T*0.05
<b>IVERMECTIN</b>	
H <sub>2</sub> B <sub>1A</sub>	
PIG, LIVER	*0.01
<b>LASALOCID</b>	
LASALOCID	
POULTRY SKIN/FAT	1.0
<b>PYMETROZINE</b>	
PYMETROZINE	
BRASSICA (COLE OR CABBAGE) VEGETABLES, HEAD CABBAGES, FLOWERHEAD CABBAGES	*0.02
<b>PYRIMETHANIL</b>	
PYRIMETHANIL	
GRAPES	5.0
STRAWBERRY	5.0
<b>RACTOPAMINE</b>	
RACTOPAMINE	
PIG, KIDNEY	0.2
PIG, LIVER	0.2

<b>SPINOSAD</b>	
SUM OF SPINOSYN A AND SPINOSYN D	
CELERY	2.0
<b>TOLFENAMIC ACID</b>	
TOLFENAMIC ACID	
CATTLE, KIDNEY	*0.01
CATTLE, LIVER	*0.01
PIG, KIDNEY	*0.01
PIG, LIVER	0.1

[11.5] inserting in alphabetical order in Schedule 1, the foods and associated MRLs for each of the following chemicals –

<b>BIFENTHRIN</b>	
BIFENTHRIN	
CITRUS FRUITS	*0.05
<b>BOSCALID</b>	
COMMODITIES OF PLANT ORIGIN: BOSCALID COMMODITIES OF ANIMAL ORIGIN: SUM OF BOSCALID, 2-CHLORO-N-(4'-CHLORO-5- HYDROXYBIPHENYL-2-YL) NICOTINAMIDE AND GLUCURONIDE CONJUGATE OF 2-CHLORO-N-(4'- CHLORO-5-HYDROXYBIPHENYL-2-YL) NICOTINAMIDE, EXPRESSED AS BOSCALID EQUIVALENTS	
ONION, BULB	T1
<b>CETRIMIDE</b>	
CETRIMIDE	
SHEEP, EDIBLE OFFAL OF	T*1
SHEEP MEAT (IN THE FAT)	T*1
<b>CHLORPYRIFOS</b>	
CHLORPYRIFOS	
BLUEBERRIES	T1
<b>CLOMAZONE</b>	
CLOMAZONE	
BEANS [EXCEPT BROAD BEAN AND SOYA BEANS]	*0.05
<b>CYMAZOLE</b>	
CYMAZOLE	
CATTLE KIDNEY	T*0.04
CATTLE LIVER	T*0.04
<b>DIAZINON</b>	
DIAZINON	
VEGETABLE OILS, CRUDE [EXCEPT OLIVE OIL, VIRGIN]	0.1

<b>DITHIOCARBAMATES</b>	
TOTAL DITHIOCARBAMATES, DETERMINED AS CARBON DISULPHIDE EVOLVED DURING ACID DIGESTION AND EXPRESSED AS MILLIGRAMS OF CARBON DISULPHIDE PER KILOGRAM OF FOOD	
BERRIES AND OTHER SMALL FRUITS [EXCEPT STRAWBERRY]	T10
<b>DIMETHOATE</b>	
SUM OF DIMETHOATE AND OMETHOATE, EXPRESSED AS DIMETHOATE <i>SEE ALSO OMETHOATE</i>	
PEACH	3
<b>EMAMECTIN</b>	
EMAMECTIN B1A, PLUS ITS 8,9-Z ISOMER AND EMAMECTIN B1B, PLUS ITS 8,9-Z ISOMER	
BRASSICA (COLE OR CABBAGE) VEGETABLES, HEAD CABBAGES, FLOWERHEAD BRASSICAS	0.02
<b>GLYPHOSATE</b>	
SUM OF GLYPHOSATE AND AMINOMETHYLPHOSPHONIC ACID (AMPA) METABOLITE, EXPRESSED AS GLYPHOSATE	
PULSES [EXCEPT ADZUKI BEAN (DRY), COWPEA (DRY), MUNG BEAN (DRY), SOYA BEAN (DRY)]	5
<b>IMAZAMOX</b>	
IMAZAMOX	
BROAD BEAN (DRY) (FAVA BEANS)	T*0.05
<b>IVERMECTIN</b>	
H <sub>2</sub> B <sub>1A</sub>	
PIG LIVER	*0.01
<b>LASALOCID</b>	
LASALOCID	
POULTRY SKIN/FAT	1
<b>PYMETROZINE</b>	
PYMETROZINE	
BRASSICA (COLE OR CABBAGE) VEGETABLES, HEAD CABBAGES, FLOWERHEAD BRASSICAS	*0.02
<b>PYRIMETHANIL</b>	
PYRIMETHANIL	
GRAPES	5
STRAWBERRY	5
<b>RACTOPAMINE</b>	
RACTOPAMINE	
PIG KIDNEY	0.2
PIG LIVER	0.2

<b>SPINOSAD</b>	
SUM OF SPINOSYN A AND SPINOSYN D	
CELERY	2
<b>TOLFENAMIC ACID</b>	
TOLFENAMIC ACID	
CATTLE KIDNEY	*0.01
CATTLE LIVER	*0.01
PIG KIDNEY	*0.01
PIG LIVER	0.1

**[12] Standard 1.4.4 of the Australia New Zealand Food Standards Code is varied by omitting from Schedule 1 the following entries –**

<i>Ammi visnaga</i>	Bisnaga, Khella
<i>Conocybe siligineoides</i>	Ya'nte
<i>Senecio aureus</i>	Golden ragwort

**[13] Standard 1.6.1 of the Australia New Zealand Food Standards Code is varied by –**

[13.1] *omitting the reference to clause 4 in the Table of Provisions, substituting –*

4 Deleted

[13.2] *omitting from subclause 2(2) –*

must not exceed

*substituting –*

must not be more than

[13.3] *omitting clause 4, substituting –*

**4 Deleted**

[13.4] *omitting from paragraph (b) of clause 5 –*

exceeds

*substituting –*

is more than

**[14] Standard 1.6.2 of the Australia New Zealand Food Standards Code is varied by –**

[14.1] *omitting the references to clauses 9 and 10 in the Table of Provisions*

[14.2] *omitting clause 9*

[14.3] *omitting the Schedule*

[15] **Standard 2.2.1** of the Australia New Zealand Food Standards Code is varied by omitting subclause 9(3), substituting –

(3) Except as specified in subclause (1) and subclause (2), the label on a package of fermented comminuted processed meat must not refer to any heating process, unless the heating process is a cooking instruction for the consumer.

[16] **Standard 2.4.1** of the Australia New Zealand Food Standards Code is varied by –

[16.1] *inserting at the end of the definition of edible oils in clause 1 –*  
including aquatic plants and aquatic animals.

[16.2] *inserting in clause 2, following the words other lipids –*  
including naturally occurring gums, waxes and phosphatides.

[17] **Standard 2.5.1** of the Australia New Zealand Food Standards Code is varied by –

[17.1] *inserting in the Table of Provisions –*

5 Phytosterol esters  
6 Tall oil phytosterols

[17.2] *omitting subclause 4(3)*

[17.3] *omitting from the heading to clause 5 –*

## **Esters**

*substituting –*

### **esters**

[18] **Standard 2.5.2** of the Australia New Zealand Food Standards Code is varied by omitting clause 3 and its corresponding entry in the Table of Provisions

[19] **Standard 2.5.3** of the Australia New Zealand Food Standards Code is varied by –

[19.1] *omitting the reference to clause 3 in the Table of Provisions, substituting –*

3 Deleted  
4 Phytosterol esters

[19.2] *omitting clause 3, substituting –*

### 3 Deleted

[19.3] *omitting from the heading to clause 4 –*

#### **Esters**

*substituting –*

#### **esters**

[20] **Standard 2.5.4** of the Australia New Zealand Food Standards Code is varied by omitting clauses 3 and 4 and their corresponding entries in the Table of Provisions.

[21] **Standard 2.5.5** of the Australia New Zealand Food Standards Code is varied by omitting clause 3 and its corresponding entry in the Table of Provisions

[22] **Standard 2.5.6** of the Australia New Zealand Food Standards Code is varied by omitting clause 3 and its corresponding entry in the Table of Provisions

[23] **Standard 2.5.7** of the Australia New Zealand Food Standards Code is varied by omitting clause 4 and its corresponding entry in the Table of Provisions

[24] **Standard 2.6.2** of the Australia New Zealand Food Standards Code is varied by –

[24.1] *omitting the definition of **Formulated beverage** in clause 1, substituting –*

**formulated beverage** means a non-carbonated ready to drink, water-based flavoured beverage that contains added vitamins and/or minerals, prepared from one or more of the following –

- (a) water; and
- (b) fruit juice; and
- (c) fruit purée; and
- (d) concentrated fruit juice; and
- (e) concentrated fruit purée; and
- (f) comminuted fruit; and
- (g) orange peel extract; and
- (h) mineral water; and
- (i) sugars.

[24.2] *omitting the heading to the Table to subclause 2(2), substituting –*

#### **Table to subclause 2(2)**

[24.3] *omitting from subclause 6(3) –*

may contain:

*substituting –*

may contain –

[25] **Standard 2.9.1** of the Australia New Zealand Food Standards Code is varied by –

[25.1] *omitting the third paragraph of the Purpose, substituting –*

There are *Guidelines for Infant Formula Products* at the end of this Standard. These *Guidelines* do not form part of the legally binding Standard.

Standard 1.3.1 contains provisions relating to the food additives permitted in infant formula products. Standard 1.6.1 contains the microbiological limits in relation to infant formula products. Standard 1.3.4 contains specifications for permitted nucleotides and added nutrients. Standard 1.1.1 defines nutritive substances for the purposes of this Code.

See Standard 1.5.1 – Novel Foods for requirements for novel food and novel food ingredients.

[25.2] *omitting subclause 1(2), substituting –*

(2) In this Code –

**infant** means a person under the age of 12 months.

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

**infant formula** means an infant formula product represented as a breast milk substitute for infants and which satisfies the nutritional requirements of infants aged up to four to six months.

**follow-on formula** means an infant formula product represented as either a breast-milk substitute or replacement for infant formula and which constitutes the principal liquid source of nourishment in a progressively diversified diet for infants aged from six months.

**lactose free formula** and **low lactose formula** means infant formula products which satisfy the needs of lactose intolerant infants.

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

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

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

**protein substitute** means L-amino acids and/or the hydrolysate of one or more of the proteins on which infant formula product is normally based.

[25.3] *inserting, following the words* the total amount of the *in paragraph 7(1)(b)* –  
added and any naturally occurring

[25.4] *inserting, following the words* the total amount of the *in subclause 7(2)* –  
added and any naturally occurring

[25.5] *omitting from Column 1 of the Table to clause 22* –  
Cyst(e)ine & Methionine

*substituting* –

Cysteine, cystine and methionine

[25.6] *omitting paragraph 22(2)(a), substituting* –

- (a) 6 mg of cysteine, cystine or combined cysteine and cystine per 100 kJ;  
and

[25.7] *omitting from Column 1 of the Table to clause 32* –

Cyst(e)ine & Methionine

*substituting* –

Cysteine, cystine and methionine

[25.8] *omitting paragraph 32(3)(a), substituting* –

- (a) 6 mg of cysteine, cystine or combined cysteine and cystine per 100  
kJ; and

[26] **Standard 2.9.2** of the *Australia New Zealand Food Standards Code* is varied  
by –

[26.1] *omitting the third paragraph of the Purpose, substituting* –

General labelling requirements are contained in Part 1.2. See Standard 1.2.4 –

Labelling of Ingredients for ingredient labelling requirements, including for declaration of compound ingredients in foods for infants. Microbiological requirements are contained in Standard 1.6.1 – Microbiological Limits for Food.

[26.2] *omitting the clause heading –*

## **Interpretation**

*substituting –*

### **1 Interpretation**

[26.3] *omitting the definition of sugars, substituting –*

**sugars** has the meaning in Standard 2.8.1 and includes honey.

[26.4] *omitting the following word from paragraph 5(3)(d) –*

exceeds

*substituting –*

is more than

[26.5] *omitting subclause 6(1), substituting –*

(1) In this clause, **food source of protein** means milk, eggs, cheese, fish, meat (including poultry), nuts and legumes.

(1A) Where a reference is made in the label on a package of food for infants (including in the name of the food) to a food source of protein, the percentage of that food source of protein in the final food must be declared in the label.

[26.6] *omitting clause 10, substituting –*

### **10 Food in dehydrated or concentrated form**

(1) The label on a package of food in dehydrated or concentrated form must include directions for how the food should be reconstituted, and the particulars set out in each column of the panel must be expressed as a proportion of the food as reconstituted according to those directions.

(2) If more than one fluid for preparing the food is nominated in the label, the particulars set out in the column should be adjusted according to the first liquid nominated and the name of this liquid must be included in the Nutrition Information Panel.

[27] **Standard 2.9.3** of the Australia New Zealand Food Standards Code is varied by –

[27.1] *omitting the following words wherever appearing in the provisions listed in the table to this sub-item –*

does not exceed

*substituting –*

is no more than

#### **Table to Sub-item [27.1]**

Subclause 2(2)  
Paragraph 3(2)(b)  
Paragraph 4(1)(c)  
Subclause 4(2)  
Paragraph 5(2)(c)  
Paragraph 6(1)(c)  
Subclause 6(2)  
Paragraph 7(2)(c)

[27.2] *omitting from the heading of Column 3 of Table 1 in the Schedule –*

**ESADDI unless stated otherwise**

*substituting –*

**RDI**

[27.3] *omitting the heading for Division 4, substituting –*

#### **Division 4 – Formulated supplementary foods for young children**

[28] **Standard 2.9.4** of the Australia New Zealand Food Standards Code is varied by omitting the following words wherever appearing in the provisions listed in the table to this sub-item –

does not exceed

*substituting –*

is no more than

#### **Table to Item [28]**

Sub-paragraph  
2(a)(ii)  
Paragraph 2(b)

Paragraph 2(c)  
Paragraph 5(2)(b)

[29] **Standard 2.10.1** of the Australia New Zealand Food Standards Code is varied by omitting the definition of vinegar in clause 1, substituting –

**vinegar** means the sour liquid prepared by acetous fermentation, with or without alcoholic fermentation, of any suitable foodstuff, and includes blends and mixtures of vinegar.

[30] **Standard 3.3.1** of the Australia New Zealand Food Standards Code is varied by –

[30.1] *omitting subclause 1(4)*

[30.2] *inserting a full stop at the end of subclause 3(1)*

[31] **Standard 4.2.3** of the Australia New Zealand Food Standards Code is varied by omitting clause 3A.

