

11 May 2026
394-26

Approval report – Application A1332

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

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

On 13 January 2026 FSANZ sought submissions on a draft variation and published an associated report. FSANZ received one submission.

FSANZ approved the draft variation 29 April 2026. The Food Ministers' Meeting¹ was notified of FSANZ's decision on 11 May 2026.

This Report is provided pursuant to paragraph 33(1)(b) of the *Food Standards Australia New Zealand Act 1991*.

¹ Formerly referred to as the Australia and New Zealand Ministerial Forum on Food Regulation

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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 website²:

SD1 Risk and technical assessment report (unchanged at approval)

The published submission from the call for submissions can be found on the [Application A1332](#) Consultation Hub page.

² <https://www.foodstandards.gov.au/food-standards-code/applications/a1332-cross-linked-polyester-resins-adsorbent-processing-aid-wine>

Executive summary

Amaea Ltd applied to Food Standards Australia New Zealand (FSANZ) to amend the Australia New Zealand Food Standards Code (the Code) to permit the use of molecularly-imprinted adsorbent resins, a type of cross-linked polyester resin, as a processing aid in the production of wine in Australia. The application stated that the resin (commercially available as amaea VPx) helps remove smoke taint molecules from wine when grapes have been exposed to bushfire smoke.

Wine, sparkling wine and fortified wine produced in Australia must comply with the requirements of Standard 4.5.1 – Wine production requirements, which is an Australia-only standard. Standard 4.5.1 provides a definitive list of permitted processing aids and food additives for wine, sparkling wine and fortified 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.

The evidence presented in the application provided adequate assurance that use of molecularly-imprinted adsorbent resin, in the proposed quantity and form is technologically justified. The resin functions as a processing aid for the purposes of the Code, and it does not perform a technological function in the food for sale. 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.

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

Following assessment, FSANZ called for submissions on a draft variation to the Code on 2 September 2025, with a 6-week consultation period. One submission was received from Australian Grape and Wine Incorporated which was supportive.

After considering the submission and for the reasons summarised in this report, FSANZ approved the draft variation proposed at the call for submissions. The approved draft variation will amend clause 4 of Standard 4.5.1 to permit the use of 'Polyester resins, cross-linked' as a processing aid in the production of wine, sparkling wine and fortified wine in Australia; and to limit that use to use as an adsorbent agent. This use will 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.

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.

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 was 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 (also known as molecularly-imprinted polymers, or MIPs), 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 adsorb 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).³

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.
- 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

³ 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.

manufacture.

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 conditions for the use of these substances as processing aids:

- the substance can only be used to perform the technological purpose listed for that substance in the table to section S18—3.
- the substance not be present in the relevant food at a level greater than the corresponding maximum permitted level set in the table to section S18—3.

Those conditions have the effect of limiting the amount of the substance in the food to the lowest possible level necessary and consistent with achieving the substance's technological purpose.

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 (including sparkling wine and fortified wine) produced and sold in New Zealand and that which is imported into and sold in Australia (including from New Zealand).

The above does not apply to wine, sparkling wine and fortified wine produced in Australia.

Wine, sparkling wine and fortified 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, sparkling wine and fortified 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, sparkling wine and fortified 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 Practices⁴ 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 Code⁵. 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

⁴ <https://www.oiv.int/sites/default/files/publication/2025-04/CPO%202025%20EN.pdf>.

⁵ This information has been evaluated by FSANZ but, as it is deemed confidential in nature, cannot be disclosed in this report.

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.

'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 (including sparkling wine and fortified 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 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 was assessed under the General Procedure in accordance with the FSANZ Act.

1.7 Decision

Following assessment, FSANZ prepared a draft variation amending the Code to permit the use of cross-linked polyester resins (which include molecularly-imprinted adsorbent resins), as processing aids in wine, sparkling wine and fortified wine produced in Australia.

For the reasons outlined in this report and after consideration of the submission received during the consultation period, FSANZ approved the draft variation without change. The approved draft variation takes effect on gazettal and is at Attachment A.

The related 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.

2 Summary of the findings

2.1 Summary of issues raised in submissions

FSANZ called for submissions on a draft variation to the Code from 13 January to

24 February 2026.

One submission was received from Australian Grape and Wine Incorporated, which supported FSANZ's assessment for Application 1332 and the draft regulatory measure (see Table 1 below).

The submission is publicly available on the FSANZ website [Application A1332](#) Consultation Hub page.

