13 January 2026
375–26

Call for submissions – Application A1332

Cross-linked polyester resins as an adsorbent processing aid in wine

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Food Standards Australia New Zealand (FSANZ) has assessed an application made by amaea Limited to permit molecularly-imprinted adsorbent resins (molecularly-imprinted polymers or MIPs), which are a type of cross-linked polyester resin, as a processing aid in wine production in Australia.

On the basis of this assessment, FSANZ has prepared a draft food regulatory measure permitting the use of cross-linked polyester resins as an adsorbent agent in wine produced in Australia. Pursuant to section 31 of the *Food Standards Australia New Zealand Act 1991* (FSANZ Act), FSANZ now calls for submissions to assist consideration of the draft food regulatory measure.

Submissions on this application need to be made through the Consultation Hub (https://consultations.foodstandards.gov.au/). All submissions on this application will be published on the Consultation Hub. We will not publish material that we accept as confidential. In-confidence submissions may be subject to release under the provisions of the *Freedom of Information Act 1982*. Submissions will be published following consultation and before the next stage in the statutory assessment process.

Under section 114 of the FSANZ Act, some information provided to FSANZ cannot be disclosed. More information about the disclosure of confidential commercial information is available on the FSANZ website at Making a submission. For information on how FSANZ manages personal information when you make a submission, see FSANZ's Privacy Policy.

FSANZ also accepts submissions in hard copy to our Australia and/or New Zealand offices. There is no need to send an email or hard copy of your submission if you have submitted it through the FSANZ Consultation Hub.

DEADLINE FOR SUBMISSIONS: 11:59pm (Canberra time) 24 March 2026

Submissions received after this date will not be considered unless an extension had been given before the closing date. Extensions will only be granted due to extraordinary circumstances during the submission period. Any agreed extension will be notified on the FSANZ website and will apply to all submitters.

For information about making a submission, visit the FSANZ website at current calls for public comment and how to make a submission. Questions about making a submission or application and proposal processes can be sent to standards.management@foodstandards.gov.au.

Submissions in hard copy may be sent to the following addresses:

Food Standards Australia New Zealand
PO Box 5423
KINGSTON ACT 2604
AUSTRALIA
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PO Box 10559
WELLINGTON 6140
NEW ZEALAND
Tel +64 4 978 5630

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Supporting document

The following document which informed the assessment of this application is available on the A1332 page on the FSANZ website[1]:

SD1 Risk and technical assessment report

[1] https://www.foodstandards.gov.au/food-standards-code/applications/a1332-cross-linked-polyester-resins-adsorbent-processing-aid-wine

Executive summary

Food Standards Australia New Zealand (FSANZ) has assessed an application from amaea Ltd to amend the Australia New Zealand Food Standards Code (the Code) to permit the use of molecularly-imprinted adsorbent resins, which are a type of cross-linked polyester resin, as a processing aid in the production of wine in Australia.

The applicant produces a specific molecularly-imprinted adsorbent resin (commercially available as VPx) that helps remove smoke taint molecules from wine when grapes have been exposed to bushfire smoke.

Cross-linked polyester resins are already permitted as processing aids under Standard 1.3.3 and Schedule 18 of the Code. This includes their use in wine produced and sold in New Zealand, as well as wine imported into and sold in Australia (including from New Zealand). However, wine produced in Australia must comply with separate requirements in Standard 4.5.1 – Wine production requirements, which does not currently list cross-linked polyester resins or molecularly-imprinted adsorbent resins as permitted processing aids.

FSANZ's safety assessment concluded there are no safety concerns associated with the use of cross-linked polyester resins in wine production. FSANZ also found sufficient evidence to support their technological purpose as adsorbent agents, including for the removal of molecules associated with smoke taint. The applicant's resin is a cross-linked polyester resin that meets established identity and purity specifications in the Code.

The application sought permission for molecularly-imprinted adsorbent resins as a processing aid in wine production in Australia. To support their request, they provided data and information supporting the use of their specific resin. Whilst this application relates to a specific product, following assessment and, for the reasons set out in this report, FSANZ is proposing to permit the use of any cross-linked polyester resin as a processing aid in the production of wine, sparkling wine and fortified wine in Australia, provided it complies with the specifications listed in Schedule 3 of the Code.

