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Amendment No. 241

The following instruments are separate instruments in the Federal Register of Legislation and are known collectively in the Food Standards Gazette as Amendment No. 241

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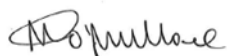
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**Food Standards (Proposal P1049 – Carbohydrate and sugar claims on alcoholic beverages)
Variation**

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

Dated 30 July 2025



Matthew O'Mullane, General Manager, Food Safety
Delegate of the Board of Food Standards Australia New Zealand

Note:

This variation will be published in the Commonwealth of Australia Gazette No. FSC 181 on 13 August 2025. This means that this date is the gazettal date for the purposes of clause 3 of the variation.

1 Name

This instrument is the *Food Standards (Proposal P1049 – Carbohydrate and sugar claims on alcoholic beverages) Variation*.

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

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

3 Commencement

The variation commences on the date of gazettal.

Schedule

Standard 1.2.7—Nutrition, health and related claims

[1] Section 1.2.7—4

Repeal the section, substitute:

1.2.7—4 Restrictions on nutrition content claims and health claims about certain foods

- (1) A nutrition content claim or *health claim must not be made about:
 - (a) kava; or
 - (b) an infant formula product; or
 - (c) a food that contains more than 1.15% alcohol by volume, other than a nutrition content claim about any of the following:
 - (i) salt or sodium content of a food that is not a beverage;
 - (ii) carbohydrate content;
 - (iii) energy content;
 - (iv) gluten content;
 - (v) sugar or sugars content.
- (2) A nutrition content claim about a food that contains more than 1.15% alcohol by volume must not name or refer to:
 - (a) a component of carbohydrate other than sugar or sugars; or
 - (b) individually named sugars.

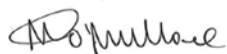
Note Section 1.4.4—7 proscribes health claims and nutrition content claims in relation to cannabidiol in hemp food products.

Example A nutrition content claim that refers to fructose is not permitted.

Food Standards (Proposal P1059 – Energy labelling on alcoholic beverages) Variation

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

Dated 30 July 2025



Matthew O'Mullane, General Manager, Food Safety
Delegate of the Board of Food Standards Australia New Zealand

Note:

This variation will be published in the Commonwealth of Australia Gazette No. FSC 181 on 13 August 2025. This means that this date is the gazettal date for the purposes of clause 3 of the variation.

1 Name

This instrument is the *Food Standards (Proposal P1059 – Energy labelling on alcoholic beverages) Variation*.

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

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

3 Commencement

The variation commences on the date of gazettal.

4 Effect of the variations made by this instrument

- (1) Section 1.1.1—9 of Standard 1.1.1 does not apply to the variations made by this instrument.
- (2) During the transition period, a food product may be sold if the product complies with one of the following:
 - (a) the Code as in force without the variations made by this instrument; or
 - (b) the Code as amended by the variations made by this instrument.
- (3) A food product that was packaged and labelled before the end of the transition period may be sold after the transition period if the product complies with one of the following:
 - (a) the Code as in force without the variations made by this instrument; or
 - (b) the Code as amended by the variations made by this instrument.
- (4) For the purposes of this clause, the **transition period** means the period commencing on the variation's date of commencement and ending 36 months after the date of commencement.

Schedule

Standard 1.1.2

[1] At the end of section 1.1.2—9

Insert:

Display of a required energy statement does not constitute a nutrition content claim

- (5) To avoid doubt, the display of an energy statement required by section 2.7.1—4A does not constitute a nutrition content claim.

Voluntary additional display of a required energy statement does not constitute a nutrition content claim

- (6) If this Code does not require a layer of packaging of a *prescribed beverage to display an energy statement referred to in section 2.7.1—4A, the display of that statement on that layer of packaging does not constitute a nutrition content claim.

Standard 1.2.1

[2] Paragraph 1.2.1—8(1)(z)

Repeal the paragraph, substitute:

- (z) the required information for reduced sodium salt mixtures and salt substitutes (see section 2.10.2—8);
- (za) for *prescribed beverages—an energy statement (see section 2.7.1—4A).

Standard 2.7.1

[3] Note to section 2.7.1—2

Insert each of the following in alphabetical order:

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

prescribed beverage means:

- (a) a *standardised alcoholic beverage; or
- (b) a beverage containing no less than 0.5% alcohol by volume.

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

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

[4] After subsection 2.7.1—4(1)

Insert:

(1A) The statement must not appear in:

- (a) an energy statement required by paragraph 1.2.1—8(1)(za); or
- (b) a nutrition information panel.

Note An energy statement required by paragraph 1.2.1—8(1)(za) must state the approximate number of standard drinks equivalent to one serving of the prescribed beverage. Section 2.7.1—4F requires a nutrition information panel for certain prescribed beverages to state the approximate number of standard drinks equivalent to one serving of the beverage concerned.

[5] After section 2.7.1—4

Insert:

2.7.1—4A Energy statement

(1) For the labelling provisions, an energy statement is required for a *prescribed beverage.

Note The labelling provisions are set out in Standard 1.2.1.

(2) An energy statement is not required for a *prescribed beverage that:

- (a) has a nutrition information panel required by Standard 1.2.8; or
- (b) has a voluntary nutrition information panel in accordance with section 2.7.1—4E; or
- (c) is a food for sale in a *small package.

(3) An energy statement required by subsection (1) must comply with sections 2.7.1—4B, 2.7.1—4C and 2.7.1—4D.