Table 1: Summary of issues

Issue	Raised by	FSANZ response
<p>The submission supported FSANZ's assessment for Application 1332 and the draft regulatory measure. The Wine Industry Technical Advisory Committee (WITAC), which supports Australian Grape and Wine further noted:</p> <ol style="list-style-type: none">1. It did not have information available to consider health and safety aspects – acknowledging the safety evaluation is FSANZ's role, as part of its assessment.2. The applicant should consider the full lifecycle of the product materials and other possible routes into the environment and food chain for supporting industry consideration of the product's future application.3. It is important that broader acceptance into international markets be sought for the product to ensure it is of greatest value to the sector and does not impede trade should other markets have concern for its use.4. It is the individual producer's responsibility to evaluate risks or benefits of use.	<p>Australian Grape and Wine Incorporated</p>	<ol style="list-style-type: none">1. Noted. Exposure to the resin from use in wine production will be negligible. No safety concerns were identified (refer to section 2.2.2 of this report).2-3. These recommendations are directed at the applicant and/or wine producers.4. In line with the FSANZ Act, when assessing an application FSANZ is also required to evaluate the risks and benefits of use of the substance (refer to sections 2.2.2 and 2.5 of this report).

2.2 Risk and technical assessment

2.2.1 Food technology assessment

FSANZ undertook a food technology assessment to determine whether the processing aid achieves its technological purpose as described in the application (see SD1).

FSANZ concluded:

- 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 resin functions as a processing aid for the purposes of the Code, and it does not perform a technological function in the food for sale.
- The evidence presented to support its proposed use 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.

2.2.2 Risk assessment

FSANZ assessed the public health and safety risks associated with the processing aid (see SD1). A summary of this risk assessment is provided below.

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

Likelihood of exposure of consumers to the resin from use in wine production is considered negligible. In the absence of exposure there are no safety concerns.

A literature search did not identify any case reports of allergic reactions due to oral exposure to wines or other food made with the use of cross-linked polyester resins.

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.

2.3 Risk management

Following assessment, FSANZ prepared a draft variation and called for submissions on that draft variation for a period of 6 weeks.

The risk management options available to FSANZ following the call for submissions were to:

- approve the draft variation proposed following assessment
- approve that draft variation subject to such amendments as FSANZ considered necessary
- reject that draft variation.

The conclusions from the risk and technical assessment were that the applicant's molecularly-imprinted adsorbent resin is technologically justified and safe for its proposed use as an adsorbent agent.

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.

The proposed draft variation would provide regulatory certainty for the industry that cross-linked polyester resins, including molecularly-imprinted adsorbent resins, may be used for the technological purpose of an adsorbent resin in Australian wine, sparkling wine and fortified wine.

Having regard to the submissions received and for the reasons set out in this report, FSANZ considers it appropriate to approve the draft variation proposed following assessment (Attachment A).

Other risk management considerations for this application relating to the regulatory approval, specifications and labelling are discussed below.

2.3.1 Regulatory approval for processing aids

As stated above, FSANZ has approved a draft variation to permit cross-linked polyester resins as a processing aid in the production of wine, sparkling wine and fortified wine in Australia, for the technological purpose of an adsorbent agent. The express permission also provides the permission for the processing aid's potential presence in the food for sale (Attachment A).

2.3.2 Specifications

As described in section 1.3.2 of this report, 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 paragraph S3—3(h) of Schedule 3 of the Code. 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 will apply to foods for sale that are manufactured using this processing aid (see section 1.3.3 of this report).

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, sparkling wine and fortified wine made in Australia.

The processing aid 'Polyester resins, cross-linked' will be listed in the table to clause 4 of Standard 4.5.1 of the Code. This represents the broader category of substances that includes molecularly-imprinted adsorbent resins. The use of cross-linked polyester resins will be that of an adsorbent agent. The permission for this processing aid will be subject to the condition that the maximum permitted level or amount of processing aid present in the food must be consistent with GMP.

2.4 Risk communication

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 considers standards development matters is open, accountable, consultative and transparent. Public submissions were called to assist consideration of the draft variation to the Code. FSANZ acknowledges the time taken by individuals and organisations who made submissions on this application.

The draft variation was considered for approval by the FSANZ Board having regard to all submissions made during the call for submissions period.

2.5 FSANZ Act assessment requirements

When assessing this application and the subsequent development of a food regulatory

measure, FSANZ 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

Section 29 of the FSANZ Act requires FSANZ to have regard to whether costs that would arise from a 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)).

FSANZ assessed the costs and benefits of the proposed amendments to Standard 4.5.1 of the Code to permit the use of cross-linked polyester resins as a processing aid for wine, sparkling wine and fortified wine produced in Australia (the proposed measure).

The purpose of this consideration was 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).

The consideration of the costs and benefits in this section was not intended to be an exhaustive, quantitative economic analysis of the proposed measures. In fact, most of the effects considered could not easily be assigned a dollar value. Rather, the assessment sought to highlight the likely positives and negatives of moving away from the status quo by permitting the proposed use of cross-linked polyester resins as a processing aid.