FSANZ has prepared a draft variation that, if approved, would amend Standard 4.5.1 by:

- listing 'polyester resins, cross-linked' in the Table to clause 4 as a permitted processing aid
- specifying that 'polyester resins, cross-linked' may only be used in the production of wine, sparkling wine and fortified wine as an adsorbent agent. This is consistent with the applicant's request and the scope of FSANZ's assessment.

In accordance with Paragraph 1.1.1—15(1)(b) of the Code, any cross-linked polyester resin used for this purpose under Standard 4.5.1 will be required to meet established specifications listed in Schedule 3 of the Code.

If approved, the effect of the draft variation would be to allow cross-linked polyester resins, including molecularly-imprinted adsorbent resins, to be used as processing aids in wine produced in Australia, consistent with existing permissions for wine produced in New Zealand and wine imported into Australia. Their use must comply with Good Manufacturing Practice.

FSANZ now seeks submissions on the draft variation of the Code.

1 Introduction

1.1 The applicant

The applicant is amaea Limited, a New Zealand based company that specialises in molecular filtration technologies.

1.2 The application

The purpose of the application is to amend Standard 4.5.1 – Wine production requirements of the Australia New Zealand Food Standards Code (the Code) to permit molecularly-imprinted adsorbent resins (molecularly-imprinted polymers or MIPs), which are a type of cross-linked polyester resin, as a processing aid in wine. Standard 4.5.1 is an Australia-only standard.

The applicant's adsorbent resin (commercial name amaea VPx) has been molecularly imprinted to carry out precise and selective adsorption of undesirable molecules, including phenolic compounds, associated with smoke taint due to exposure of grapes to bushfires.

The applicant has confirmed that their resin would be used in accordance with Good Manufacturing Practice (GMP).[2]

1.3 The current standard

Australian and New Zealand food laws require food for sale to comply with relevant requirements in the Code. The requirements relevant to this application are summarised below.

1.3.1 Permitted use

Paragraph 1.1.1—10(6)(c) of the Code provides that food for sale (including wine) cannot contain, as an ingredient or component, a substance used as a processing aid unless the use of that substance as a processing aid is expressly permitted by the Code.

Section 1.1.2—13 provides that a substance 'used as a processing aid' in relation to a food is a substance used during the course of processing that meets all of the following conditions:

- it is used to perform a technological purpose during the course of processing
- it does not perform a technological purpose in the food for sale, and
- it is a substance listed in Schedule 18 or identified in section S16—2 as an additive permitted at GMP.

Two standards in the Code provide permissions for the use of processing aids in wine manufacture.

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[2] GMP is defined in section 1.1.2—2 of the Code as follows: ***GMP*** *or* ***Good Manufacturing Practice****, with respect to the addition of substances used as food additives and substances used as processing aids to food, means the practice of:*
(a) limiting the amount of substance that is added to food to the lowest possible level necessary to accomplish its desired effect; and
(b) to the extent reasonably possible, reducing the amount of the substance or its derivatives that:
*(i) remains as a *component of the food as a result of its use in the manufacture, processing or packaging; and*
(ii) is not intended to accomplish any physical or other technical effect in the food itself;
(c) preparing and handling the substance in the same way as a food ingredient.

Standard 1.3.3 and Schedule 18 list the substances permitted for use as processing aids in food (including wine) sold in Australia and New Zealand.

Sections 1.3.3—5 and S18—3 list substances permitted for use as a processing aid in any food. Section 1.3.3—5 sets two conditions for the use of these substances as processing aids. The first is a substance can only be used to perform the technological purpose listed for that substance in the table to section S18—3. The second is the substance's use must not result in the substance being present in the relevant food at a level greater than the maximum permitted level set in the table to section S18—3, limiting the amount of substance that is added to food to the lowest possible level necessary to accomplish its desired effect.

Sections 1.3.3—5 and S18—3 currently permit 'polyester resins, cross-linked' to be used as a processing aid in food for the following technological purposes: decolourants, clarifying, filtration and adsorbent agents. That use must not result in the relevant cross-linked polyester resins being present in the relevant food at a level greater than GMP.

The above, in effect, permits the use of cross-linked polyester resins as a processing aid for this technological purpose(s) in wine produced and sold in New Zealand and in wine imported into and sold in Australia (including from New Zealand).

The above does not apply to wine produced in Australia.

Wine produced in Australia must comply with the requirements of Standard 4.5.1 – Wine production requirements, which is an Australia-only standard. Clause 2 of Standard 4.5.1 provides that its provisions and the requirements they set apply notwithstanding any contrary provision in another standard of the Code (such as sections 1.3.3—5 and S18—3).

