

**Food Standards (Proposal P1025 – Code Revision) Variation**

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*. The Standard commences on 1 March 2016.

Dated 25 March 2015



Standards Management Officer

Delegate of the Board of Food Standards Australia New Zealand

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Standard 1.5.1 Novel foods

***Note 1*** This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code.* See also section 1.1.1—3.

***Note 2*** The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

***Note 3*** Paragraphs 1.1.1—10(3)(b) and (4)(f) provide that a food for sale must not consist of, or have as an ingredient or a component, a novel food, if the food is offered for retail sale, unless expressly permitted by this Code. This Standard contains the relevant permissions.

1.5.1—1 Name

This Standard is *Australia New Zealand Food Standards Code* – Standard 1.5.1 – Novel foods.

***Note*** Commencement:This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the New Zealand Gazette under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

1.5.1—2 Definitions

***Note*** Section 1.1.2—8 (Definition of ***novel food***) provides as follows:

(1) In this Code:

***novel food*** means a non-traditional food that requires an assessment of the public health and safety considerations having regard to:

(a) the potential for adverse effects in humans; or

(b) the composition or structure of the food; or

(c) the process by which the food has been prepared; or

(d) the source from which it is derived; or

(e) patterns and levels of consumption of the food; or

(f) any other relevant matters.

***Note*** Possible categories of novel foods are described in guidelines issued by FSANZ. Categories of novel foods may include, but are not limited to, the following:

• plants or animals and their components;

• plant or animal extracts;

• herbs, including extracts;

• dietary macro-components;

• single chemical entities;

• microorganisms, including probiotics;

• foods produced from new sources, or by a process not previously applied to food.

***non-traditional food*** means:

(a) a food that does not have a history of human consumption in Australia or New Zealand; or

(b) a substance derived from a food, where that substance does not have a history of human consumption in Australia or New Zealand other than as a component of that food; or

(c) any other substance, where that substance, or the source from which it is derived, does not have a history of human consumption as a food in Australia or New Zealand.

(2) The presence of a food in a food for special medical purposes or the use of a food as a food for special medical purposes does not constitute a history of human consumption in Australia or New Zealand in relation to that food for the purposes of this section.

1.5.1—3 Sale of novel foods

Despite paragraphs 1.1.1—10(3)(b) and (4)(f), a food offered for retail sale may consist of, or have as an ingredient, a \*novel food if:

(a) the novel food is listed in the table to section S25—2; and

(b) any conditions of use specified in the corresponding row of that table are complied with.

***Note*** Novel foods are added to the table to section S25—2 by variations to the Code. When added for the first time, the conditions may include some that apply to the novel food only during the first 15 months after gazettal of the variation. Conditions may also deal with matters such as the following:

• the need for preparation or cooking instructions, warning statements or other advice;

• the need to meet specific requirements of composition or purity;

• the class of food within which the food must be sold;

• during the first 15 months after gazettal, the brand under which the food may be sold.

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