[32] **Standard 4.2.4** of the Australia New Zealand Food Standards Code is varied by –

[32.1] *inserting at the end of paragraph (e) of the definition of **dairy products** in subclause 1(2) –*

and

[32.2] *omitting subclause 2(1), substituting –*

(1) Deleted

[33] **Standard 4.2.4A** of the Australia New Zealand Food Standards Code is varied by inserting the subclause number (1) before the words Cheese and cheese products in clause 1, and inserting after that subclause

(2) In the Table to clause 1, a reference to a Minister Order is a reference a Ministerial Order recorded in the Journal Officiel de la République Française.

[34] **Standard 4.5.1** of the Australia New Zealand Food Standards Code is varied by –

[34.1] *inserting after subclause 4(2) –*

(3) Thiamin chloride and thiamin hydrochloride may only be added to wine, sparkling wine and fortified wine to facilitate the growth of micro-organisms.

[34.2] *omitting the following processing aids from the Table to clause 4 –*

Thiamin chloride\*  
Thiamin hydrochloride\*

*substituting –*

Thiamin chloride  
Thiamin hydrochloride

[34.3] *omitting the text immediately after the Table to clause 4 –*

\*Thiamin chloride and thiamin hydrochloride may only be added to wine, sparkling wine and fortified wine to facilitate the growth of micro-organisms

**To commence: on 5 October 2008**

[35] **Standard 4.2.4A** of the Australia New Zealand Food Standards Code is varied by omitting from paragraph 1(a) –

paragraph 2(1)(a) of Standard 1.6.2

*substituting –*

paragraphs 16(a) and (b) of Standard 4.2.4

## Draft variations to the Editorial Notes in the *Australia New Zealand Food Standards Code*

To commence: on gazettal

[1] *The Editorial notes in the Standards of the Australia New Zealand Food Standards Code listed in Column 1 of the Table to this item are varied by omitting the Editorial notes listed in Column 2.*

**Table to Item 1**

<b>Column 1 Standard</b>	<b>Column 2 Editorial note</b>
Standard 1.1.1	The Editorial note following subclause 1(5)
Standard 1.1A.6	The Editorial note following clause 3
Standard 1.2.3	The Editorial note following clause 2 but before the Table to that clause ; the Editorial note following clause 4 and before the Table to that clause; the Editorial note following clause 5 and before the Table to that clause
Standard 1.2.4	The Editorial notes following the Tables to clauses 4 and 6; the Editorial note following Schedule 1
Standard 1.2.5	The Editorial note following subclause 4(3)
Standard 1.2.8	The Editorial notes following the definitions of <b>biologically active substance</b> and <b>nutrition claim</b> ; the Editorial notes following clauses 14, 16 and 17; the Editorial notes following subclauses 5(5), 13(6), 15(3), 15(4)
Standard 1.2.9	The Editorial note following subclause 2(2)
Standard 1.2.10	The Editorial note following clause 5
Standard 1.2.11	The Editorial note following subclause 1(1A)
Standard 1.3.1	The Editorial note following the definition of <b>processed food</b> in clause 1; the Editorial notes following clauses 7 and 9; the Editorial note following Schedule 5
Standard 1.3.3	The Editorial note following the Table to clause 3
Standard 1.4.2	The Editorial note following clause 2
Standard 1.5.3	The Editorial note following the Table to clause 4

Standard 2.4.1	The Editorial notes following clauses 1 and 2
Standard 2.5.1	The Editorial note following clause 4
Standard 2.5.2	The Editorial note following clause 3
Standard 2.5.3	The Editorial notes following clauses 2 and 3
Standard 2.5.4	The Editorial note following clause 4
Standard 2.5.5	The Editorial note following clause 3
Standard 2.5.6	The Editorial note following clause 3
Standard 2.5.7	The Editorial note following clause 4
Standard 2.6.2	The Editorial notes following clauses 7, 8 and 9
Standard 2.9.1	The Editorial notes appearing in the definitions in clause 1(2); the Editorial note following clause 7 and before the Table to that clause; the Editorial notes following the Table to clause 22 and the Table to clause 32
Standard 2.9.2	The Editorial notes following the definition of <b>sugars</b> in clause 1; the Editorial note following clauses 5, 10 and 11; the Editorial note following subclause 6(1)
Standard 2.10.1	The Editorial note following clause 2
Standard 3.1.1	The Editorial note following clause 3
Standard 3.2.1	The Editorial note following the definition of <b>food safety auditor</b> in clause 1; the Editorial notes following clauses 2 and 4

[2] *The Editorial notes in **Standard 1.1A.6** of the Australia New Zealand Food Standards Code are varied by omitting the Editorial note following subclause 1(2), substituting –*

**Editorial note:**

The effect of subclause 1(2) is that additives permitted in formulated meal replacements are permitted in special purpose foods. Subclause 1(2) exempts special purpose foods from the requirements for minimum levels for protein, kJ; and the minimum and maximum levels for vitamins and minerals. The definition of formulated meal replacements is not intended to be taken literally in relation to special purpose foods. i.e. special purpose foods are not necessarily intended as a meal replacement.

[3] *The Editorial notes in **Standard 1.2.3** of the Australia New Zealand Food Standards Code are varied by –*

[3.1] *omitting the second and third paragraphs of the Editorial note following the Table to clause 2.*

[3.2] *omitting the Editorial note following the Table to clause 4, substituting –*

**Editorial note:**

1. As an example, clause 4 can be complied with by listing those substances in the Table in the ingredient list.
2. See Standard 1.2.4 – Labelling of Ingredients for the requirements for the labelling of ingredients, including sulphites.
3. As an example, manufacturers may chose to indicate that a food contains one substance or another (e.g. brazil nuts or cashew nuts) in cases where substitutions occur regularly.

[4] *The Editorial notes in **Standard 1.2.4** of the Australia New Zealand Food Standards Code are varied by –*

[4.1] *omitting the Editorial note following clause 1, substituting –*

**Editorial note:**

See Standard 1.2.3 – Mandatory Warning and Advisory Statements and Declarations for the requirements to always declare the presence of certain substances.

[4.2] *omitting the Editorial note following clause 4 and before the Table to that clause, substituting –*

**Editorial note:**

The term 'common name' does not have a technical meaning for the purposes of paragraph 4(a), and should be given its ordinary meaning.

[4.3] *omitting the Editorial note following clause 8, substituting –*

**Editorial note:**

For the purposes of subclause 8(3), enzymes need only be declared by the class name 'enzyme' and not by specifically declaring the name of the enzyme.

An example for subclause 8(8) is where a manufacturer chooses to use preservative X for 6 months of the year and preservative Y for the rest of the year, one label may indicate that either preservative was used in the preparation, manufacture or handling of the food e.g. preservative (X or Y) where X and Y may be expressed as either the additive's specific name or code number, if any.

[5] *The Editorial notes in **Standard 1.2.5** of the Australia New Zealand Food Standards Code are varied by inserting, following the definition of baked-for date in clause 1 –*

**Editorial note:**

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

[6] The Editorial notes in **Standard 1.2.6** of the Australia New Zealand Food Standards Code is varied by omitting from the Editorial note following clause 3 –

packet

*substituting –*

package

[7] The Editorial notes in **Standard 1.2.8** of the Australia new Zealand Food Standards Code are varied by –

[7.1] *omitting the first paragraph of the Editorial note following the Table to Subclause 2(2).*

[7.2] *omitting from the Editorial note following subclause 7(2) the Example Nutrition Information Panel, substituting –*

<b>NUTRITION INFORMATION</b>			
Servings per package: (insert number of servings)			
Serving size: g (or mL or other units as appropriate)			
	Quantity per Serving	% Daily Intake* (per Serving)	Quantity per 100 g (or 100 mL)
Energy	kJ (Cal)	%	kJ (Cal)
Protein	g	%	g
Fat, total	g	%	g
– saturated	g	%	g
Carbohydrate	g	%	g
– sugars	g	%	g
Sodium	mg (mmol)	%	mg (mmol)
(insert any other nutrient or biologically active substance to be declared)	g, mg, µg (or other units as appropriate)	%	g, mg, µg (or other units as appropriate)
* Percentage Daily Intakes are based on an average adult diet of 8700 kJ. Your daily intakes may be higher or lower depending on your energy needs.			

[7.3] *omitting the Editorial note following subclause 18(2), substituting –*

**Editorial note:**

For example, the dietary fibre content of a cereal bar with added inulin is calculated by adding the result of the analysis for total dietary fibre, using one of the two possible methods of analysis, to the result of the analysis for inulin, and subtracting from the total that part of the inulin content that was included in the result of the analysis for total dietary fibre.

See Standard 1.3.4 – Identity and Purity for the identity and purity requirements for added resistant maltodextrins.

[8] *The Editorial notes in **Standard 1.2.10** of the Australia New Zealand Food Standards Code are varied by omitting the Editorial note following subclause 2(4), substituting –*

**Editorial note:**

Cured and/or dried meat flesh in whole cuts or pieces is defined in Standard 2.2.1.

An example of a charactering component is milk fat in ice cram.

[9] *The Editorial notes in **Standard 1.3.1** of the Australia New Zealand Food Standards Code are varied by –*

[9.1] *omitting the Editorial note following the definition of technological function in clause 1, substituting –*

**Editorial note:**

The technological functions of food additives are listed in Schedule 5 of Standard 1.3.1. See Standard 1.2.4 – Labelling of Ingredients for the requirements for the declaration of ingredients, including for food additive class names.

[9.2] *omitting the Editorial note following clause 3, substituting –*

**Editorial note:**

As a guide, the Codex Alimentarius Commission Procedural Manual sets out the following relevant criteria for use in assessing compliance with Good Manufacturing Practice:

- (a) the quantity of additive added to food shall be limited to the lowest possible level necessary to accomplish its desired effect;
- (b) the quantity of the additive that becomes a component of food as a result of its use in the manufacture, processing or packaging of a food and which is not intended to accomplish any physical, or other technical effect in the finished food itself, is reduced to the extent reasonably possible; and
- (c) the additive is prepared and handled in the same way as a food ingredient.

The manner in which a food is intended to be presented (e.g. by the use of such quality descriptors as natural, pure, traditional etc) may affect the type and level of food additives that could be used in accordance with GMP. Similarly, the type and level of food additives used may affect the way in which a food may be presented.

[9.3] *omitting the Editorial Note following clause 4, substituting –*

**Editorial note:**

Limits for specific intense sweeteners in specific foods are included in Schedule 1. Some intense sweeteners are included in Schedule 2 and these sweeteners may be added to a food in accordance with Schedule 1 (i.e. where Schedule 2 additives may be present in a food).

The amount of an intense sweetener needed in a food would depend on the amount required:

1. as a flavour enhancer in the food; or
2. to wholly or partially replace the sweetness of sugars that would or could be present in the food.

Polyols, isomalt and polydextrose are examples of ingredients that are used as humectants or texturisers or as foods in their own right.

[9.4] *omitting the Editorial note following clause 11, substituting –*

**Editorial note:**

The Flavour and Fragrance Association of Australia and New Zealand (FFAANZ) has prepared a consolidated list of artificial flavouring substances in three publications. This list is available from FFAANZ.

[10] *The Editorial notes in **Standard 1.3.3** of the Australia New Zealand Food Standards Code are varied by –*

[10.1] *omitting the Editorial note following the Table to clause 12, substituting –*

**Editorial note:**

FSANZ will review the extent of the use of Iodine as a processing aid three years from the date of the inclusion of Iodine as a processing aid in the Table to clause 12.

[10.2] *omitting the letter E from the heading of the Editorial note following clause 14.*

[11] *The Editorial notes in **Standard 1.4.2** of the Australia New Zealand Food Standards Code are varied by omitting the following heading after subclauses 4(3) and 4(4) –*

**Sample calculation**

*substituting –*

**Editorial note:**

**[12]** *The Editorial notes in **Standard 1.5.1** of the Australia New Zealand Food Standards Code are varied by omitting the Editorial note following the Table to clause 2, substituting –*

**Editorial note:**

See Standard 1.3.4 – Identity and Purity for identity and purity requirements for novel foods.

**[13]** *The Editorial notes in **Standard 1.5.2** of the Australia New Zealand Food Standards Code are varied by –*

**[13.1]** *omitting the boxed text following clause 5, substituting –*

**Editorial note:**

An example for single ingredient genetically modified foods:

Soy Flour  
Genetically Modified

Soy Flour  
From genetically modified soya beans

An example for genetically modified food ingredients:

Ingredients: Soy Protein Isolate (genetically modified); Maltodextrin; Vegetable Oil; Food Acid (332); Emulsifier (471); Vegetable Gum (407); Water Added.

**[13.2]** *omitting the Editorial Note following clause 7, substituting –*

**Editorial note:**

See also the User Guide – Labelling Genetically Modified Food.

**[14]** *The Editorial notes in **Standard 1.6.1** of the Australia New Zealand Food Standards Code are varied by inserting, following subclause 3(3) –*

**Editorial note:**

Methods of analysis

As a guide for compliance and enforcement purposes, food analysts may need to consider the relevant and latest Australian or New Zealand standard method of analysis where applicable; or the relevant and latest ISO or AOAC International method of analysis in the absence of Australian and New Zealand standard methods of analysis.

[15] *The Editorial notes in Standard 1.6.2 of the Australia New Zealand Food Standards Code are varied by –*

[15.1] *omitting the Editorial note for New Zealand following clause 1, substituting –*

**Editorial note for New Zealand:**

For New Zealand purposes, processing requirements for milk and milk products are regulated under the *Animal Products Act 1999* and the *Food Act 1981*, including the *New Zealand Food (Milk and Milk Product Processing) Standard 2007*.

[15.2] *omitting the third paragraph of the Editorial note following clause 2, substituting –*

For New Zealand purposes, processing requirements for milk and milk products are regulated under the *Animal Products Act 1999* and the *Food Act 1981*, including the *New Zealand Food (Milk and Milk Product Processing) Standard 2007*.

[15.3] *omitting the Editorial note for New Zealand following clause 3, substituting –*

**Editorial note for New Zealand:**

For New Zealand purposes, processing requirements for egg products are regulated under the *Animal Products Act 1999* and the *Food Act 1981*.

[15.4] *omitting the Editorial note for New Zealand following clause 4, substituting –*

**Editorial note for New Zealand:**

For New Zealand purposes, processing requirements for poultry are regulated under the *Animal Products Act 1999* and the *Food Act 1981*.

[15.5] *omitting the Editorial note for New Zealand following clause 8, substituting –*

**Editorial note for New Zealand:**

For New Zealand purposes, processing requirements for fermented comminuted processed meats are regulated under the *Animal Products Act 1999* and the *Food Act 1981*.

[16] *The Editorial notes in **Standard 2.1.1** of the Australia New Zealand Food Standards Code are varied by omitting the Editorial Note following clause 3, substituting –*

**Editorial note:**

As an example, products are traditionally described by names such as ‘shortbread’, ‘soda bread’, ‘pita bread’ and ‘crispbread’.

See Standard 1.2.3 – Mandatory Warning and Advisory Statements and Declarations for requirements for declaring the presence of certain specified substances that must always be declared in the label of the food.