For Australian wine industry purposes, Standard 4.5.1 provides a definitive list of permitted processing aids and food additives for wine produced in Australia. The Standard underpins several international trade arrangements, including the EU Wine Agreement and the World Wine Trade Group Mutual Acceptance Agreement, which reference Standard 4.5.1 as the basis for what is permitted in Australian wine.

Clause 4 to Standard 4.5.1 lists the substances permitted for use as processing aids in the production of wine in Australia. Neither cross-linked polyester resins nor molecularly-imprinted adsorbent resins are listed as a permitted substance.

1.3.2 Identity and purity requirements

Paragraph 1.1.1—15(1)(b) of the Code requires substances used as processing aids in food to comply with any relevant identity and purity specifications listed in Schedule 3 of the Code when added to food in accordance with the Code or sold for use in food.

Paragraph S3—3(h) of the Code provides that, if section S3—2 does not set a specification for a substance, the relevant specification is a specification listed in the 2022 compilation of the United States Code of Federal Regulations. This compilation lists general specifications for 'polyester resins, cross-linked' at subsection 177.2420 of Title 21 of the Code of Federal Regulations (21 CFR §177.2420). Section S3—2 of the Code does not set a specification for the latter. As a result, the compilation's specifications for 'polyester resins, cross-linked' apply for the purposes of Code requirements relating to identity and purity.

1.3.3 Labelling requirements

Subsection 1.1.1—10(8) provides that food for sale must comply with all relevant labelling requirements in the Code.

Paragraphs 1.2.4—3(2)(d) and (e) exempt processing aids from the requirement to be declared in the statement of ingredients, unless other requirements apply.

1.4 International standards

1.4.1 International

In developing food regulatory measures, FSANZ must have regard to the promotion of consistency between domestic and international food standards. In terms of food safety, the relevant international standard setting body is the Codex Alimentarius Commission (Codex). There is no Codex 'general standard' for processing aids, nor is there a Codex standard for wine. However, there is a Codex guideline, *Guidelines on Substances used as Processing Aids* (CAC/GL 75-2010), which sets out general principles for the safe use of substances used as processing aids, including that substances used as processing aids shall be used under conditions of GMP.

The Organisation Internationale de la Vigne et du Vin or International Organisation of Vine and Wine (OIV) is an intergovernmental organisation that sets global standards and provides scientific and technical guidance on viticulture, winemaking, wine, wine-based beverages and other vine-based products. Its International Code of Oenological Practices[3] comprises approved oenological treatments and practices and guidelines for good practice to ensure safety and quality in wine production.

The application included evidence supporting the applicant's categorisation of its molecularly-imprinted adsorbent resin as a membrane technique per the OIV's Code[4]. The application of such membrane techniques for the extraction of target molecules is permitted by the OIV's Code as a physical process for the treatment of must (paragraph 2.0.1) and wine (paragraph 3.0.1) (Attachment J of the application).

1.4.2 Overseas regulations

In the USA, the use of 'polyester resins, cross-linked' is permitted under 21 CFR §177.2420 in accordance with certain conditions, as articles or components of articles intended for repeated use in contact with food. In addition:

- the US Food and Drug Administration's Center for Food Safety and Applied Nutrition has notified the applicant it has no objection to the use of the applicant's molecularly-imprinted adsorbent resins in the treatment of wine, based on compliance with 21 CFR §177.2420, including extractives limits.

- the Alcohol and Tobacco Tax and Trade Bureau (TTB) has approved the applicant's adsorbent resin as acceptable in good commercial practice under their authority in 27 CFR §24.250 (pending the outcome of subsequent rulemaking). Approval was granted for repeated use in the removal of target molecules such as off flavours or aromas, including but not limited to phenolic compounds associated with smoke taint/impact due to exposure from wildfire smoke.

In Canada, processing aids are not subject to mandatory pre-market approval. Rather, companies are responsible for ensuring their processing aid is safe and residual levels in the final food are negligible. The applicant has obtained independent advice that the proposed uses of its MIPs is in full compliance with the Canadian Food and Drugs Act and the Food and Drugs Regulations.

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[3] https://www.oiv.int/sites/default/files/publication/2025-04/CPO%202025%20EN.pdf.
[4] This information has been evaluated by FSANZ but, as it is deemed confidential in nature, cannot be disclosed in this report.