2.7.1—4B What must be in an energy statement

(1) The energy statement must contain the following information:

- (a) the number of servings in the package; and
- (b) the *average quantity of the beverage in a serving expressed in millilitres; and
- (c) the *average energy content expressed in kilojoules or both in kilojoules and in kilocalories per:
 - (i) serving of the beverage; and
 - (ii) 100 mL of the beverage; and
- (d) the approximate number of *standard drinks equivalent to one serving of the beverage.

(2) The number required by paragraph (1)(d) must be accurate to the first decimal place.

(3) The energy statement must be set out in the following format unless this Code provides otherwise:

ENERGY INFORMATION		
Servings per package: (insert number of servings)		
Serving size: mL ([insert number] standard drinks)		
	Quantity per serving	Quantity per 100 mL
Energy	kJ (Cal)	kJ (Cal)

2.7.1—4C How to express particular matters in an energy statement

- (1) The energy statement must clearly indicate that any average quantities set out in the statement are average quantities.
- (2) In an energy statement, 'package' may be replaced by 'can', 'bottle' or any other word or words that accurately describes the package containing the *prescribed beverage.
- (3) The *average energy content must be expressed in an energy statement to not more than 3 significant figures.
- (4) If the *average energy content per serving or 100 mL of the *prescribed beverage is less than 40 kJ, that average energy content may be expressed in the energy statement as 'LESS THAN 40 kJ'.

2.7.1—4D Percentage daily intake information

- (1) The energy statement may include information relating to the percentage daily intake of energy in the statement.
- (2) If information relating to percentage daily intake of energy is included, the energy statement must include:
 - (a) the percentage daily intake of energy per serving, calculated using 8700 kJ as the reference value; and
 - (b) either of the following statements:
 - (i) 'based on an average adult diet of 8700 kJ'; or
 - (ii) 'Percentage daily intakes are based on an average adult diet of 8700 kJ'.
- (3) For subsection (2), an example energy statement with percentage daily intake information is:

ENERGY INFORMATION			
Servings per package: (insert number of servings)			
Serving size: mL ([insert number] standard drinks)			
	Quantity per serving	% Daily intake* (per serving)	Quantity per 100 mL
Energy	kJ (Cal)	%	kJ (Cal)
*Percentage daily intakes are based on an average adult diet of 8700 kJ.			

2.7.1—4E Voluntary nutrition information panel for food containing alcohol

- (1) This section applies to a food that:
 - (a) contains more than 1.15% alcohol by volume; and
 - (b) is not required by Standard 1.2.8 to have a nutrition information panel.
- (2) The label on a package of the food may include a nutrition information panel that is not required by Standard 1.2.8 to be included on that label (**a voluntary nutrition information panel**).
- (3) The voluntary nutrition information panel referred to in subsection (2) must:

- (a) contain the information as required by each of the following provisions for a mandatory nutrition information panel:
 - (i) paragraphs 1.2.8—6(1)(a), (b) and (c);
 - (ii) subparagraphs 1.2.8—6(1)(d)(i), (ii) and (iii);
 - (iii) if a *prescribed beverage—section 2.7.1—4F; and
- (b) be set out in the format in section S12—2.

2.7.1—4F

Nutrition information panel for a prescribed beverage – number of standard drinks in a serving

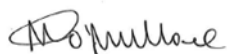
- (1) The nutrition information panel for a *prescribed beverage, other than a prescribed beverage to which subsection (3) applies, must state the approximate number of *standard drinks equivalent to one serving of that beverage.
- (2) The nutrition information panel for a *prescribed beverage to which subsection (3) applies may state the approximate number of *standard drinks equivalent to one serving of that beverage.
- (3) This subsection applies to a *prescribed beverage:
 - (a) that *bears a label with the statement required by section 2.7.1—4; and
 - (b) the number of *standard drinks declared in that statement is the same as the approximate number of standard drinks equivalent to one serving of that beverage.

Note Section 2.7.1—4 and the labelling provisions in Standard 1.2.1 require the labelling for a food for sale that is capable of being consumed as a beverage and contains more than 0.5% alcohol by volume, measured at 20°C, to state the approximate number of standard drinks in that food for sale.
- (4) The number stated in accordance with subsection (1) or (2) must be:
 - (a) accurate to the first decimal place; and
 - (b) stated in the nutrition information panel in brackets and immediately after the entry in the panel for the *average quantity of the food in a serving.

**Food Standards (Application A1314 – Permitting small dogs and cats in aircraft cabins)
Variation**

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

Dated 30 July 2025



Matthew O'Mullane, General Manager, Food Safety
Delegate of the Board of Food Standards Australia New Zealand

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1 Name

This instrument is the *Food Standards (Application A1314 – Permitting small dogs and cats in aircraft cabins) Variation*.

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

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

3 Commencement

The variation commences on the date of gazettal.

Schedule

Standard 3.2.2—Food safety practices and general requirements

[1] Subclause 24(3)

Repeal the subclause, substitute:

(3) A food business may permit any of the following:

- (a) a dog that is not an assistance animal to be present in an outdoor dining area;
- (b) a cat or dog that is not an assistance animal to be present on an aircraft in an area that is used for dining, drinking or both drinking and dining if the animal is in a container that:
 - (i) is leak proof; and
 - (ii) prevents physical contact between a food handler and the animal.