[17] *The Editorial notes in **Standard 2.2.1** of the Australia New Zealand Food Standards Code are varied by –*

[17.1] *omitting the Editorial note following the definition of meat in clause 1, substituting –*

**Editorial note:**

See Standards 2.2.2 – Egg and Egg Products and 2.2.3 – Fish and Fish Products, for the respective requirements for eggs or fish. See Standard 1.2.4 – Labelling of Ingredients for ingredient labelling requirements.

[17.2] *inserting, following subclause 8(3) –*

**Editorial note:**

An example of referring to a heating process would be describing a product as ‘pasteurised’.

[17.3] *omitting the Editorial note following clause 9, substituting –*

**Editorial note:**

An example of referring to a heating process would be describing a product as ‘pasteurised’.

[17.4] *omitting the Editorial note following clause 11, substituting –*

**Editorial note:**

Clause 11 applies to Australia only. Bovine products imported for sale in New Zealand are regulated by the New Zealand *Food (Prescribed Foods) Standard 2007* and associated BSE Country Categorisation Measure.

[18] *The Editorial notes in **Standard 2.2.3** of the Australia New Zealand Food Standards Code are varied by –*

[18.1] *omitting the Editorial note following clause 1, substituting –*

**Editorial note:**

In New Zealand, guidance may be found in the following publications:

1. Scientific names of fish, approved under clause 32 of the Animal Products (Specifications for Products Intended for Human Consumption) Notice 2005 <http://www.nzfsa.govt.nz/animalproducts/legislation/notices/animal-material-product/human-consumption/nz-fishnames-list-web-published-20080128.pdf> ; and
2. Approved Scientific, New Zealand Common, Maori, and Foreign Common Names of New Zealand Commercial Fish Species, are available from the New Zealand Food Safety website at <http://www.nzfsa.govt.nz/animalproducts/registers-lists/approved-fish-names/>

[18.2] *omitting the Editorial note following clause 3, substituting –*

**Editorial note:**

See Standard 1.2.1 – Application of Labelling and Other Information Requirements for the application of labelling requirements.

[18.3] *omitting the Editorial note following clause 3, substituting –*

**Editorial note:**

An example of a process that alters the fatty acid composition of fatty acids in edible oil is the process of hydrogenation.

[19] *The Editorial notes in **Standard 2.5.1** of the Australia New Zealand Food Standards Code are varied by inserting, following the Purpose –*

**Editorial note:**

For New Zealand purposes, processing requirements for milk and milk products are regulated under the *Animal Products Act 1999* and the *Food Act 1981*, including the *New Zealand Food (Milk and Milk Products Processing) Standard 2007*.

[20] *The Editorial notes in **Standard 2.5.2** of the Australia New Zealand Food Standards Code are varied by inserting, following the Purpose –*

**Editorial note:**

For New Zealand purposes, processing requirements for milk and milk products are regulated under the *Animal Products Act 1999* and the *Food Act 1981*, including the *New Zealand Food (Milk and Milk Products Processing) Standard 2007*.

[21] The Editorial notes in **Standard 2.5.3** of the Australia New Zealand Food Standards Code are varied by inserting, following the Purpose –

**Editorial note:**

For New Zealand purposes, processing requirements for milk and milk products are regulated under the *Animal Products Act 1999* and the *Food Act 1981*, including the *New Zealand Food (Milk and Milk Products Processing) Standard 2007*.

[22] The Editorial notes in **Standard 2.5.4** of the Australia New Zealand Food Standards Code are varied by inserting, following the Purpose –

**Editorial note:**

For New Zealand purposes, processing requirements for milk and milk products are regulated under the *Animal Products Act 1999* and the *Food Act 1981*, including the *New Zealand Food (Milk and Milk Products Processing) Standard 2007*.

[23] The Editorial notes in **Standard 2.5.5** of the Australia New Zealand Food Standards Code are varied by inserting, following the Purpose –

**Editorial note:**

For New Zealand purposes, processing requirements for milk and milk products are regulated under the *Animal Products Act 1999* and the *Food Act 1981*, including the *New Zealand Food (Milk and Milk Products Processing) Standard 2007*.

[24] The Editorial notes in **Standard 2.5.6** of the Australia New Zealand Food Standards Code are varied by –

[24.1] inserting, following the Purpose –

**Editorial note:**

For New Zealand purposes, processing requirements for milk and milk products are regulated under the *Animal Products Act 1999* and the *Food Act 1981*, including the *New Zealand Food (Milk and Milk Products Processing) Standard 2007*.

[24.2] omitting the Editorial note following clause 2, substituting –

**Editorial note:**

See Standard 1.2.4 – Labelling of Ingredients for requirements for the declaration of animal fats or oils in ice cream.

[25] The Editorial notes in **Standard 2.5.7** of the Australia New Zealand Food Standards Code are varied by inserting, following the Purpose –

**Editorial note:**

For New Zealand purposes, processing requirements for milk and milk products are regulated under the *Animal Products Act 1999* and the *Food Act 1981*, including the *New Zealand Food (Milk and Milk Products Processing) Standard 2007*.

[26] The Editorial notes in **Standard 2.6.1** of the *Australia New Zealand Food Standards Code* are varied by omitting the Editorial note following clause 3, substituting –

**Editorial note:**

See Part 1.2 – Labelling and Other Information Requirements of this Code for general labelling requirements. See Standard 1.3.1 – Food Additives for limits for additives for fruit juice and vegetable juice. See Standard 1.3.3 – Processing Aids for requirements for processing aids in the production of fruit juice and vegetable juice.

[27] The Editorial notes in **Standard 2.6.4** of the *Australia New Zealand Food Standards Code* are varied by –

[27.1] omitting the Editorial note following subclause 2(1), substituting –

**Editorial note:**

See Standard 1.3.1 – Food Additives for the limits for food additives, other than caffeine, in formulated caffeinated beverages.

[27.2] omitting from the Editorial Note following subclause 3(2) the Example Nutrition Information Panel, substituting –

<b>NUTRITION INFORMATION</b>		
Servings per package: (insert number of servings)		
Serving size: 250 mL		
	Quantity per Serving	Quantity per 100 mL
Energy	kJ (Cal)	kJ (Cal)
Protein	g	g
Fat, total	g	g
- saturated	g	g
Carbohydrate, total	g	g
- sugars	g	g
Sodium	mg (mmol)	mg (mmol)
<b>COMPOSITION INFORMATION</b>		
Caffeine	mg	mg
Thiamin	mg	mg
Riboflavin	mg	mg

Niacin	mg	mg
Vitamin B <sub>6</sub>	mg	mg
Vitamin B <sub>12</sub>	µg	µg
Pantothenic acid	mg	mg
Taurine	mg	mg
Glucuronolactone	mg	mg
Inositol	mg	mg

[28] *The Editorial notes in **Standard 2.7.2** of the Australia New Zealand Food Standards Code are varied by omitting the Editorial note following clause 2, substituting –*

**Editorial note:**

See Standard 1.3.1 – Food Additives and Standard 1.3.3 – Processing Aids for the respective requirements for additives and processing aids. See Standard 2.7.1 – Labelling of Alcoholic Beverages and Food Containing Alcohol for specific labelling requirements for alcoholic beverages.

[29] *The Editorial notes in **Standard 2.7.3** of the Australia New Zealand Food Standards Code are varied by omitting the Editorial note following clause 2, substituting –*

**Editorial note:**

See Standard 1.3.1 – Food Additives and Standard 1.3.3 – Processing Aids for the respective requirements for additives and processing aids. See Standard 2.7.1 – Labelling of Alcoholic Beverages and Food Containing Alcohol for specific labelling requirements for alcoholic beverages.

[30] *The Editorial notes in **Standard 2.7.4** of the Australia New Zealand Food Standards Code are varied by –*

[30.1] *omitting the Editorial note following the Purpose, substituting –*

**Editorial note:**

The New Zealand *Geographical Indications (Wines and Spirits) Registration Act 2006* applies to geographical indications in relation to wine. The Act will commence on a date to be proclaimed by the Governor-General of New Zealand.

[30.2] *omitting the Editorial note following clause 2, substituting –*

**Editorial note:**

See Standard 4.5.1 – Wine Production Requirements for requirements for the production of wine in Australia. See Standard 1.3.1 – Food Additives and Standard 1.3.3 – Processing Aids for the respective requirements for additives and processing aids. See Standard 2.7.1 – Labelling of Alcoholic Beverages and Food Containing Alcohol for specific labelling requirements for alcoholic beverages.

[31] The Editorial notes in **Standard 2.7.5** of the Australia New Zealand Food Standards Code are varied by –

[31.1] omitting the Editorial note following clause 4(2), substituting –

**Editorial note:**

See Standard 4.5.1 – Wine Production Requirements for requirements for the production of wine in Australia. See Standard 1.3.1 – Food Additives and Standard 1.3.3 – Processing Aids for the respective requirements for additives and processing aids. See Standard 2.7.1 – Labelling of Alcoholic Beverages and Food Containing Alcohol for specific labelling requirements for alcoholic beverages.

[31.2] inserting, following the existing Editorial note after clause 4 –

**Editorial note:**

An example of a geographical indication is Scotch Whisky which is regulated in UK legislation. The effect of subclause 4(1) of this Standard is that Scotch Whisky is whisky which can only be produced in Scotland in accordance with UK legislation, currently the UK Scotch Whisky Act 1988

([http://www.opsi.gov.uk/ACTS/acts1988/Ukpga\\_19880022\\_en\\_1.htm](http://www.opsi.gov.uk/ACTS/acts1988/Ukpga_19880022_en_1.htm)) and the UK Scotch Whisky Order 1990 ([http://www.opsi.gov.uk/SI/si1990/Uksi\\_19900998\\_en\\_1.htm](http://www.opsi.gov.uk/SI/si1990/Uksi_19900998_en_1.htm)).

Whisky is also regulated in Australia under section 77FI(1) of the *Excise Act 1901* (Cth) and section 105A(1) of the *Customs Act 1901* (Cth), which require that whisky produced in, or imported into, Australia must have been produced by the distillation of a fermented liquor of a mash of cereal grain in such a manner that the spirit possesses the taste, aroma and other characteristics generally attributed to whisky and matured by storage in wood for at least two years.

[32] The Editorial notes in **Standard 2.8.1** of the Australia New Zealand Food Standards Code are varied by omitting the Editorial note following clause 2, substituting –

**Editorial note:**

See Standard 1.2.4 – Labelling of Ingredients for requirements for labelling of ‘sugars’ as an ingredient.

[33] **Standard 2.9.1** of the Australia New Zealand Food Standards Code is varied by –

[33.1] inserting, following subclause 1(2) –

**Editorial note:**

Subclause 1(2) is structured to indicate that the definitions of specific infant formula products are within the more general 'infant formula product' definition. Therefore the usual practice of listing definitions in alphabetical order has not been applied in this subclause.

[33.2] *inserting, following clause 16 –*

**Editorial note:**

As a guide to how nutrition information may be presented, see the *Guidelines for Infant Formula Products* at the end of this Standard. These *Guidelines* do not form part of the legally binding Standard.

[33.3] *omitting the Editorial note following clause 17, substituting –*

**Editorial note:**

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.

[34] *The Editorial notes in **Standard 2.10.2** of the Australia New Zealand Food Standards Code are varied by omitting the Editorial note following clause 5, substituting –*

**Editorial note:**

See Standard 1.2.8 – Nutrition Information Requirements for requirements where a claim is made in relation to the sodium content of foods to which reduced sodium salt mixtures or salt substitutes have been added.

[35] *The Editorial notes in **Standard 3.3.1** of the Australia New Zealand Food Standards Code are varied by omitting the Editorial note following clause 2, substituting –*

**Editorial note:**

'Act' is defined in Standard 1.1.1 as meaning the Act under the authority of which the Code is applied.

[36] *The Editorial notes in **Standard 3.2.3** of the Australia New Zealand Food Standards Code are varied by –*

[36.1] *omitting the Editorial note following the definition of potable water in clause 1, substituting –*

**Editorial note:**

The 2004 *Australian Drinking Water Guidelines* (ADWG) are available from the National Health and Medical Research Council (NHMRC).

[36.2] *omitting the Editorial note following subclause 2(3), substituting –*

**Editorial note:**

Standards Australia has published AS 4674-2004 Design, Construction and Fit-out of Food Premises. This Standard provides guidance on design, construction and fit-out criteria for new food premises and for the renovation or alteration of existing food premises.

[37] *The Editorial notes in **Standard 4.2.1** of the Australia New Zealand Food Standards Code are varied by omitting the Editorial note following clause 3, substituting –*

**Editorial note:**

Examples of ‘controls’ referred to in this clause could include –

- a. measures to control hazards from air, soil, water, bait and feedstuffs, fertilizers (including natural fertilizers), pesticides, veterinary drugs and any other agent used in primary production of seafood; and
- b. controls to protect food sources from faecal and other contamination.

[38] *The Editorial notes in **Standard 4.2.3** of the Australia New Zealand Food Standards Code are varied by omitting the Editorial note for New Zealand following clause 5, substituting –*

**Editorial note for New Zealand:**

For New Zealand the processing of UCFM is regulated under the *Animal Products Act 1999* and the *Food Act 1981*.

[39] *The Editorial notes in **Standard 4.2.4** of the Australia New Zealand Food Standards Code are varied by omitting from the Editorial note following subclause 15(3) –*

paragraph 14(3)(b)

*substituting –*

paragraph 15(3)(b)

[40] ***Standard 4.2.4A** of the Australia New Zealand Food Standards Code is varied by omitting from the Editorial note following the Table to clause 1 –*

paragraph 3(2)(a) of Standard 4.2.4

*substituting*

paragraph 2(1)(a) of Standard 1.6.2 before 5 October 2008 and then with paragraphs 16(a) and (b) of Standard 4.2.4 after 5 October 2008

### Proposed Amendments to the Code

#### *Standard 1.1.1 – Preliminary Provisions – Application, Interpretation and General Prohibitions*

**Location:** Subclause 1(2) – Application of this Code.

**Issue:** This subclause ‘deems’ a product as compliant with the Code for a period of 12 months after a variation has commenced, provided that the product otherwise complied with the Code. The ongoing need for this subclause is questioned as the introduction of new requirements will include any transitional requirements where these are necessary.

**Solution:** It is proposed to delete subclause 1(2) of Standard 1.1.1, and consequentially subclause 1(4) of Standard 3.3.1, subclause 2(1) of Standard 4.2.4 and clause 3A of Standard 4.2.3 which refer to this subclause.

**Location:** Clause 2 – Definition of ‘code number’.

**Issue:** The definition of ‘code number’ should more appropriately refer to the code numbers used in Schedule 2 to Standard 1.2.4 – Labelling of Ingredients, as this standard is more related to labelling and it would complement the prescribed names that are also listed in this Schedule.