‘Cross-linking polyester’ is authorised for use in food production in Japan, provided it meets certain compositional requirements.

As noted in sections above, ‘polyester resins, cross-linked,’ as a broad category, are also currently permitted for use in wine production in New Zealand under section 1.3.3—5 and section S18—3 of the Code.

Further details on approvals by other regulatory agencies are provided in section 3.4 of Supporting Document 1 (SD1).

1.5 Reasons for accepting the application

The application was accepted for assessment because:

- it complied with the procedural requirements under subsection 22(2) of the *Food Standards Australia New Zealand Act 1991* (FSANZ Act), and
- it related to a matter that warranted the variation of a food regulatory measure.

1.6 Procedure for assessment

The application is being assessed under the General Procedure in accordance with the FSANZ Act.

2 Summary of the assessment

FSANZ has undertaken an assessment to determine whether the applicant’s molecularly-imprinted adsorbent resin achieves its technological purpose in the quantity and form proposed, and to evaluate public health and safety risks that may arise from the use of the applicant’s molecularly-imprinted adsorbent resin and cross-linked polyester resins more broadly (see SD1). Summaries of both assessments are provided below.

2.1 Food technology assessment

The proposed use of the applicant’s molecularly-imprinted adsorbent resin as an adsorbent agent in wine is consistent with its functions as a processing aid. The benefits of using the resin for this purpose includes achieving a high degree of accuracy and selectivity in the adsorption of target molecules, ability to process high volumes of wine and for repeat use, and minimal impact on the flavour/aroma profile of the treated wine. Such benefits are demonstrated by the literature and other technical and scientific information to which FSANZ had regard in its assessment. The scientific evidence confirms that the resin functions as a processing aid for the purposes of the Code, noting it does not perform a technological function in the food for sale.

FSANZ concluded the evidence provides adequate assurance that the use of this adsorbent resin, in the proposed quantity and form (which must be consistent with GMP), is technologically justified.

There are relevant identity and purity specifications in the Code with which all permitted cross-linked polyester resins must comply whenever added to food in accordance with the Code or sold for use in food. These specifications include compositional requirements and extractives limits. The applicant provided evidence that their molecularly-imprinted adsorbent resin meets these specifications.

2.2 Risk assessment

FSANZ did not identify any safety concerns associated with the use of the applicant's molecularly-imprinted adsorbent resin, under the proposed use conditions.

The applicant's adsorbent resin is approved for use in wine production in New Zealand, Canada, Japan and the USA. Cross-linked polyester resins meeting the same specifications are also already approved for use in food in Australia and New Zealand, as well as overseas. Taken together, this provides a history of safe use of cross-linked polyester resins, including the applicant's resin.

Likelihood of exposure of consumers to cross-linked polyester resins, including the applicant's, from use in wine production is considered to be negligible and, on this basis, a dietary exposure assessment was not conducted. No reports of adverse effects of oral exposure to cross-linked polyester resins were located by a literature search and no case reports of allergic reactions due to oral exposure to wines or other food made with the use of cross-linked polyester resins were found.

2.3 Risk management

The risk management options available to FSANZ after assessment were to either:

- reject the application, or
- prepare a draft variation of the Code.

For the reasons listed in this report, FSANZ decided to prepare a draft variation to the Code to permit the use of cross-linked polyester resins as a processing aid in the production of wine in Australia, for the technological purpose of an adsorbent agent.

The application sought permission for molecularly-imprinted adsorbent resins (molecularly-imprinted polymers or MIPs), which are a type of cross-linked polyester resin, as a processing aid in wine production in Australia. To support this request, the applicant provided information on a specific molecularly-imprinted adsorbent resin (commercially available as VPx). FSANZ considered whether permission for the substance should be limited to the applicant's resin, molecularly-imprinted adsorbent resins only, or the broader category of cross-linked polyester resins more generally.

Following assessment, FSANZ determined the proposed permission will extend to any cross-linked polyester resin generally, provided it complies with the specifications set by paragraph S3—3(h) of the Code (see section 1.3.2 above). Reasons are as follows:

- An assessment of the best available evidence shows that the applicant's molecularly-imprinted adsorbent resin is safe and technologically justified for its proposed use as an adsorbent agent.

- There are no novel characteristics or features of the applicant's resin that would warrant a specific permission for 'molecularly-imprinted adsorbent resins'.