FSANZ has assessed that a Regulation Impact Statement is not required for this application. This is because applications relating to permitting the use of processing aids are determined to be safe and considered to be minor in impact or deregulatory in nature, as their use will be voluntary if the draft variation concerned is approved. This position is consistent with earlier advice from the Office of Impact Analysis (OIA23-06225).

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 (including sparkling wine and fortified wine), and for Australian 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 the use of cross-linked polyester resins as a processing aid is already monitored for compliance for non-Australian produced wines sold in Australia and New Zealand.

Conclusions from costs and benefits assessment

FSANZ's assessment at the call for submissions was that the direct and indirect benefits that would arise from the proposed measure would likely outweigh the associated costs. No

further information was received during the consultation process that changed that assessment.

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 amendments are to Standard 4.5.1, which is an Australia-only standard. The processing aid is already permitted for use in the production of wine (including sparkling wine and fortified 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 3 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 2.3.2 of this report and SD1).

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 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 (including sparkling wine and fortified wine) produced in New Zealand and in other countries where these are imported and sold in Australia. This includes the applicant's adsorbent resin. The amendments to Standard 4.5.1 in the approved draft variation would provide regulatory certainty for the industry that cross-linked polyester resins, including molecularly-imprinted adsorbent resins, may be used for the technological purpose of an adsorbent resin in Australian wine, sparkling wine and fortified wine.

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

The approved draft variation will provide Australian producers of wine, sparkling wine and fortified wine regulatory certainty regarding 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 will be of benefit to their particular business.

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

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

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

The Ministerial Policy Guideline *Addition to Food of Substances other than Vitamins and Minerals*⁶ 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.

⁶ <https://www.foodregulation.gov.au/resources/publications/policy-guideline-addition-substances-other-vitamins-and-minerals>

Attachments

- A. Approved draft variation to the Australia New Zealand Food Standards Code
- B. Explanatory Statement

Attachment A – Approved 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

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 the Delegate]

[To be signed by the Delegate]

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 – Explanatory Statement

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 sought 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, specifically as an adsorbent agent. The Authority considered the application in accordance with Division 1 of Part 3 and has approved a draft variation – the *Food Standards (Application A1332 – Cross-linked polyester resins as an adsorbent processing aid in wine) Variation* (the approved draft variation).

Following consideration by the Food Ministers' Meeting (FMM), section 92 of the FSANZ Act stipulates that the Authority must publish a notice about the draft variation.

2. Variation will be a legislative instrument

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

This instrument is not subject to the disallowance or sunset 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 sunset 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 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 food laws, where applicable. 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 approved 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 - an adsorbent agent - in the production of wine, sparkling wine and fortified wine in Australia.

This permission is 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 approved 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 approved 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 included one round of public consultation following an assessment and the preparation of a draft variation and associated assessment summary. FSANZ called for submissions on the draft variation from 13 January – 24 February 2026. Further details of the consultation process, the issues raised during consultation and by whom, and the Authority's response to these issues are available in an approval report published on the Authority's website at www.foodstandards.gov.au.

The Office of Impact Analysis (OIA)⁷ has delegated to relevant decision-makers, in this case FSANZ, the assessment of whether an application requires a regulation impact statement. FSANZ's assessment was that a regulation impact statement was not required for this application. FSANZ's decision not to develop a regulation impact statement for this application was 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.

6. Statement of compatibility with human rights

This instrument is exempt from the requirements for a statement of compatibility with human rights as it is a non-disallowable instrument under section 44 of the *Legislation Act 2003*.

7. Variation

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

Clause 1 of the variation provides that the name of the variation is the *Food Standards*

⁷ Regulatory Impact Analysis Guide for Ministers' Meetings and National Standard Setting Bodies | The Office of Impact Analysis (pmc.gov.au).

(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 the instrument.

Schedule to the variation

Item [1] of the Schedule to the variation amends Standard 4.5.1 by inserting, in numerical order, a new subsection (4) into clause 4.

The new subsection provides 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 inserts a new entry, in alphabetical order, into the table to clause 4 of Standard 4.5.1.

The table to clause 4 lists substances permitted to be used as processing aids in the production of wine, sparkling wine and fortified wine in Australia.

The new entry lists the following substance in column 1 of the table: 'Polyester resins, cross-linked'.

'Polyester resins, cross-linked' includes molecularly-imprinted adsorbent resins.

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

The effect of **items [1]** and **[2]** of the variation is to permit the use of polyester resins, cross-linked as a processing aid (only as an adsorbent agent) in the production of wine, sparkling wine and fortified wine in Australia in accordance with the Code.