**Solution:** Vary the definition of ‘code number’ to replace reference to Standard 1.3.1 with Standard 1.2.4.

**Location:** Clause 2 – Definition of ‘Code’.

**Issue:** The current definition refers to section 3 of the FSANZ Act and this should be section 4.

**Solution:** Vary the definition of ‘Code’ in clause 2 to refer to section 4 instead of section 3.

**Location:** Clause 5 – Guidelines and Editorial Notes.

**Issue:** The current clause refers to paragraph 7(1)(c) of the *Food Standards Australia New Zealand Act 1991* and this should be paragraph 13(1)(c). In addition, in subclause 5(2) the commentary is referred to and this is not consistent with the *Food Standards Australia New Zealand Act 1991*.

**Solution:** Vary the clause to refer to paragraph 13(1)(c) of the *Food Standards Australia New Zealand Act 1991* and delete the words ‘Commentary and’ from subclause 5(2) of Standard 1.1.1.

#### *Standard 1.2.3 – Mandatory Warning and Advisory Statement and Declarations*

**Location:** Table to clause 4 and the associated Editorial Note.

**Issue:** The current Table to clause 4 includes ‘tree nuts and sesame seeds and their products’ as an entry and the Editorial Note modifies the use of this term by stating that coconuts are not regarded as a tree nuts. This is not considered an appropriate use of the Editorial Note and this modification of the term should form part of the provisions in the Standard.

**Solution:** Following the words ‘tree nuts and sesame seeds and their products’ in the Table to clause 4, add the words ‘except coconut from the fruit of the palm *Cocos nucifera*’.

#### *Standard 1.2.4 – Labelling of Ingredients*

**Location:** Clause 3.

**Issue:** The current clause does not indicate that the requirements are subject to the requirements in Standard 1.2.3, despite the Editorial Note for the previous clause indicating that this is the case. Rather than include this requirement as an Editorial Note it is considered more appropriate to include the reference to Standard 1.2.3 in the provisions of Standard 1.2.4.

**Solution:** Amend Standard 1.2.4 to indicate that the requirements in Standard 1.2.4 do not affect the mandatory declaration requirements in Standard 1.2.3.

**Location:** Table to clause 4.

**Issue:** The current Editorial Note ‘deems’ a certain expression as acceptable and imposes restrictions on its use. This is not considered an appropriate use of an Editorial Note and it is proposed that the current text in the Editorial Note to the table to clause 4 be included as a specific condition of the ingredient class name ‘milks solids’ in the table to clause 4.

**Solution:** Add the words ‘‘milk solids’ may be used to describe milk powder, skim milk powder, dried milk products standardised in this Code and/or any two or more of the following ingredients: whey, whey powder, whey proteins, lactose, caseinates, milk proteins and milk fat.’ as a specific condition to the ingredient class name ‘milks solids’ in the table to clause 4 of Standard 1.2.4

#### *Standard 1.2.8 – Nutrition Information Requirements*

**Location:** Subclause 2(2) of Standard 1.2.8 and Editorial Note under the Table to subclause 2(2).

**Issue:** The Editorial Note in its current form prescribes a conversion factor and it is considered appropriate for a food regulatory measure to prescribe this factor.

**Solution:** Amend Standard 1.2.8 to include a provision indicating that where average energy content is expressed as Calories, the conversion factor is one Calorie for each 4.18 kilojoules.

**Location:** Subclause 5(5) of Standard 1.2.8.

**Issue:** The Editorial Note in its current form imposes requirements in relation to the declaration of dietary fibre content. This is not appropriate for an Editorial Note and this requirement should form part of the provisions in the Standard 1.2.8.

**Solution:** Amend clause 5 of Standard 1.2.8 to include a requirement that ‘Absence of dietary fibre must be declared as zero (0) in the Nutrition Information Panel’.

**Location:** Clause 18 of Standard 1.2.8 and associated Editorial Note.

**Issue:** The Editorial Note in its current form imposes requirements in relation to the analysis of dietary fibre and this is not appropriate for an Editorial Note. In addition, the Editorial Note in its current form duplicates provisions in Clause 18 and there is the opportunity to simplify the Editorial Note by amending subclause 18(2).

**Solution:** Amend subclause 18(2) of Standard 1.2.8 to 'Where the dietary fibre content of a food has been determined by more than one method of analysis listed in column 2 of the Table to subclause (1), the total dietary fibre content is calculated by adding together the results from each method of analysis and then subtracting any portion of dietary fibre which has been included in the results of more than one method of analysis.'

**Location:** Table to subclause 18(1) of Standard 1.2.8 and associated Editorial Note.

**Issue:** The references to Association of Official Analytical Chemists (AOAC) methods need updating and to simplify the Editorial Note the word 'all' can be added to the 'Total dietary fibre (including resistant maltodextrins) entry' in the Table to subclause 18(1).

**Solution:** Amend current Table to the following –

**Table to subclause 18(1)**

<b>Column 1</b>	<b>Column 2</b>
<b>Dietary Fibre</b>	<b>Method of analysis</b>
Total dietary fibre	Section 985.29 of the AOAC, 18th Edition (2005), or Section 991.43 of the AOAC, 18th Edition (2005).
Total dietary fibre (including all resistant maltodextrins)	Section 2001.03 of the AOAC, 18th Edition (2005)
Inulin and fructooligosaccharide	Section 997.08 of the AOAC, 18th Edition (2005).
Inulin	Section 999.03 of the AOAC, 18th Edition (2005).
Polydextrose	Section 2000.11 of the AOAC, 18th Edition (2005)

*Standard 1.2.11 – Country of Origin Requirements*

**Location:** Subclause 1(1A) and associated editorial of Standard 1.2.11.

**Issue:** This subclause is no longer required as the transitional provisions no longer apply.

**Solution:** Delete subclause 1(1A) of Standard 1.2.11.

*Standard 1.3.1 – Food Additives*

**Location:** Paragraph 3(b) and subclause 6(2) of Standard 1.3.1.  
**Issue:** These provisions use terminology of 'does not exceed' or 'must not exceed' in stipulating limits. For consistency with other parts of the Code these words should be replaced with the words 'is no more than'.  
**Solution:** Replace the words 'does not exceed' in paragraph 3(b) and the words 'must not exceed' in subclause 6(2) with the words 'is no more than'.

**Location:** Subclause 11(a)(i) of Standard 1.3.1.  
**Issue:** The reference is out of date and needs to be updated to refer to the most recent flavouring list of the Flavour and Extract Manufacturers' Association of the United States, which is now GRAS 23, published August 2007.  
**Solution:** Amend 'August 2005' to 'August 2007'.

**Location:** Subclause 11(a)(ii) of Standard 1.3.1.  
**Issue:** The reference includes a year of 2003 when the publication occurred in November 2000.  
**Solution:** Amend '2003' to 'November 2000'.

**Location:** Subclause 11(a)(iii) of Standard 1.3.1.  
**Issue:** The provision refers to a 1996 reference. Since then only minimal changes have occurred to this reference namely, replacing 'Methyl 2-methylthiopropionate' with 'Methyl 3-methylthiopropionate' in 1996 and correcting the spelling for 'Hydroxycitronellol'.  
**Solution:** Replace '1996' with '2007'.

#### *Standard 1.3.2 – Vitamins and Minerals*

**Location:** Clause 3 of Standard 1.3.2  
**Issue:** This clause uses terminology that refers to 'does not exceed' in stipulating limits. For consistency with other parts of the Code these words should be replaced with the words 'is no more than'.  
**Solution:** Replace the words 'does not exceed' in clause 3 with the words 'is no more than'.

#### *Standard 1.3.3 – Processing Aids*

**Location:** Clause 1 and Editorial Note of Table to clause 3 of Standard 1.3.3.  
**Issue:** The Editorial Note defines 'silicates' and this should be included in the definitions section as a provision of the standard.  
**Solution:** Amend clause 1 to include a definition for silicates of "Silicates' include, but are not limited to, calcium aluminium silicate, calcium silicate, magnesium silicate, sodium aluminosilicate, sodium calcium polyphosphate silicate, sodium hexafluorosilicate, sodium metasilicate and sodium silicate.'

**Location:** Table to clause 8 of Standard 1.3.3.

**Issue:** The spelling of 'quaternized' in the entry for 'Methyl acrylate-divinylbenzene-diethylene glycol divinyl ether terpolymer containing not less than 7% by weight divinylbenzene and not more than 2.3% by weight of diethylene glycol divinyl ether, aminolysed with dimethaminopropylamine and quaternized with methyl chloride' is incorrect and should be spelled as 'quarternised'.

**Solution:** Amend spelling of 'quaternized' to 'quarternised'.

**Location:** Table to clause 8 and Table to clause 11 of Standard 1.3.3.

**Issue:** These provisions use terminology of 'does not exceed' in stipulating requirements. For consistency with other parts of the Code these words should be replaced with the words 'is no more than'.

**Solution:** Replace the words 'does not exceed' in the Table to clause 8 (four entries) and the Table to clause 11 (one entry) with the words 'is no more than'.

#### *Standard 1.3.4 – Identity and Purity*

**Location:** The references in clauses 2 and 3 of Standard 1.3.4.

**Issue:** This Standard requires updating to more contemporary editions and publications, and to institute name changes where these are appropriate. In addition, it is proposed to delete the reference relating to Association of Manufacturers of Fermentation Enzyme Products as this is no longer considered necessary.

**Solution:** It is proposed to omit the existing clause 2 and clause 3 and insert the following

'A substance must comply with a relevant monograph (if any) published in one of the following—

- (a) Combined Compendium of Food Additive Specifications, FAO JECFA Monograph 1 (2005) as superseded by specifications published in FAO JECFA Monographs 3 (2006) and FAO JECFA Monographs 4 (2007), Food and Agriculture Organisation of the United Nations. Rome; or
- (b) *Food Chemicals Codex* (6<sup>th</sup> Edition) published by United States Pharmacopoeia (2008); or
- (c) the Schedule to this Standard.

If there is no monograph applying to a substance under clause 2, the substance must comply with a relevant monograph (if any) published in one of –

- (a) the *British Pharmacopoeia 2008*, TSO, Norwich (2007); or
- (b) *The United States Pharmacopoeia*, 30<sup>th</sup> Revision and *The National Formulary*, 25<sup>th</sup> Edition, including the first and second supplement official from 1 December 2007; or

- (c) *The Pharmaceutical Codex*, 12<sup>th</sup> Edition, Council of the Pharmaceutical Society of Great Britain. The Pharmaceutical Press, London (1994); or
- (d) *Martindale; The Complete Drug Reference*. The Pharmaceutical Press London (2007); or
- (e) the *European Pharmacopoeia* 6<sup>th</sup> Edition, Council of Europe, Strasbourg (2007); or
- (f) the *International Pharmacopoeia* 4<sup>th</sup> Edition, World Health Organization, Geneva (2006); or
- (g) *The Merck Index*, 14th Edition, (2006); or
- (h) Code of Federal Regulations of the United States of America, 1 April, 2007; or
- (i) *The Specifications and Standards for Food Additives*, 7<sup>th</sup> edition (2000), Ministry of Health and Welfare (Japan).'

**Location:** Schedule to Standard 1.3.4.

**Issue:** The following provisions use terminology of 'does not exceed' or 'shall not exceed' in stipulating requirements. For consistency with other parts of the Code these words should be replaced with the words 'is no more than'. The provisions are:  
'carboxymethyl cellulose ion exchange resin', paragraphs (a) and (b);  
'quaternary amine cellulose ion exchange resin', paragraphs (a) and (b);  
'diethyl aminoethyl cellulose ion exchange resin', subparagraphs (a)(i) and (a)(ii) and paragraph (b).

**Solution:** Replace the words 'does not exceed' and 'shall not exceed' in the above entries in Standard 1.3.4. with the words 'is no more than'.

**Location:** Schedule to Standard 1.3.4.

**Issue:** The specification for oxidised polyethylene includes text which is boxed. This creates the impression that this text is an Editorial Note and to remove this potential confusion, it is proposed to remove the box.

**Solution:** Remove the box around the portions of the specification for oxidised polyethylene in the Schedule to Standard 1.3.4.

**Location:** Schedule to Standard 1.3.4.

**Issue:** The specification for neotame can be deleted if the references in clauses 2 and 3 are updated as these updated specification references include a specification for neotame.

**Solution:** Delete the specification for neotame if the references in clauses 2 and 3 are updated.

#### *Standard 1.4.1 – Contaminants and Natural Toxicants*

**Location:** Purpose to Standard 1.4.1.

**Issue:** The fourth paragraph after sentence 'the list of GELS is provided in a separate document to this Standard.' is incorrect and should refer to the relevant user guide.

**Solution:** Omit the reference to 'separate document to this Standard' substitute 'the User Guide – Generally Expected Levels (GELs) for Metal Contaminants'.

## Standard 1.4.2 – Maximum Residue Limits

**Location:** Purpose of Standard 1.4.2.

**Issue:** The third paragraph of this section of the Standard requires updating to avoid becoming outdated. As the Purpose does not impose any regulatory requirements it is possible to include a generic reference to the relevant New Zealand food standards and to update the relevant references for the New Zealand food legislation (i.e. to remove reference to section 11Z of this legislation).

**Solution:** Replace the third paragraph with the words ‘Residues of agricultural compounds are regulated in New Zealand by a food standard issued under section 11C of the *Food Act 1981*.’

**Location:** Subclause 4(3) of Standard 1.4.2.

**Issue:** Subclause 4(3) uses the terminology of ‘must not exceed’ in stipulating requirements. For consistency with other parts of the Code these words should be replaced with the words ‘is no more than’.

**Solution:** Replace the words ‘must not exceed’ in subclause 4(3) with the words ‘is no more than’.

**Location:** Schedule 1 of Standard 1.4.2.

**Issue:** There are a number of typographical inconsistencies that should be changed in the Schedule. The entry for glyphosate below reflects an incorrect deletion that occurred during the processing of an Application from the APVMA.