- The available evidence provides adequate assurance that cross-linked polyester resins are safe for use as adsorbent agents, provided they comply with the established specifications. This is on the basis that cross-linked polyester resins are already permitted for use in any foods (other than in Australian-produced wine) as decolourants, and clarifying, filtration and adsorbent agents. However, the proposed amendment will restrict the use of cross-linked polyester resins in Australian-produced wine to that of an adsorbent agent, reflecting the applicant's request and the scope of FSANZ's

assessment.

- A permission for the broader category of substances ‘polyester resins, cross-linked’ will ensure consistency with existing permissions for this processing aid in Schedule 18 of the Code, which is for all foods.

- The proposed amendment would provide regulatory certainty for the industry that cross-linked polyester resins, including molecularly-imprinted adsorbent resins, may be used for the same technological purpose in Australian wine, for which they are currently permitted in wine produced and sold in New Zealand and in wine imported into and sold in Australia (including from New Zealand).

The proposed variation to Standard 4.5.1 will insert ‘polyester resins, cross-linked’ into the Table to clause 4. This represents the broader category of substances that includes molecularly-imprinted adsorbent resins. The use of cross-linked polyester resins would be restricted to that of an adsorbent agent. If approved, this permission would be subject to the condition that the maximum permitted level or amount of processing aid present in the food must be consistent with GMP.

Other risk management considerations for this application are related to specifications and labelling. These are discussed below.

2.3.1 Regulatory approval

As stated above, FSANZ has prepared a draft variation to permit the use of cross-linked polyester resins as a processing aid in the production of wine in Australia for the technological purpose of an adsorbent agent, provided they comply with the established specifications.

2.3.2 Specifications

As mentioned in the section above, there are relevant identity and purity specifications for cross-linked polyester resins in the US Code of Federal Regulations, which is a secondary reference listed at section S3—3(h) of Schedule 3 of the Code (refer to section 1.3.2 of this report). Therefore, no new specifications are required.

Specifically, subsection 177.2420 of Title 21 of the US Code of Federal Regulations requires cross-linked polyester resins to comply with certain compositional requirements and extractives limits. In addition, paragraph §177.2420(d) of Title 21 of that Code requires that, in accordance with GMP, finished articles containing the cross-linked polyester resins shall be thoroughly cleansed prior to their first use in contact with food.

2.3.3 Labelling

The labelling provisions in the Code would apply to foods for sale that are manufactured using this processing aid. See section 1.3.3 of this report (above).

2.3.4 Risk management conclusion

The risk management conclusion is to permit cross-linked polyester resins as a processing aid in the production of wine made in Australia. If approved, the processing aid would be listed in the Table to clause 4 of Standard 4.5.1, which includes permitted processing aids that may be used in the production of wine, sparkling wine or fortified wine. Its use would be restricted to that of an adsorbent agent. The maximum permitted level of cross-linked polyester resin that may be present in the food following that use would have to be an amount consistent with GMP.

2.4 Risk communication

2.4.1 Consultation

Consultation is a key part of FSANZ's standards development process. FSANZ developed and applied a standard communication strategy to this application. All calls for submissions are notified via the FSANZ Notification Circular, media release and Food Standards News.

The process by which FSANZ approaches standards development matters is open, accountable, consultative and transparent. Public submissions are called to obtain the views of interested parties on the draft variation.

The draft variation will be considered for approval by the FSANZ Board taking into account all public comments received from this call for submissions.

2.4.2 World Trade Organization (WTO)

As a member of the World Trade Organization (WTO), Australia is obliged to notify WTO members where proposed mandatory regulatory measures are not substantially the same as existing international standards and the proposed measure may have a significant effect on trade.

As stated in section 1.4.1 of this report, there are no relevant international standards (i.e. Codex) for processing aids or wine. Amending Standard 4.5.1 of the Code to permit cross-linked polyester resins as a processing aid is unlikely to have a significant effect on international trade as permissions already exist for wine produced in New Zealand (under section 1.3.3—5 and section S18—3 of the Code) and other countries where it is imported and sold in Australia.

Therefore, a notification to the WTO under Australia's obligations under the WTO Technical Barriers to Trade or Application of Sanitary and Phytosanitary Measures Agreement was not considered necessary.

2.5 FSANZ Act assessment requirements

When assessing this application and the subsequent development of a food regulatory measure, FSANZ has had regard to the following matters in section 29 of the FSANZ Act:

2.5.1 Section 29

2.5.1.1 Consideration of costs and benefits

There is a general exemption from a Regulation Impact Statement (RIS), as previously agreed by the Office of Impact Analysis, for processing aids. That is because applications relating to permitting processing aids that have been determined to be safe are considered minor and deregulatory in nature, as their use will be voluntary if the proposed measure is approved.