**Solution:** Replace the existing entry below with the proposed entry in Schedule 1 of Standard 1.4.2.

Location in Schedule 1	Existing entry	Proposed Entry
Bendiocarb – residue definition for commodities of plant origin	Unconjugated bendiocarb;	Unconjugated bendiocarb
Bifenthrin	‘Citrus fruit’	‘Citrus fruits’
Boscalid – onion, bulb	‘T1.0’	‘T1’
Cetrimide – sheep meat and sheep edible offal	‘T*1.0’	‘T*1’
Chlorpyrifos – blueberries	‘T1.0’	‘T1’
Clomazone	Beans [except broad beans and soya beans]	Beans [except broad bean and soya beans]
Cymiazole	Cattle <sub>1</sub> kidney Cattle <sub>1</sub> liver	Cattle kidney Cattle liver
<b>Location in Schedule 1</b>	<b>Existing entry</b>	<b>Proposed Entry</b>
Diazinon	Vegetable oils, crude [except olive oil, crude]	Vegetable oils, crude [except olive oil, virgin]
Dimethoate	‘Peaches’	‘Peach’
Dithiocarbamates	‘Berries and other small fruits (except strawberries)’	Berries and other small fruits [except strawberry]
Enamectin	Brassica (cole or cabbage) vegetables, Head cabbages, Flowerhead <u>cabbages</u>	Brassica (cole or cabbage) vegetables, Head cabbages, Flowerhead brassicas

Glyphosate	Pulses [except as otherwise listed under this chemical] - *0.1 mg/kg	Pulses [except adzuki bean (dry), cowpea (dry), mung bean (dry) and soya bean (dry)] - 5 mg/kg
Imazamox	Broad beans (dry) (fava beans)	Broad bean (dry) (fava beans)
Ivermectin	Pig <sub>1</sub> liver	Pig liver
Lasalocid – poultry skin/fat	'1.0'	'1'
Pymetrozine	Brassica (cole or cabbage) vegetables, Head cabbages, Flowerhead <u>cabbages</u>	Brassica (cole or cabbage) vegetables, Head cabbages, Flowerhead brassicas
Pyrimethanil – grapes, strawberry	'5.0'	'5'
Ractopamine	Pig <sub>1</sub> kidney Pig <sub>1</sub> liver	Pig kidney Pig liver
Spinosad – celery	'2.0'	'2'
Tolfenamic acid	Cattle <sub>1</sub> kidney Cattle <sub>1</sub> liver Pig <sub>1</sub> kidney Pig <sub>1</sub> liver	Cattle kidney Cattle liver Pig kidney Pig liver

#### Standard 1.4.4 – Prohibited and Restricted Plants and Fungi

**Location:** Schedule 1 of Standard 1.4.4

**Issue:** Following the reference to the prohibition of all *Ammi* spp. there is another specific prohibition for one species of *Ammi* i.e. *Ammi visnaga*. Following the reference to the prohibition of all *Senecio* spp. there is another specific prohibition for one species of *Senecio* i.e. *Senecio aureus*. Before the reference to the prohibition of all *Conocybe* spp. there is another specific prohibition for one species of *Conocybe* i.e. *Conocybe siligineoides*.

**Solution:** Delete the *Ammi visnaga*, *Conocybe siligineoides* and *Senecio aureus* entries as they are unnecessary given that all species in the *Ammi* genus, *Conocybe* genus and *Senecio* genus are prohibited.

#### Standard 1.6.1 – Microbiological Limits for Food

**Location:** Subclause 2(2) and paragraph 5(b) of Standard 1.6.1.

**Issue:** Subclause 2(2) and paragraph 5(b) use the terminology of 'must not exceed' or 'exceeds' in stipulating requirements. For consistency with other parts of the Code the words 'must not exceed' should be replaced with the words 'is no more than' and the word 'exceeds' should be replaced with the words 'is more than'.

**Solution:** Replace the words 'must not exceed' in subclause 2(2) with the words 'is no more than' and replace the word 'exceeds' in paragraph 5(b) with the words 'is more than'.

**Location:** Clause 4 of Standard 1.6.1.

**Issue:** The current requirements to use specific methods are overly prescriptive.

**Solution:** Delete clause 4 of Standard 1.6.1 and insert the following Editorial Note after subclause 3(3):

‘Editorial Note:

Methods of analysis

As a guide for compliance and enforcement purposes, food analysts may need to consider the relevant and the latest Australian or New Zealand standard method of analysis where applicable; or the relevant and the latest ISO or AOAC International method of analysis in the absence of Australian and New Zealand standard methods of analysis.’

#### *Standard 1.6.2 – Processing Requirements (Australia Only)*

**Location:** Table of Provisions and Schedule to Standard 1.6.2.

**Issue:** The current Table of Provisions needs to be amended to delete reference to clause 10. In addition and following the transfer of the clause 9 and Schedule requirements to Standard 4.2.3, the Schedule to Standard 1.6.2 needs to be deleted, and the Table of Provisions updated.

**Solution:** Delete clause 9 and 10 and the Schedule from the Table of Provisions for Standard 1.6.2. Delete the Schedule to Standard 1.6.2.

#### *Standard 2.2.1 – Meat and Meat Products*

**Location:** Subclause 8(3) and subclause 9(3) of Standard 2.2.1.

**Issue:** There is currently an inconsistency between these subclauses in that subclause 9(3) does not include the words ‘unless the heating process is a cooking instruction for the consumer.’ Subclauses 8(3) and 9(3) should be consistent.

**Solution:** Amend subclause 9(3) to add the words ‘unless the heating process is a cooking instruction for the consumer.’

#### *Standard 2.4.1 – Edible Oils*

**Location:** Clause 1 and associated Editorial Note of Standard 2.4.1.

**Issue:** The Editorial Note modifies the definition of ‘edible oils’ and this should form part of the definition in the standard.

**Solution:** Amend the definition of ‘edible oils’ to include the words ‘including aquatic plants and aquatic animals’.

**Location:** Clause 2 and associated Editorial Note of Standard 2.4.1.

**Issue:** The Editorial Note modifies the use of the term ‘other lipids’ and this should form part of the definition in the standard.

**Solution:** Amend clause 2 to include the words ‘including naturally occurring gums, waxes and phosphatides’.

### *Standard 2.5.1– Milk*

**Location:** Clause 5 of Standard 2.5.1.

**Issue:** Clause 5 heading for ‘Esters’ should be ‘esters’.

**Solution:** Amend ‘Esters’ to ‘esters’.

**Location:** Table of Provisions of Standard 2.5.1.

**Issue:** The Table of Provisions does not include reference to clause 5 and 6 of the Standard.

**Solution:** Amend the Table of Provisions to include ‘Clause 5 Phytosterol esters’ and ‘Clause 6 Tall oil phytosterols’.

**Location:** Subclause 4(3) and associated Editorial Note in Standard 2.5.1.

**Issue:** This clause is out of date and unnecessary and should therefore be deleted. For New Zealand purposes, processing requirements for milk and milk products are regulated under the *Animal Products Act 1999* and the *Food Act 1981*, including the *New Zealand Food (Milk and Milk Products Processing) Standard 2007*.

**Solution:** Delete subclause 4(3) of Standard 2.5.1. A new Editorial Note under the Purpose section of the Standard will refer to the relevant milk processing requirements in New Zealand.

### *Standard 2.5.2 – Cream*

**Location:** Clause 3 and associated Editorial Note in Standard 2.5.2.

**Issue:** This clause is out of date and unnecessary and should therefore be deleted. For New Zealand purposes, processing requirements for milk and milk products are regulated under the *Animal Products Act 1999* and the *Food Act 1981*, including the *New Zealand Food (Milk and Milk Products Processing) Standard 2007*.

**Solution:** Delete Clause 3 of Standard 2.5.2, including from the Table of Provisions of the Standard. A new Editorial Note under the Purpose section of the Standard will refer to the relevant milk processing requirements in New Zealand.

### *Standard 2.5.3 – Fermented Milk Products*

**Location:** Clause 3 and associated Editorial Note in Standard 2.5.3.

**Issue:** This clause is out of date and unnecessary and should therefore be deleted. For New Zealand purposes, processing requirements for milk and milk products are regulated under the *Animal Products Act 1999* and the *Food Act 1981*, including the *New Zealand Food (Milk and Milk Products Processing) Standard 2007*.

**Solution:** Delete Clause 3 of Standard 2.5.3, including from the Table of Provisions of the Standard. A new Editorial Note under the Purpose section of the Standard will refer to the relevant milk processing requirements in New Zealand.

**Location:** Clause 4 of Standard 2.5.3.

**Issue:** Clause 4 heading for 'Esters' should be 'esters' and should be included in the Table of Provisions as a renumbered clause 3.

**Solution:** Amend 'Esters' to 'esters' in clause 4, renumber to clause 3 and include '3 Phytosterol esters' in the Table of Provisions.

#### *Standard 2.5.4 – Cheese*

**Location:** Clause 4 and associated Editorial Note in Standard 2.5.4.

**Issue:** This clause is out of date and unnecessary and should therefore be deleted. For New Zealand purposes, processing requirements for milk and milk products are regulated under the *Animal Products Act 1999* and the *Food Act 1981*, including the *New Zealand Food (Milk and Milk Products Processing) Standard 2007*.

**Solution:** Delete Clause 4 of Standard 2.5.4, including from the Table of Provisions of the Standard, as well as the outdated reference to clause 3 in the Standard and from the Table of Provisions. A new Editorial Note under the Purpose section of the Standard will refer to the relevant milk processing requirements in New Zealand.

#### *Standard 2.5.5 – Butter*

**Location:** Clause 3 and associated Editorial Note in Standard 2.5.5.

**Issue:** This clause is out of date and unnecessary and should therefore be deleted. For New Zealand purposes, processing requirements for milk and milk products are regulated under the *Animal Products Act 1999* and the *Food Act 1981*, including the *New Zealand Food (Milk and Milk Products Processing) Standard 2007*.

**Solution:** Delete Clause 3 of Standard 2.5.5, including from the Table of Provisions of the Standard. A new Editorial Note under the Purpose section of the Standard will refer to the relevant milk processing requirements in New Zealand.

#### *Standard 2.5.6 – Ice Cream*

**Location:** Clause 3 and associated Editorial Note in Standard 2.5.6.

**Issue:** This clause is out of date and unnecessary and should therefore be deleted. For New Zealand purposes, processing requirements for milk and milk products are regulated under the *Animal Products Act 1999* and the *Food Act 1981*, including the *New Zealand Food (Milk and Milk Products Processing) Standard 2007*.

**Solution:** Delete Clause 3 of Standard 2.5.6, including from the Table of Provisions of the Standard. A new Editorial Note under the Purpose section of the Standard will refer to the relevant milk processing requirements in New Zealand.

### *Standard 2.5.7 – Dried Milks, Evaporated Milks and Condensed Milks*

**Location:** Clause 4 and associated Editorial Note in Standard 2.5.7.

**Issue:** This clause is out of date and unnecessary and should therefore be deleted. For New Zealand purposes, processing requirements for milk and milk products are regulated under the *Animal Products Act 1999* and the *Food Act 1981*, including the *New Zealand Food (Milk and Milk Products Processing) Standard 2007*.

**Solution:** Delete Clause 4 of Standard 2.5.7, including from the Table of Provisions of the Standard. A new Editorial Note under the Purpose section of the Standard will refer to the relevant milk processing requirements in New Zealand.

### *Standard 2.6.2 – Non-Alcoholic Beverages and Brewed Soft Drinks*

**Location:** Clause 1 of Standard 2.6.2 and associated Editorial Note in clause 9.

**Issue:** The definition of 'Formulated beverage' in clause 1 should start with lower case. The Editorial Note modifies the definition of a formulated beverage. The aspect that formulated beverages are liquid products, which are sold in a form designed to be consumed as is (i.e. do not require reconstitution or dilution) should be included in the definition. The most appropriate means of achieving this is by adding the words 'ready to drink' after the word 'non-carbonated' in the definition.

**Solution:** Amend 'Formulated' to 'formulated' and include the words 'ready to drink' after the word 'non-carbonated' in the definition.

**Location:** Table to subclause 2(2) of Standard 2.6.2.

**Issue:** The heading for the table on page 2 and page 3 refers to 'Table to subclause (2)2' when this should be 'Table to subclause 2(2)'. The number in brackets should follow the number that is not in brackets.

**Solution:** Amend the heading of the 'Table to subclause (2)2' on page 2 of Standard 2.6.2 to 'Table to subclause 2(2)' and amend the heading 'Table to subclause (2)2 (continued)' on page 3 of Standard 2.6.2 to 'Table to subclause 2(2) (continued)'.

**Location:** Subclause 6(3) of Standard 2.6.2.

**Issue:** The subclause ends with a colon, when it should be a '–'.

**Solution:** Amend to replace the colon with a dash.

### *Standard 2.9.1 – Infant Formula Products*

**Location:** The Purpose and clause 1 in Standard 2.9.1.

**Issue:** The structure of the definitions in clause 1 could be improved and the text referring to novel foods in the Editorial Note for 'infant formula product' should be part of the Standard. In addition, for consistency with the new Editorial Note following clause 16, the Purpose section of the Standard should be amended.

**Solution:** Amend the Purpose of the Standard to include the sentence ‘See Standard 1.5.1 – Novel Foods for requirements for novel food and novel food ingredients’; deleting the first sentence of the third paragraph and replacing it with ‘There are *Guidelines for Infant Formula Products* at the end of this Standard. These *Guidelines* do not form part of the legally binding Standard.’; and amend clause 1 of Standard 2.9.1 to indent specific infant formula products under the definition of ‘infant formula product’ (See Appendix 1).

**Location:** Paragraph 7(1)(b), subclause 7(2) and the associated Editorial Note in Standard 2.9.2.

**Issue:** The first paragraph of the Editorial Note restates the requirements in subclause 7(1) and it is proposed to be deleted. Subclauses 7(1) and 7(2) must be sufficiently clear to ensure that the total amount of the nutritive substance applies to naturally occurring and added amounts of the nutritive substance.

**Solution:** Amend paragraph 7(1)(b) and subclause 7(2) to add the words ‘added and any naturally occurring’ after the words ‘the total amount of the’.

**Location:** Clauses 22 and 32 and the associated Editorial Notes in relation to cystine and cysteine in Standard 2.9.1.

**Issue:** For clarity, it is proposed to replace the reference to ‘Cyst(e)ine’ with the words ‘Cysteine and cystine’ in the Table to clause 22 and the table to clause 32, and replace paragraph 22(2)(a) and paragraph 32(3)(a) with the words ‘6 mg of cysteine, cystine or combined cystine and cysteine per 100 kJ’. The intent is to require no less than 6 mg/100 kJ of cysteine, or, no less than 6 mg/100 kJ of cystine, or, no less than 6 mg/100 kJ of cystine and cysteine in combination.

**Solution:** Replace the reference to ‘Cyst(e)ine’ with the words ‘Cysteine and cystine’ in the Table to clause 22 and the Table to clause 32, and replace paragraph 22(2)(a) and paragraph 32(3)(a) with the words ‘6 mg of cysteine, cystine or combined cystine and cysteine per 100 kJ’.

#### *Standard 2.9.2 – Foods for Infants*

**Location:** Purpose of Standard 2.9.2.

**Issue:** The Editorial Note to clause 11 appears out of place and it is proposed to reword it and move it to the Purpose of the Standard to increase its profile in the Standard.

**Solution:** Amend the Purpose of Standard 2.9.2 to include the sentence ‘See Standard 1.2.4 – Labelling of Ingredients for ingredient labelling requirements, including for declaration of compound ingredients in foods for infants.’

**Location:** ‘Interpretation’ clause, the definition for ‘sugars’ in this clause and the associated Editorial Note, and subclause 6(1) and the associated Editorial Note in Standard 2.9.2.

**Issue:** The Editorial Notes provide an interpretation of the standard that should be included in the ‘Interpretation’ part of Standard 2.9.2. The ‘Interpretation’ clause should be prefaced with the number ‘1’.

**Solution:** Amend the 'Interpretation' clause of Standard 2.9.2 to include the number '1' in front of the word 'Interpretation'. Include an entry in this clause that in this clause, a reference to a food source of protein includes a reference in the name of the food to a source of protein. A food source of protein means milk, eggs, cheese, fish, meat, nuts and legumes. Meat includes poultry. Amend the definition for sugars to 'sugars has the meaning in Standard 2.8.1 and includes honey'.

**Location:** Clause 10 and the associated Editorial Note in Standard 2.9.2.

**Issue:** The Editorial Note in its current form imposes an obligation that should form part of the standard.

**Solution:** Amend clause 10 of Standard 2.9.2 to include a provision requiring 'If more than one fluid for preparing the food is nominated in the label, the particulars set out in the column must be according to the first liquid nominated and the name of this liquid must be included in the panel.'

**Location:** Paragraph 5(3)(d) of Standard 2.9.2.

**Issue:** This paragraph uses terminology that refers to 'exceeds' in stipulating limits. For consistency with other parts of the Code this word should be replaced with the words 'is more than'.

**Solution:** Replace the word 'exceeds' in paragraph 5(3)(d) with the words 'is more than'.

#### *Standard 2.9.3 – Formulated Meal Replacements and Formulated Supplementary Foods*

**Location:** Subclauses 2(2), 4(2) and 6(2) and paragraphs 3(2)(b), 4(1)(c), 5(2)(c), 6(1)(c) 7(2)(c) of Standard 2.9.3.

**Issue:** These subclauses and paragraphs use terminology of 'does not exceed' in stipulating limits. For consistency with other parts of the Code these words should be replaced with the words 'is no more than'.

**Solution:** Replace the words 'does not exceed' in subclauses 2(2), 4(2) and 6(2) and paragraphs 3(2)(b), 4(1)(c), 5(2)(c), 6(1)(c) 7(2)(c) with the words 'is no more than'.

**Location:** Table 1, Column 3 of Standard 2.9.3.

**Issue:** The heading in Column 3 of Table 1 is incorrect.

**Solution:** In relation to Column 3 of Table 1 in the Schedule to Standard 2.9.3, the heading 'Maximum claim per one-meal serving (proportion ESADDI unless stated otherwise)' should be replaced with 'Maximum claim per one-meal serving (proportion of RDI)'.

**Location:** The heading for Division 4 of Standard 2.9.3.

**Issue:** The heading 'Division 4 - Formulated supplementary foods for young children' after subclause 5(4) should be bolded and centred.

**Solution:** Centre and include in bolded format the words 'Division 4 - Formulated supplementary foods for young children' after subclause 5(4).

#### *Standard 2.9.4 – Formulated Supplementary Sports Foods*

**Location:** Subparagraph 2(a)(ii) and paragraphs 2(b), 2(c) and 5(2)(b) of Standard 2.9.3.

**Issue:** These provisions use terminology of ‘does not exceed’ in stipulating limits. For consistency with other parts of the Code these words should be replaced with the words ‘is no more than’.

**Solution:** Replace the words ‘does not exceed’ in subparagraph 2(a)(ii) and paragraphs 2(b), 2(c) and 5(2)(b) with the words ‘is no more than’.

#### *Standard 2.10.1 – Vinegar and Related Products*

**Location:** Clause 2 and the associated Editorial Note for the definition of vinegar in Standard 2.10.1.

**Issue:** The Editorial Note modifies the definition of ‘vinegar’ and this should form part of the standard.

**Solution:** Amend the definition of ‘vinegar’ in clause 1 to include the words ‘and includes blends and mixtures of vinegar’ after the word ‘vinegar’.

#### *Standard 3.3.1 – Food Safety Programs for Food Service to Vulnerable Populations*

**Location:** Subclause 3(1) of Standard 3.3.1.

**Issue:** A full stop at end of the subclause is missing.

**Solution:** insert full stop at the end of the subclause.

#### *Standard 4.2.4 – Primary Production and Processing Standard for Dairy products*

**Location:** Subclause 1(2) – definition of ‘dairy products’ in Standard 4.2.4.

**Issue:** The word ‘and’ is missing from the end of paragraph (e).

**Solution:** Insert ‘and’ at the end of paragraph (e).

#### *Standard 4.2.4A – Primary Production and Processing Standard for Specific Cheeses*

**Location:** Paragraph 1(a) in Standard 4.2.4A.

**Issue:** On 5 October 2008, paragraph 2(1)(a) of Standard 1.6.2 will be deleted and the reference in Standard 4.2.4A will need to be amended to refer to paragraphs 16(a) and 16(b) in Standard 4.2.4.

**Solution:** Delete the words ‘paragraph 2(1)(a) of Standard 1.6.2’ and replace with the words ‘paragraph 16(a) or paragraph 16(b) of Standard 4.2.4’ on 5 October 2008.

**Location:** Table to clause 1 in Standard 4.2.4A.

**Issue:** The Table currently includes five references to a ‘Ministerial Order’ and these need to indicate the precise Ministerial Orders.

**Solution:** After the words ‘Ministerial Order’ wherever it appears include the words ‘of the Journal Officiel de la République Française’.

*Standard 4.5.1 – Wine Production Requirements*

**Location:** Footnote of Table to clause 4.

**Issue:** This footnote should be included as a specific subclause and the asterisks removed.

**Solution:** Delete the asterisks in the Table to clause 4 and create a new subclause stating that 'Thiamin chloride and thiamin hydrochloride may only be added to wine, sparkling wine and fortified wine to facilitate the growth of micro-organisms'.

### Division 1 Subdivision 1 – Interpretation

#### 1 Definitions

(1) The definitions in clauses 1 and 2 of Standard 1.2.8 apply to this Standard.

(2) In this Code –

**infant** means a person under the age of 12 months.

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

**infant formula** means an infant formula product represented as a breast milk substitute for infants and which satisfies the nutritional requirements of infants aged up to four to six months.

**follow-on formula** means an infant formula product represented as either a breast-milk substitute or replacement for infant formula and which constitutes the principal liquid source of nourishment in a progressively diversified diet for infants aged from six months.

**lactose free formula** and **low lactose formula** means infant formula products which satisfy the needs of lactose intolerant infants.

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

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

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

**protein substitute** means L-amino acids and/or the hydrolysate of one or more of the proteins on which infant formula product is normally based.

**Editorial note:**

Subclause 1(2) is structured to indicate that the definitions of specific infant formula products are within the more general 'infant formula product' definition. Therefore the usual practice of listing definitions in alphabetical order has not been applied in this subclause.

### Report on Internal FSANZ Editorial Note Audit

The Code includes a number of Editorial Notes. During the development of amendments to the *Food Standards Australia New Zealand Act 1991* (FSANZ Act) concerns were expressed about the form and application of the Editorial Notes. As a result, an audit of these Editorial Notes has been conducted to identify those that require amendment and any consequential food regulatory measures that may be required to complement amendments to the Editorial Notes.

#### 1. The Issue / Problem

Concern was expressed<sup>2</sup> about Editorial Notes in the Code during the development of amendments to the FSANZ Act. This concern was centred on the view that some of the Editorial Notes in the Code may be regarded as regulation or are a 'substitute for regulation' i.e. impose obligations or restrictions that are not contained within the provisions.

To address the concerns that have been expressed about Editorial Notes, FSANZ has conducted an audit of the Editorial Notes in the Code and proposed amendments to a number of these Editorial Notes.

#### 2. Current Standard

The Code includes a number of Editorial Notes which will be reworded to ensure that they are in a form that is consistent with interpretative guidance. As a consequence of this rewording, a number of amendments are proposed to the Code to include relevant regulatory measures in the Code. These measures are considered necessary to clarify the existing regulatory requirements.

#### 3. Proposed Amendments

The result of the reassessment of each Editorial Note is listed in **Appendix 1**.

The approach has been to identify the Editorial Note and identify any specific issues with the Editorial Note and propose corrective action to address the specific issues(s).

#### 4. Conclusion and Preferred Approach

Implementing some of the changes to Editorial Notes will require FSANZ to include proposed food regulatory measures in a proposal to amend the Code.

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<sup>2</sup> [http://www.apf.gov.au/Senate/committee/clac\\_ctte/food\\_standards/report/index.htm](http://www.apf.gov.au/Senate/committee/clac_ctte/food_standards/report/index.htm) (accessed 6 November 2007)

**Chapter 1**

**Standard 1.1.1**

Purpose The NT Food Act does not include a year but the gazetted version does not include a year so no change is required.

Subclause 1(5) It is no longer considered necessary to include this note indicating that wine includes sparkling wine and fortified wine and it is proposed to delete the Editorial Note.

Clause 2 Current and appropriate for both claim definition and average quantity definition.

Clause 3 Current and appropriate.

**Standard 1.1.2**

Definition of cassava Current and appropriate.

**Standard 1.1A.6**

Subclause 1(2) Clarifies intent of subclause and it is proposed to reword the Editorial Note to:

‘The effect of subclause 1(2) is that additives permitted in formulated meal replacements are permitted in special purpose foods. Subclause 1(2) exempts special purpose foods from the requirements for minimum levels for protein, kJ; and the minimum and maximum levels for vitamins and minerals. The definition of formulated meal replacements is not intended to be taken literally in relation to special purpose foods. i.e. special purpose foods are not necessarily intended as a meal replacement.’

Clause 3 It is no longer considered necessary to state these requirements in relation to vitamins and minerals permitted in special purpose foods and it is proposed to delete the Editorial Note.

**Standard 1.2.2**

Clause 1 Current and appropriate.

Clause 3 Current and appropriate.

**Standard 1.2.3**

Clause 2 While clarifying intent, this Editorial Note is no longer considered necessary as this information is in the user guide. On this basis, it is proposed to delete the Editorial Note.

Table to clause 2 The first paragraph provides information and is appropriate. The second paragraph appears to define ‘reconstituted’ and contradicts the entries in the Table as to the use of the word ‘reconstituted’. On this basis, the second paragraph of the Editorial Note should be deleted. The third paragraph provides commentary that is considered unnecessary and could be deleted.

Clause 4 While clarifying intent, this Editorial Note is no longer considered necessary as this information is in the user guide. On this basis, it is proposed to delete the Editorial Note.

Table to clause 4 The first paragraph imposes a legal obligation in its current form and should be prefaced with the words ‘As an example’. The second paragraph imposes a legal obligation in its current form and could be combined with paragraph five and reworded to ‘See Standard 1.2.4 – Labelling of Ingredients for the requirements for the labelling of ingredients, including sulphites’. To ensure that the

requirements in Standard 1.2.3 are not undermined it is proposed to amend clause 3 of Standard 1.2.4 to indicate that the exemptions from ingredient labelling are 'subject to the mandatory declaration requirements in Standard 1.2.3'.

The third paragraph is written as a legal standard and should be reworded as an example to 'As an example, manufacturers may choose to indicate that a food contains one substance or another (e.g. brazil nuts or cashew nuts) in cases where substitutions occur regularly.'

Paragraph four is unnecessary as the term 'products' includes derivatives of a food and it is proposed to delete it. Paragraph five could be deleted if it is combined with the second paragraph and reworded as proposed above. Paragraph six appears to modify the use of the term 'tree nut' and should be deleted and the words 'except coconut from the fruit of the palm *Cocos nucifera*' should be added to the end of the entry for 'Tree nuts and sesame seeds and their products' in the Table to Clause 4.

Clause 5 While clarifying intent, this Editorial Note is no longer considered necessary as this information is in the user guide and the Editorial Note could therefore be deleted.

#### **Standard 1.2.4**

Clause 2 While clarifying intent, the first paragraph should be reworded to 'See Standard 1.2.3 – Mandatory Warning and Advisory Statements and Declarations for the requirements to always declare the presence of certain substances'. The reference in the second paragraph to a heading of an ingredients list is no longer necessary as this is in the user guide and this paragraph can therefore be deleted.

Clause 4 The first paragraph is current and appropriate but the second paragraph can be deleted as it is no longer considered necessary and duplicates the user guide.

Table to clause 4 Clarifies intent but appears to 'deem' a certain expression as acceptable to use. Therefore, the text "milk solids' may be used to describe milk powder, skim milk powder, dried milk products standardised in this Code and/or any two or more of the following ingredients: whey, whey powder, whey proteins, lactose, caseinates, milk proteins and milk fat.' should be moved to the condition of use for the class name 'milk solids' and the Editorial Note deleted.

Clause 5 Clarifies intent – current and appropriate.

Clause 6 Provides an example – current and appropriate.

Table to clause 6 Provides information but in a commentary form which essentially duplicates the information in the user guide. On this basis, the Editorial Note should be deleted.

Clause 7 Provides an example – current and appropriate.

Clause 8 Clarifies intent – current and appropriate but the text beginning with 'Manufacturers may use...and/or representations' should be deleted as this is no longer necessary.

Schedule 1 The first paragraph should be deleted as it appears to apply obligations that are not in Standard 1.2.4. The second paragraph serves a limited function as it is commentary on the past and should be deleted as it is no longer necessary. The third paragraph potentially confuses the reader and serves a limited function, and should therefore be deleted.

**Standard 1.2.5**

Clause 2	Provides information – current and appropriate pending Proposal P272.
Subclause 4(3)	The first sentence provides historical commentary and is no longer considered necessary. The second, third and fourth sentences impose restrictions on the use of the ‘baked-for’ date. These sentences should be reworded to ‘For example, bread that is baked after midday on one day may have a ‘baked-for’ date for the following day.’
Clause 5	Provides an example – current and appropriate.

**Standard 1.2.6**

Clause 3	In the first paragraph the reference to ‘packet’ should be amended to ‘package’. Paragraphs 2 and 3 and 4 provide background and are current and appropriate.
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**Standard 1.2.8**

Definitions	The Editorial Note can be deleted as it is no longer considered necessary. See Proposal P293 for any corresponding inclusion of a food regulatory measure.
Table to subclause 2(2)	The Editorial Note prescribes a conversion factor and as ‘Calories’ are permitted to be used in declarations, it is considered appropriate for a food regulatory measure to prescribe that where average energy content is expressed as Calories, the conversion factor is one Calorie for each 4.18 kilojoules. The first paragraph of the Editorial Note can then be deleted and the second paragraph retained in the Editorial Note.
Subclause 5(2)	Provides examples and clarification – current and appropriate.
Subclause 5(5)	This Editorial Note imposes an obligation about the declaration of dietary fibre content and this text should be included as a provision in the standard and the Editorial Note deleted.
Subclause 5(7)	Provides clarification – current and appropriate.
Clause 7	Provides examples and clarification – current and appropriate. The letter ‘G’ in the ‘protein’ row and the ‘Quantity per serving’ column will be changed to ‘g’.
Clause 8	Provides clarification – current and appropriate.
Clause 12	Provides clarification – current and appropriate.
Subclause 13(1)	Provides example – current and appropriate.
Subclause 13(6)	The Editorial Note can be deleted as it is no longer considered necessary. See Proposal P293 for any corresponding inclusion of a food regulatory measure.
Clause 14	The Editorial Note can be deleted as it is no longer considered necessary. See Proposal P293 for any corresponding inclusion of a food regulatory measure.
Clause 15(3)	The Editorial Note can be deleted as it is no longer considered necessary. See Proposal P293 for any corresponding inclusion of a food regulatory measure.
Clause 15(4)	The Editorial Note can be deleted as it is no longer considered necessary. See Proposal P293 for any corresponding inclusion of a food regulatory measure.
Clause 16	The Editorial Note can be deleted as it is no longer considered necessary. See Proposal P293 for any corresponding inclusion of a food regulatory measure.
Clause 17	The Editorial Note should be deleted as it imposes restrictions on representing sodium in foods which would apply in relation to all nutrients in food. See Proposal P293 for any corresponding inclusion of a food regulatory measure.
Clause 18	The first paragraph duplicates subclause 18(1) and could be deleted.