FSANZ has considered the costs and benefits that may arise from the proposed measure for the purposes of meeting FSANZ Act considerations. The FSANZ Act requires FSANZ to have regard to whether costs that would arise from the proposed measure outweigh the direct and indirect benefits to the community, government or industry that would arise from the proposed measure (paragraph 29(2)(a)).

The purpose of this consideration is to determine if the community, government and industry as a whole is likely to benefit, on balance, from a move from the status quo (where the status

quo is rejecting the application). This analysis considers the costs and benefits of amending Standard 4.5.1 to permit cross-linked polyester resins as a processing aid for wine produced in Australia (the proposed measure).

The consideration of the costs and benefits in this subsection is not intended to be an exhaustive, quantitative economic analysis of the proposed measure. In fact, most of the effects that were considered cannot easily be assigned a dollar value. Rather, the assessment seeks to highlight the potential positives and negatives of moving away from the status quo from the proposed measure.

FSANZ's conclusions regarding the costs and benefits of the proposed measure are set out below. However, information received from the call for submissions may result in FSANZ arriving at a different outcome.

2.5.1.2. Costs and benefits of the proposed measure

Industry may benefit from several improvements and efficiencies from the use of cross-linked polyester resins. Due to the voluntary nature of the permission, industry will only use the resins as proposed where they believe a net benefit exists either in terms of increasing the quality of their product or reducing production costs.

Given cross-linked polyester resins are already permitted in New Zealand for use in wine and for Australian wine imports, any benefits would accrue to Australian wine producers.

If some Australian wine producers were to experience cost savings because of using cross-linked polyester resins, they may pass on some of the cost savings to consumers. Likewise, possible improvements in product quality (increasing its value) may be shared with consumers.

Any costs to government from the proposed measure are likely to be small or inconsequential, given this processing aid is already monitored for compliance for non-Australian produced wines sold in Australia and New Zealand.

2.5.1.3. Conclusions of costs and benefits

FSANZ's assessment is that the direct and indirect benefits that would arise from the proposed measure are likely to outweigh the associated costs.

2.5.1.2 Other measures

There are no other measures (whether available to FSANZ or not) that would be more cost-effective than a food regulatory measure developed or varied as a result of the application.

2.5.1.3 Any relevant New Zealand standards

The proposed amendment is to Standard 4.5.1, which is an Australia-only standard. The processing aid is already permitted for use in the production of wine in New Zealand under sections 1.3.3—5 and S18—3 of the Code.

2.5.1.4 Any other relevant matters

Other relevant matters are considered below.

2.5.2 Subsection 18(1)

FSANZ has also considered the three objectives in subsection 18(1) of the FSANZ Act during the assessment.

2.5.2.1 Protection of public health and safety

FSANZ undertook a risk and technical assessment and concluded there were no public health and safety concerns associated with the proposed use of cross-linked polyester resins that comply with the established specifications (see section 2.2 of this report and SD1). This is on the basis that cross-linked polyester resins are already permitted for use in any foods (other than in Australian-produced wine) as decolourants, and clarifying, filtration and adsorbent agents.

2.5.2.2 The provision of adequate information relating to food to enable consumers to make informed choices

The labelling requirements for this processing aid are discussed in section 2.3.3 of this report.

2.5.2.3 The prevention of misleading or deceptive conduct

There were no issues identified with this application relevant to this objective.

2.5.3 Subsection 18(2) considerations

FSANZ has also had regard to:

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

FSANZ used the best available scientific evidence to conduct the risk analysis on the applicant's molecularly-imprinted adsorbent resin. The applicant submitted a dossier of information and scientific literature as part of their application. This dossier, together with other technical and scientific information, was considered by FSANZ in assessing the application. The risk assessment is provided in SD1.

- **the promotion of consistency between domestic and international food standards**

In terms of food safety, the relevant international standard setting body is Codex. There is no Codex 'general standard' for processing aids, nor is there a Codex standard for wine. However, there is a Codex guideline, Guidelines on Substances used as Processing Aids (CAC/GL 75-2010), which sets out general principles for the safe use of substances used as processing aids, including that substances used as processing aids shall be used under conditions of GMP (see section 1.4.1 of this report).