Subclause 18(2) could be redrafted to more accurately state the requirements and allow the Editorial Note to be simplified. The following amended subclause 18(2) is proposed:

'Where a dietary fibre component of a food has been assayed by more than one analysis, the total dietary fibre content of the food must be calculated by adding together the results of the dietary fibre analyses and subtracting the amount of dietary fibre that has been assayed by more than one analysis.'

The second paragraph of the Editorial Note provides clarification and information. The third paragraph could be deleted if the word 'all' is added to the 'Total dietary fibre (including resistant maltodextrins) entry' in the Table to subclause 18(1). Paragraph four should be reworded to: 'See Standard 1.3.4 – Identity and Purity for the identity and purity requirements for added resistant maltodextrins.'

**Standard 1.2.9**

Subclause 2(2)

The first paragraph contradicts subclause 2(1). The Editorial Note should be deleted as it is no longer necessary and is inappropriate. Provides information – current and appropriate

Clause 3

**Standard 1.2.10**

Subclause 1(1)

Provides examples – current and appropriate.

Subclause 1(2)

Provides examples – current and appropriate.

Subclause 2(2)

Provides an example – current and appropriate.

Subclause 2(4)

First paragraph provides information. Second paragraph is no longer considered necessary and could be deleted. Third paragraph should be reworded as an example to 'An example of a charactering component is milk fat in ice cream'.

Clause 5

This Editorial Note provides information but it is questioned whether it is still needed given information in user guides. There is also a question about the use of 'asterisks' as an appropriate signposting for information. On this basis, the Editorial Note should be deleted.

**Standard 1.2.11**

Subclause 1(1A)

This Editorial Note can be deleted as it is no longer necessary given that the transitional provisions no longer apply.

Subclause 2(1)

Provides information – current and appropriate.

Subclause 2(4)

Provides information and examples – current and appropriate.

**Standard 1.3.1**

Clause 1

The Editorial Notes under the definitions for 'processed food' and 'technological function' can be deleted as they are no longer considered necessary.

Clause 3

The Editorial Note provides information but in its current form gives the impression of defining Good Manufacturing Practice. On this basis it is proposed to preface the Editorial Note with the words 'As a guide,'.

Clause 4

As proposed in Proposal P279, this Editorial Note provides information but requires updating and rewording as follows:

'Limits for specific intense sweeteners in specific foods are included in Schedule 1. Some intense sweeteners are included in Schedule 2 and these sweeteners may be added to a food in accordance with Schedule 1 (i.e. where Schedule 2 additives may be present in a food).

The amount of an intense sweetener needed in a food would depend on the amount required :

1. as a flavour enhancer in the food; or

2. to wholly or partially replace the sweetness of sugars that would or could be present in the food.

Polyols, isomalt and polydextrose are examples of ingredients that are used as humectants or texturisers or as foods in their own right.'

Clause 6	Current and appropriate
Clause 7	The first sentence of the Editorial Note is redundant and the second sentence restates the requirements in other parts of the Standard. On this basis the Editorial Note could be deleted.
Clause 9	While the Editorial Note provides information and examples, it is questioned whether it is necessary to provide an example of a garnish given its widely understood meaning. On this basis, it is proposed to delete the Editorial Note.
Clause 11	This Editorial Note requires updating and rewording to: 'The Flavour and Fragrance Association of Australia and New Zealand (FFAANZ) has prepared a consolidated list of artificial flavouring substances in the three publications. This list is available from FFAANZ'. As proposed in P279, the Editorial Note in relation to longans should be deleted.
Schedule 5	This Editorial Note is out of place and it is proposed to be moved to under the 'technological function' definition and reworded to 'The technological functions of food additives are listed in Schedule 5 of Standard 1.3.1. See Standard 1.2.4 – Labelling of Ingredients for the requirements for the declaration of ingredients, including for food additive class names.'. This will also increase the profile of the labelling requirements for food additive class names and food additive prescribed names.
<b>Standard 1.3.2</b>	
Clause 8	Provides an example – current and appropriate.
Clause 9	Provides an example – current and appropriate.
<b>Standard 1.3.3</b>	
Table to Clause 3	The Editorial Note defines 'silicates' and this should be included in the definitions section as a provision of the standard and the Editorial Note deleted.
Table to Clause 9	The Editorial Note notes that the requirements for mineral oil will be reviewed three years from gazettal. Gazettal only occurred in February 2007 – current and appropriate.
Table to clause 12	The current wording of the Editorial Note pre-empts FSANZ consideration of this issue and on this basis the words 'prepare a proposal to' should be deleted from the Editorial Note.
Clause 14	The Editorial Note includes a typographical error and the 'E' should be deleted from the Editorial Note heading.
Table to clause 14	The text is current and appropriate.
Table to clause 17	The text is current and appropriate.
<b>Standard 1.3.4</b>	
Oxidised polyethylene specification	The information currently boxed may be interpreted as an Editorial Note and to prevent this the box should be removed.
<b>Standard 1.4.1</b>	
Clause 1	The text is current and appropriate.
<b>Standard 1.4.2</b>	
Clause 2	Delete Editorial Note as out of date and not necessary.
Clause 4	It is proposed to replace the words 'Sample Calculation' with 'Editorial

	Note' in both the Editorial Notes in this clause.
<b>Standard 1.4.3</b>	
Clause 2	Provides information – current and appropriate.
<b>Standard 1.4.4</b>	
Clause 1	Provides information – current and appropriate.
Clause 2	Provides information – current and appropriate.
Schedule 1	Provides information – current and appropriate.
<b>Standard 1.5.1</b>	
Clause 1	Provides information – current and appropriate.
Table to clause 2	Provides information – current and appropriate but should be reworded to 'See Standard 1.3.4 – Identity and Purity for identity and purity requirements for novel foods.'
Table to Clause 3	Provides information – current and appropriate.
<b>Standard 1.5.2</b>	
Clause 1	Provides information - current and appropriate.
Clause 5	A heading 'Editorial Note' should be included and the words 'As an example' included at the front of each example in the Editorial Note. The first paragraph of the Editorial Note requires updating to refer to the 'User Guide – Labelling Genetically Modified Food' and to delete the reference to ANZFA. The second paragraph should be deleted as it is no longer considered necessary and duplicates information in the user guide.
Clause 7	
<b>Standard 1.5.3</b>	
Table to Clause 4	The Editorial Note is no longer considered necessary as the note predates many of the entries in the Table and these entries now provide sufficient information on their own.
<b>Standard 1.6.1</b>	
New Editorial Note after subclause 3(3)	Include a new Editorial Note to complement the proposed deletion of clause 4.  'Editorial Note Methods of analysis  As a guide for compliance and enforcement purposes, food analysts may need to consider the relevant and the latest Australian or New Zealand standard method of analysis where applicable; or the relevant and the latest ISO or AOAC International method of analysis in the absence of Australian and New Zealand standard methods of analysis.'
<b>Standard 1.6.2</b>	
Clauses 1 and 2	The Editorial Notes will be deleted in October 2008 with the rest of the clauses. The Editorial Note for New Zealand in clause 1 and the third paragraph of the Editorial Note in clause 2 will be reworded to 'For New Zealand purposes, processing requirements for milk and milk products are regulated under the <i>Animal Products Act 1999</i> and the <i>Food Act 1981</i> , including the <i>New Zealand Food (Milk and Milk Products Processing) Standard 2007</i> .'
Clause 3	Provides information – current and appropriate. However, the Editorial Note for New Zealand needs updating to remove the words 'until November 2002' to read 'For New Zealand purposes, processing requirements for egg products are regulated under the <i>Animal Products Act 1999</i> and the <i>Food Act 1981</i> '.
Clause 4	Provides information - current and appropriate. However, the Editorial Note for New Zealand needs updating to remove the words 'until

November 2002' to read 'For New Zealand purposes, processing requirements for poultry are regulated under the *Animal Products Act 1999* and the *Food Act 1981*'.

- Clause 5 Provides information - current and appropriate.
- Clause 6 Provides information - current and appropriate.
- Clause 7 Provides information - current and appropriate.
- Clause 8 Provides information - current and appropriate. However, the Editorial Note for New Zealand needs amending to read 'For New Zealand purposes, processing requirements for fermented comminuted processed meat are regulated under the *Animal Products Act 1999* and the *Food Act 1981*'.

## Chapter 2

### Standard 2.1.1

#### Clause 3

First paragraph provides information and examples but should be reworded to 'As an example, products are traditionally described by names such as 'shortbread', 'soda bread', 'pita bread' and 'crispbread'.'

The second paragraph provides information but should be reworded to 'See Standard 1.2.3 – Mandatory Warning and Advisory Statements and Declarations for requirements for declaring the presence of certain specified substances that must always be declared in the label of the food.'

#### Clause 4

### Standard 2.2.1

#### Meat definition

Provides information - current and appropriate.

The first and second paragraphs provide information and examples but requires rewording to

'See Standards 2.2.2 – Egg and Egg products and 2.2.3 – Fish and Fish Products, for the respective requirements for eggs or fish. See Standard 1.2.4 – Labelling of Ingredients for ingredient labelling requirements.'

#### Clause 9

This Editorial Note requires amendment to:

'An example of referring to a heating process would be describing a product as 'pasteurised'.

#### Clause 11

The Editorial Note should also be included under subclause 8(3). This Editorial Note will require amendment to amend the second sentence that refers to 'New Zealand Food Standards' to read 'Clause 11 applies to Australia only. Bovine products imported for sale in New Zealand are regulated by the New Zealand *Food (Prescribed Foods) Standard 2007* and associated BSE Country Categorisation Measure'.

### Standard 2.2.2

#### Clause 3

Provides information – current and appropriate.

### Standard 2.2.3

#### Clause 1

Provides information but requires updating to refer to:

'This Standard does not define specific names for fish. An Australian Fish Names Standard (AS:SSA-001) has been published.

In New Zealand, approved scientific, New Zealand common, Maori, and foreign common names of New Zealand commercial fish species, are available from the New Zealand Food Safety Authority website at <http://www.nzfsa.govt.nz/animalproducts/registers-lists/approved-fish-names/>

#### Clause 1 (cont.)

Guidance may also be found in the following notice published by the New Zealand Food Safety Authority:

Scientific names of fish, approved under clause 32 of the Animal Products (Specifications for Products Intended for Human Consumption) Notice 2005. <http://www.nzfsa.govt.nz/animalproducts/legislation/notices/animal-material-product/human-consumption/nz-fishnames-list-web-published-20080128.pdf>

#### Clause 3

The first sentence should be reworded to 'See Standard 1.2.1 – Application of Labelling and Other Information Requirements for the application of labelling requirements'.

The remainder of the Editorial Note provides commentary on Codex standards which is now considered unnecessary, and as a result the remainder of the Editorial Note can be deleted.

**Standard 2.4.1**

Clause 1

The Editorial Note is considered to define edible oils and this should be part of the definition. The Editorial Note should be deleted and the words 'including aquatic plants and aquatic animals' added to the definition of edible oils.

Clause 2

The Editorial Note provides information but is considered to modify the term 'other lipids' and this should be part of the Standard. The Editorial Note should be deleted and the words 'including naturally occurring gums, waxes and phosphatides' added to clause 2.

Clause 3

The Editorial Note specifically defines hydrogenation as a process that alters fatty acid composition and should be reworded as an example to:

'An example of a process that alters the fatty acid composition of fatty acids in edible oil is the process of hydrogenation.'

**Standard 2.5.1**

Clause 4

Delete the Editorial Note and include the following new Editorial Note under the Purpose section of the Standard:

'For New Zealand purposes, processing requirements for milk and milk products are regulated under the *Animal Products Act 1999* and the *Food Act 1981*, including the New Zealand *Food (Milk and Milk Products Processing) Standard 2007*.'

**Standard 2.5.2**

Clause 3

Delete the Editorial Note and include the following new Editorial Note under the Purpose section of the Standard:

'For New Zealand purposes, processing requirements for milk and milk products are regulated under the *Animal Products Act 1999* and the *Food Act 1981*, including the New Zealand *Food (Milk and Milk Products Processing) Standard 2007*.'

**Standard 2.5.3**

Clause 2

While the Editorial Note provides information, this information is inherent in the Table and the first sentence of the Editorial Note is therefore unnecessary and should be deleted. The second sentence of the Editorial Note duplicates the information in the Table to Clause 8 of Standard 1.1.1 and can therefore be deleted.

Clause 3

Delete the Editorial Note and include the following new Editorial Note under the Purpose section of the Standard:

'For New Zealand purposes, processing requirements for milk and milk products are regulated under the *Animal Products Act 1999* and the *Food Act 1981*, including the New Zealand *Food (Milk and Milk Products Processing) Standard 2007*.'

**Standard 2.5.4**

Clause 4

Delete the Editorial Note and include the following new Editorial Note under the Purpose section of the Standard:

'For New Zealand purposes, processing requirements for milk and milk products are regulated under the *Animal Products Act 1999* and the *Food Act 1981*, including the New Zealand *Food (Milk and Milk Products Processing) Standard 2007*.'

**Standard 2.5.5**

Clause 3

Delete the Editorial Note and include the following new Editorial Note under the Purpose section of the Standard:

‘For New Zealand purposes, processing requirements for milk and milk products are regulated under the *Animal Products Act 1999* and the *Food Act 1981*, including the New Zealand *Food (Milk and Milk Products Processing) Standard 2007*.’

**Standard 2.5.6**

Clause 2

For consistency the Editorial Note should be amended to state:

‘See Standard 1.2.4 – Labelling of Ingredients for requirements for the declaration of animal fats or oils in ice cream’.

Clause 3

Delete the Editorial Note and include the following new Editorial Note under the Purpose section of the Standard:

‘For New Zealand purposes, processing requirements for milk and milk products are regulated under the *Animal Products Act 1999* and the *Food Act 1981*, including the New Zealand *Food (Milk and Milk Products Processing) Standard 2007*.’