As stated elsewhere in this report, all cross-linked polyester resins that comply with the specifications set by Schedule 3 of the Code are already permitted for use as a processing aid for wine produced in New Zealand and in other countries where it is imported and sold in Australia. This includes the applicant's adsorbent resin. The proposed amendment to Standard 4.5.1 would provide regulatory certainty for the industry that cross-linked polyester resins, including molecularly-imprinted adsorbent resins, may be used for the same technological purposes in Australian wine.

- **the desirability of an efficient and internationally competitive food industry**

The proposed amendment will better align Australian wine production standards with New Zealand and overseas regulations, giving Australian wine producers regulatory certainty of the use of cross-linked polyester resins as an adsorbent agent for reducing smoke taint in wine due to exposure of grapes to bushfires, with potential for improved wine quality. This

will help foster continued innovation and improvements in food manufacturing techniques and processes.

Ultimately, individual wine makers will make their own commercial decisions on whether the use of this processing aid is of benefit to their particular business.

- **the promotion of fair trading in food**

No issues were identified for this application relevant to this objective.

- **any written policy guidelines formulated by the Food Ministers Meeting**

The Ministerial Policy Guideline *Addition to Food of Substances other than Vitamins and Minerals*[5] includes specific order policy principles for substances added to achieve a solely technological function, such as processing aids. These specific order policy principles state that permission should be granted where:

- the purpose for adding the substance can be articulated clearly by the manufacturer as achieving a solely technological function (i.e. the 'stated purpose')
- the addition of the substance to food is safe for human consumption
- the amounts added are consistent with achieving the technological function
- the substance is added in a quantity and a form which is consistent with delivering the stated purpose
- no nutrition, health or related claims are to be made in regard to the substance.

FSANZ determined the use of cross-linked polyester resins as a processing aid during wine production is consistent with these specific order policy principles for 'technological function'. All other relevant requirements of the policy guideline would be similarly met.

3 Draft variation

The draft variation to the Code is at Attachment A and is intended to take effect on gazettal.

A draft explanatory statement is at Attachment B. An explanatory statement is required to accompany an instrument if it is lodged on the Federal Register of Legislation.

Attachments

A. Draft variation to the Australia New Zealand Food Standards Code
B. Draft Explanatory Statement

[5] https://www.foodregulation.gov.au/resources/publications/policy-guideline-addition-substances-other-vitamins-and-minerals

Attachment A – Draft variation to the Australia New Zealand Food Standards Code

Food Standards (Application A1332 – Cross-linked polyester resins as an adsorbent processing aid in wine) Variation

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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 [To be completed by Standards Management Officer]

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

Note:

This variation will be published in the Commonwealth of Australia Gazette No. FSC XX on XX Month 20XX. This means that this date is the gazettal date for the purposes of clause 3 of the variation.

1 Name

This instrument is the *Food Standards (Application A1332 – Cross-linked polyester resins as an adsorbent processing aid in wine) 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 4.5.1 – Wine production requirements

[1] After subclause 4(3)

Insert:

(4) Polyester resins, cross-linked may only be used in the production of wine, sparkling wine and fortified wine as an adsorbent agent.

[2] Clause 4 (table)

Insert:

Polyester resins, cross-linked

Attachment B – Draft Explanatory Statement

DRAFT EXPLANATORY STATEMENT

Food Standards Australia New Zealand Act 1991

Food Standards (Application A1332 – Cross-linked polyester resins as an adsorbent processing aid in wine) Variation

1. Authority

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

Division 1 of Part 3 of the FSANZ Act specifies that the Authority may accept applications for the development or variation of food regulatory measures, including standards. This Division also stipulates the procedure for considering an application for the development or variation of food regulatory measures.

The Authority accepted Application A1332 which seeks to permit molecularly-imprinted adsorbent resins (molecularly-imprinted polymers or MIPs), which are a type of cross-linked polyester resin, as a processing aid in Australian wine production. The Authority considered the application in accordance with Division 1 of Part 3 and has prepared a draft variation – the *Food Standards (Application A1332 – Cross-linked polyester resins as an adsorbent processing aid in wine) Variation* (the draft variation).

2. Variation will be a legislative instrument

If approved, the draft variation would be a legislative instrument for the purposes of the *Legislation Act 2003* (see section 94 of the FSANZ Act) and be publicly available on the Federal Register of Legislation (www.legislation.gov.au).