**Standard 2.5.7**

Clause 4

Delete the Editorial Note and include the following new Editorial Note under the Purpose section of the Standard:

‘For New Zealand purposes, processing requirements for milk and milk products are regulated under the *Animal Products Act 1999* and the *Food Act 1981*, including the New Zealand *Food (Milk and Milk Products Processing) Standard 2007*.’

**Standard 2.6.1**

Clause 3

Provides information – current and appropriate. For consistency, the Editorial Note should be reworded to:

‘See Part 1.2 – Labelling and Other Information Requirements of this Code for general labelling requirements. See Standard 1.3.1 – Food Additives for limits for additives for fruit juice and vegetable juice. See Standard 1.3.3 – Processing Aids for requirements for processing aids in the production of fruit juice and vegetable juice.’

**Standard 2.6.2**

Clause 7

The Editorial Note specifically excludes the mineral and electrolyte contribution of water used to reconstitute the electrolyte drink. The significance of this is likely to be minimal but in its current form appears to be imposing a restriction, albeit theoretical, in relation to labelling requirements of an electrolyte drink base. On this basis it is proposed that the Editorial Note be deleted.

Clause 8

The first sentence of the Editorial Note appears to ‘deem’ the term ‘isotonic’ as not being a nutrition claim and this is not considered to be an appropriate use of an Editorial Note. The Editorial Note can be deleted as it is no longer necessary and it is inappropriate.

Clause 9

This Editorial Note appears to modify the definition of a formulated beverage and is therefore not appropriate as an Editorial Note. It is proposed to delete the Editorial Note and include the words ‘ready to drink’ after the word ‘non-carbonated’ in the definition of formulated beverage in clause 1.

**Standard 2.6.4**

Subclause 2(1)

Provides information – current and appropriate. For consistency, it is

	proposed to simplify the Editorial Note to:
	‘See Standard 1.3.1 – Food Additives for limits for food additives, other than caffeine, in formulated caffeinated beverages’.
Subclause 2(3)	Provides information – current and appropriate.
Subclause 3(2)	Provides information in an example format – current and appropriate. The letter ‘g’ will be realigned in the row for ‘Carbohydrate, total’ and ‘sugars’.
Subclause 3(5)	Provides information in an example format – current and appropriate.
<b>Standard 2.7.1</b>	
Clause 3	Provides information in an example format – current and appropriate.
<b>Standard 2.7.2</b>	
Clause 2	Provides information – current and appropriate. For consistency, it is proposed to simply the Editorial Note to:
	‘See Standard 1.3.1 – Food Additives and Standard 1.3.3 – Processing Aids, for the respective requirements for additives and processing aids. See Standard 2.7.1 – Labelling of Alcoholic Beverages and Food containing Alcohol for specific labelling requirements for alcoholic beverages.’
<b>Standard 2.7.3</b>	
Clause 2	Provides information – current and appropriate. For consistency, it is proposed to simply the Editorial Note to:
	‘See Standard 1.3.1 – Food Additives and Standard 1.3.3 – Processing Aids, for the respective requirements for additives and processing aids. See Standard 2.7.1 – Labelling of Alcoholic Beverages and Food containing Alcohol for specific labelling requirements for alcoholic beverages.’
<b>Standard 2.7.4</b>	
Purpose	Update the Editorial Note to read ‘The New Zealand <i>Geographical Indications (Wines and Spirits) Registration Act 2006</i> applies to geographical indications in relation to wine. The Act will commence on a date to be proclaimed by the Governor-General of New Zealand.’
Clause 2	Retain the first paragraph as it is current and appropriate. The remainder of the Editorial Note provides information and is current and appropriate. For consistency, it is proposed to simply the Editorial Note to:
	‘See Standard 4.5.1 – Wine Production Requirements for requirements for the production of wine in Australia. See Standard 1.3.1 – Food Additives and Standard 1.3.3 – Processing Aids, for the respective requirements for additives and processing aids. See Standard 2.7.1 – Labelling of Alcoholic Beverages and Food containing Alcohol for specific labelling requirements for alcoholic beverages.’
<b>Standard 2.7.5</b>	
Subclause 4(2)	The Editorial Note provides information and is current and appropriate. For consistency, it is proposed to simply the Editorial Note to:
	‘See Standard 4.5.1 – Wine Production Requirements for requirements for the production of wine in Australia. See Standard 1.3.1 – Food Additives and Standard 1.3.3 – Processing Aids, for the respective requirements for additives and processing aids. See Standard 2.7.1 – Labelling of Alcoholic Beverages and Food containing Alcohol for specific labelling requirements for alcoholic beverages.’
New Editorial Note	It is proposed to include a new Editorial Note with Scotch Whiskey as an

example. The following is to be included:

New Editorial Note  
(cont.)

'An example of a geographical indication is Scotch Whisky which is regulated in UK legislation. The effect of subclause 4(1) of this Standard is that Scotch Whisky is whisky which can only be produced in Scotland in accordance with UK legislation, currently the UK Scotch Whisky Act 1988 ([http://www.opsi.gov.uk/ACTS/acts1988/Ukpga\\_19880022\\_en\\_1.htm](http://www.opsi.gov.uk/ACTS/acts1988/Ukpga_19880022_en_1.htm)) and the UK Scotch Whisky Order 1990 ([http://www.opsi.gov.uk/SI/si1990/Uksi\\_19900998\\_en\\_1.htm](http://www.opsi.gov.uk/SI/si1990/Uksi_19900998_en_1.htm)). Whisky is also regulated in Australia under section 77FI(1) of the *Excise Act 1901* (Cth) and section 105A(1) of the *Customs Act 1901* (Cth), which require that whisky produced in, or imported into, Australia must have been produced by the distillation of a fermented liquor of a mash of cereal grain in such a manner that the spirit possesses the taste, aroma and other characteristics generally attributed to whisky and matured by storage in wood for at least two years.'

**Standard 2.8.1**

Clause 2

Provides information – current and appropriate. For consistency, it is proposed to simply the Editorial Note to:

'See Standard 1.2.4 – Labelling of Ingredients for requirements for labelling of 'sugars' as an ingredient.'

**Standard 2.9.1**

Definition for 'infant formula'

The Editorial Note is no longer necessary and it is proposed to delete the Editorial Note.

Definition for 'infant formula product'

The Editorial Note is not considered appropriate in its current form and it is proposed that the Editorial Note be deleted with the following to be included in the Purpose of the Standard:

'See Standard 1.5.1 – Novel Foods for requirements for novel food and novel food ingredients'.

New Editorial Note	To assist in interpreting the definitions of Standard 2.9.1, it is proposed to indent the specific infant formula products under the general definition of 'infant formula product' and include an Editorial Note above clause 2 stating:  'Subclause 1(2) is structured to indicate that the definitions of specific infant formula products are within the more general 'infant formula product' definition. Therefore the usual practice of listing definitions in alphabetical order has not been applied in this subclause.'
Clause 7	The first paragraph restates the requirements in subclause 7(1) and it is proposed that it be deleted. To ensure that it is clear that the total amount of the nutritive substance in subclause 7(1) applies to naturally occurring and added, it is proposed to amend paragraph 7(1)(b) to add the words 'added and any naturally occurring' after the word 'substance'. The second paragraph provides information but would be more appropriately located following clause 16. In addition it should be reworded to 'As a guide to how nutrition information may be presented, see the <i>Guidelines for Infant Formula Products</i> at the end of this Standard. These <i>Guidelines</i> do not form part of the legally binding Standard.'. Similar information should also be included under the Purpose section of the Standard by deleting the first sentence of the third paragraph and replacing it with 'There are <i>Guidelines for Infant Formula Products</i> at the end of this Standard. These <i>Guidelines</i> do not form part of the legally binding Standard.'
Clause 8	Provides information – current and appropriate.
Clause 10	Provides information – current and appropriate.
Clause 17	In its current form, the Editorial Note imposes a requirement in relation to date marking. It is therefore proposed to reword it to:  'The full range of climatic conditions that exist in Australia and New Zealand may need to be considered in determining valid and appropriate storage instructions.'
Clause 18	Provides information – current and appropriate.
Clause 20	Provides information – current and appropriate.
Clause 22	For clarity, it is proposed to replace the reference to 'Cyst(e)ine' with the words 'Cysteine and cystine' in the Table to clause 22 and replace paragraph 22(2)(a) with the words '6 mg of cysteine, cystine or combined cystine and cysteine per 100 kJ;'. The intent is to require no less than 6 mg/100 kJ of cysteine, or, no less than 6 mg/100 kJ of cystine, or, no less than 6 mg/100 kJ of cystine and cysteine in combination. This would remove the need for the Editorial Note and it could be deleted.
Clause 23	Provides information – current and appropriate.
Clause 24	Provides information – current and appropriate.
Clause 32	For clarity, it is proposed to replace the reference to 'Cyst(e)ine' with the words 'Cysteine and cystine' in the Table to clause 32 and replace paragraph 32(3)(a) with the words '6 mg of cysteine, cystine or combined cystine and cysteine per 100 kJ;'. The intent is to require no less than 6 mg/100 kJ of cysteine, or, no less than 6 mg/100 kJ of cystine, or, no less than 6 mg/100 kJ of cystine and cysteine in combination. This would remove the need for the Editorial Note and it could be deleted.
Clause 33	Provides information – current and appropriate.
Guidelines to Standard 2.9.1	Provides information – current and appropriate.
<b>Standard 2.9.2</b>	
Definitions	The Editorial Note attempts to give a meaning to 'sugars' in Standard 2.9.2

	which is not given by the definition. It is proposed to delete the Editorial Note and amend the definition of sugars to 'sugars has the meaning in Standard 2.8.1 and includes honey'.
Subclause 2(2)	Provides information – current and appropriate.
Subclause 2(4)	This Editorial Note appears to impose an obligation beyond that required of the standard. However, it is already proposed to be deleted as part of Proposal P274.
Clause 5	The Editorial Note is no longer considered necessary and can be deleted.
Subclause 6(1)	This Editorial Note provides an interpretation of the standard and should form part of Standard 2.9.2. It is proposed to include an entry in the 'Interpretation' part of Standard 2.9.2 that in this clause, a reference to a food source of protein includes a reference in the name of the food to a source of protein. A food source of protein means milk, eggs, cheese, fish, meat, nuts and legumes. Meat includes poultry.
Subclause 6(3)	Provides information – current and appropriate.
Clause 10	This Editorial Note imposes an obligation that should be part of Standard 2.9.2. It is proposed to delete the Editorial Note and include a subclause stating that:
	'If more than one fluid for preparing the food is nominated in the label, the particulars set out in the column must be according to the first liquid nominated and the name of this liquid must be included in the panel.'
Clause 11	This Editorial Note is current and appropriate but appears out of place. On this basis it is proposed to move it to the Purpose of the Standard and to reword it to:
	'See Standard 1.2.4 – Labelling of Ingredients for ingredient labelling requirements, including for declaration of compound ingredients in foods for infants.'
<b>Standard 2.9.3</b>	
Clause 1	Provides information – current and appropriate.
<b>Standard 2.10.1</b>	
Clause 2	The Editorial Note modifies the definition of vinegar and it is proposed that it be deleted and the words 'and includes blends and mixtures of vinegar' be included after the word 'vinegar' in the definition of vinegar in the Interpretation section of the Standard.
<b>Standard 2.10.2</b>	
Clause 5	The Editorial Note provides information but in its current form imposes an obligation when the intent is to refer the reader to Standard 1.2.8. On this basis it is proposed to reword the Editorial Note to:
	'See Standard 1.2.8 – Nutrition Information Requirements for requirements where a claim is made in relation to the sodium content of foods to which reduced sodium salt mixtures or salt substitutes have been added.'

## Chapter 3

### Standard 3.1.1

Clause 2

This Editorial Note is accurate but dated and other than the second paragraph referring to the definition of 'Act', it is proposed to delete the remainder of the Editorial Note.

Clause 3

This Editorial Note is no longer required and it is proposed that it be deleted.

### Standard 3.2.1

Food Safety

Auditor definition

Clause 2

This Editorial Note is accurate but dated and on this basis it is proposed to be deleted.

This Editorial Note is accurate but dated and on this basis it is proposed to be deleted.

Clause 4

This Editorial Note is no longer considered necessary and on this basis it is proposed to be deleted.

### Standard 3.2.2

Clause 2

Provides information – current and appropriate.

Clause 12

Provides information – current and appropriate.

Clause 24

Provides information – current and appropriate.

### Standard 3.2.3

Potable Water  
definition

This Editorial Note requires amendment to refer to the 2004 Australian Drinking Water Guidelines, as :

Subclause 2(1)

'The 2004 *Australian Drinking Water Guidelines* (ADWG) are available from the National Health and Medical Research Council (NHMRC).'

Subclause 2(3)

Provides information – current and appropriate

Replace existing Editorial Note text with 'Standards Australia has published AS 4674-2004 Design, Construction and Fit-out of Food Premises. This Standard provides guidance on design, construction and fit-out criteria for new food premises and for the renovation or alteration of existing food premises. '

Clause 4

Provides information – current and appropriate.

Clause 13

Provides information – current and appropriate.

### Standard 3.3.1

Table to clause 1

Provides information – current and appropriate.

## Chapter 4

### Standard 4.2.1

Clause 1 Provides information – current and appropriate.  
Clause 2 Provides information – current and appropriate.  
Clause 3 This Editorial Note imposes an obligation in relation to specific controls and on this basis it is proposed to reword the first sentence to:

‘Examples of ‘controls’ referred to in this clause could include -’

Clause 7 Provides information – current and appropriate.  
Clause 9 Provides information – current and appropriate.  
Clause 14 Provides information – current and appropriate.  
Clause 15 Provides information – current and appropriate.  
Clause 16 Provides information – current and appropriate.

### Standard 4.2.3

Clause 4 Provides information – current and appropriate.  
Clause 5 Provides information – current and appropriate. However, the Editorial Note for New Zealand needs amending to read ‘For New Zealand the processing of UCFM is regulated under the *Animal Products Act 1999* and the *Food Act 1981*’.

Clause 5 Provides information – current and appropriate.

### Standard 4.2.4

Subclause 15(1) Provides information – current and appropriate.  
Subclause 15(3) The reference to ‘14(3)(b)’ should be amended to ‘15(3)(b).  
Subclause 15(5) Provides information – current and appropriate.  
Clause 16 Provides information – current and appropriate.

### Standard 4.2.4A

Table to clause 1 In the first paragraph, the current reference to paragraph 3(2)(a) is incorrect and to reflect the change occurring on 5 October 2008 when Standard 4.2.4 comes into effect it is proposed to delete the words ‘paragraph 3(2)(a) of Standard 4.2.4’ and replace them with the words ‘paragraph 2(1)(a) of Standard 1.6.2 before 5 October 2008 and then with paragraphs 16(a) and 16(b) of Standard 4.2.4 as of 5 October 2008’.

### Standard 4.5.1

Clause 4 Provides information – current and appropriate.