If approved, this instrument would not be subject to the disallowance or sunsetting provisions of the *Legislation Act 2003.* Subsections 44(1) and 54(1) of that Act provide that a legislative instrument is not disallowable or subject to sunsetting if the enabling legislation for the instrument (in this case, the FSANZ Act): (a) facilitates the establishment or operation of an intergovernmental scheme involving the Commonwealth and one or more States; and (b) authorises the instrument to be made for the purposes of the scheme.

The FSANZ Act gives effect to an intergovernmental agreement (the Food Regulation Agreement) and facilitates the establishment or operation of an intergovernmental scheme (national uniform food regulation). For these purposes, the Act establishes the Authority to develop food standards for consideration and endorsement by the Food Ministers Meeting (FMM). The FMM is established under the Food Regulation Agreement and the international agreement between Australia and New Zealand, and consists of New Zealand, Commonwealth and State/Territory members. If endorsed by the FMM, the food standards on gazettal and registration are incorporated into and become part of Commonwealth, State and Territory and New Zealand food laws. These standards or instruments are then administered, applied and enforced by these jurisdictions' regulators as part of those food laws.

3. Purpose

The Authority has prepared a draft variation to amend Standard 4.5.1 (an Australia only

standard) to permit the use of cross-linked polyester resins as a processing aid in the production of wine in Australia as an adsorbent agent.

If approved, this permission would be subject to the condition that the maximum permitted level or amount of the processing aid that may be present in the food must be consistent with good manufacturing practice (GMP).

4. Documents incorporated by reference

The draft variation does not incorporate any documents by reference.

However, existing provisions of the Code incorporate documents by reference that would prescribe identity and purity specifications for the processing aid to be permitted by the draft variation. Section 1.1.1—15 of the Code requires substances used as processing aids to comply with any relevant identity and purity specifications listed in Schedule 3 of the Code when added to food in accordance with the Code or sold for use in food. Section S3—3 of Schedule 3 incorporates by reference the specifications listed in the 2022 compilation of the United States Code of Federal Regulations. These include general specifications for the identity and purity parameters of cross-linked polyester resins.

5. Consultation

In accordance with the procedure in Division 1 of Part 3 of the FSANZ Act, the Authority's consideration of Application A1332 will include one round of public consultation following an assessment and the preparation of a draft variation and associated assessment summary. A call for submissions (including the draft variation) will be open for a 6-week consultation period.

The Office of Impact Analysis (OIA)[6] has delegated to relevant decision-makers, in this case FSANZ, the assessment of whether an application requires a regulation impact statement. FSANZ's assessment is that a regulation impact statement is not required for this application. FSANZ's decision not to develop a regulation impact statement for this application is consistent with the OIA's prior advice about applications relating to permitting the use of processing aids that have been determined to be safe and if their use will be voluntary if the draft variation concerned is approved.

6. Statement of compatibility with human rights

If approved, this instrument would be exempt from the requirements for a statement of compatibility with human rights as it is a non-disallowable instrument under section 44 of the Legislation Act 2003.

7. Variation

References to 'variation' in this section are references to the draft variation.

Clause 1 of the variation provides that the name of the variation is the *Food Standards (Application A1332 – Cross-linked polyester resins as an adsorbent processing aid in wine) Variation.*

Clause 2 of the variation provides that the Code is amended by the Schedule to the variation.

Clause 3 of the variation provides that the variation will commence on the date of gazettal of

[6] Regulatory Impact Analysis Guide for Ministers' Meetings and National Standard Setting Bodies | The Office of Impact Analysis (pmc.gov.au).

the instrument.

Schedule to the variation

Item [1] of the Schedule to the variation would amend Standard 4.5.1 by inserting new subsection (4) into clause 4.

The new subsection will provide that polyester resins, cross-linked may only be used in the production of wine, sparkling wine and fortified wine as an adsorbent agent.

Item [2] of the Schedule to the variation would insert a new entry, in alphabetical order, into the Table to clause 4 of Standard 4.5.1.

The new entry would list the following substance in column 1 of the table: ‘Polyester resins, cross-linked’.

Subclause 5(8) of Standard 4.5.1 will require that the use of this processing aid must be consistent with conditions of Good Manufacturing Practice (as defined by section 1.1.2—2 of the Code).

If approved, the effect of the proposed amendment would be to permit the use in accordance with the Code of polyester resins, cross-linked as a processing aid in wine production in Australia.