

12 September 2014

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Dear Sir/Madam

Attached are the comments that the New Zealand Food & Grocery Council wishes to present on the **2nd Call for Submissions – P1025 Code Revision**.

Yours sincerely

A solid black rectangular box used to redact the signature of Katherine Rich.

Katherine Rich
Chief Executive

Food Standards Australia New Zealand
P1025 CODE REVISION
2nd Call for Submissions
12 September 2014

The New Zealand Food & Grocery Council (the “NZFGC”) welcomes the opportunity to make a submission on 2nd Call for Submissions – P1025 Code Revision.

New Zealand Food & Grocery Council

The NZFGC represents the major manufacturers and suppliers of food, beverage and grocery products in New Zealand. Collectively this sector generates over \$28 billion in the New Zealand domestic retail food, beverage and grocery products market and over \$26 billion in export revenue from exports to 183 countries. Food and beverage manufacturing is the largest manufacturing sector in New Zealand representing 46% of total manufacturing income and 34% of all manufacturing salaries and wages.

Food and beverage manufacturing and wholesaling in New Zealand directly employs over 100,000 people (5% total employment) and, when taking the wider food and beverage value chain (including farming and food retailing/foodservice) into account, employment soars to almost 350,000 in over 85,000 enterprises. This represents around one in five people employed in our country.

No matter how you look at it, the New Zealand food, beverage and grocery sector makes a substantial contribution to the New Zealand domestic economy, to our exports and to the general economic well-being of the country.

Executive Summary

NZFGC appreciates that the revision of the Food Standards Code is a major undertaking and we look forward to the resultant clearer and more user friendly document in the future. We also appreciate that it is FSANZ’s intention that this Proposal should not alter the effect of provisions that impose requirements or obligations. However, in a number of instances, the proposed drafting does alter the effect of provisions and will result in costs to both industry and consumers. These matters are set out in Section 1 of this Submission, titled:

Section 1: Issues identified as significant for industry and on which NZFGC recommends the proposed drafting not proceed.

The most significant impact is in relation to the definitions of ‘used as a food additive’, ‘used as a nutritive substance’ and ‘used as a processing aid’. These were never going to be easy areas to clarify and we appreciate the effort that FSANZ has applied to date but the definitions as drafted simply do not work. The unintended consequences all involve significant cost for both industry and consumers in the immediate and longer term. NZFGC recommends these be re-analysed in collaboration with industry experts who can advise on the impact in practice.

NZFGC notes that FSANZ states the term ‘final food’ has no meaning in law and that the terms ‘food for sale’ and ‘retail food’ have been introduced. This has generally not been the case in

relation to food additives or processing aids either in the respective definitions or standards. It is in this area that the term 'final food' plays an important role since an additive must not exceed limits when the food is in the hands of the consumer. NZFGC makes several recommendations in this regard.

There are several specific food standard amendments to the drafting that are necessary for the revisions not to invoke significant change in intent and unintended costs for industry such as the definition of butter, the labelling on vending machines, composition of fermented milks and fermented milk products, and labelling alcoholic beverages.

NZFGC remains particularly concerned at the use of the phrase 'is likely to be associated with' in place of 'is usually associated with'. The terms are not synonymous and have different meanings in law. The substitution changes the intent and obligations on industry. The proposed term is much broader, open to wider interpretation and will generally have a negative impact on industry. NZFGC has provided more information on this point since the concerns raised in our submission on the first Call for Submissions (CFS1) have not been taken up. Similarly, NZFGC remains concerned at the separation of 'legible' and 'prominent' when the current provision makes no such separation and has permitted interpretations that would require a range of label changes if the proposed drafting proceeds.

Finally, there are a number of changes to the drafting that would greatly enhance usability if implemented including additional explanations and notes and further clarifications of terms and expressions. These are contained in Section 2 of the Submission, titled:

Section 2: Amendments recommended by NZFGC that should be made for users in Australia and/or New Zealand to improve utility and clarity.

For ease of consideration, the recommendations for both Sections 1 and 2 of this Submission are listed in the **Appendix**.

Specific Comments

Section 1: Issues identified as significant for industry and on which NZFGC recommends the proposed drafting not proceed

CHAPTER 1

Standard 1.1.2 Definitions used throughout the Code

1.1.2—2 Definitions—general

NZFGC is concerned that definitions are still handled inconsistently. We note the view in the second Call for Submissions (CFS2 – p12) that:

“Our conclusion is that definitions that have an application in only one division of the Code should be signposted and definitions that are used in more than one Division should be in the primary definitions section. We suspect this approach has a stronger basis and will have greater acceptance if the Code is presented as separate standards, as it is now, and as proposed by many submitters.”

NZFGC supports this approach but it has not been adhered to. For example, the definition of ‘*one-day quantity*’ for a caffeinated beverage is in a note to section 2.6.4—5(3) even though the term is used four times in Standard 2.6.4 but ‘*one-day quantity*’, in relation to a formulated supplementary sports food is contained in Standard 1.1.2 even though it is used only once in Standard 2.9.4. NZFGC makes a specific recommendation in relation to this example later in this submission.

NZFGC recommends that more definitions be included in the primary definitions section in Standard 1.1.2—2 Definitions—general, rather than less and that inconsistencies in treatment where identified in this Submission and other submissions be addressed.

1.1.2—3 Definitions—particular foods

Butter – use of the term “principally” rather than “exclusively” has an impact and opens the product up to contain other non-dairy ingredients (for example, a product might derive from 90% from milk ingredients, 8% vegetable fats and 2% other permitted ingredients eg salt). Also, the term “exclusively” is used in Codex. If ambiguity is to be further avoided, NZFGC makes the following recommendation.

NZFGC recommends retaining the term ‘exclusively’ in the definition of *butter* but making it clear the specified ingredients may be added, such that the definition read along the lines of:

“a food that is derived *exclusively* from milk and products obtained from milk (principally in the form of an emulsion of the type water-in-oil), which may have the following added...”.

1.1.2—4 Definition of *characterising component* and *characterising ingredient*

NZFGC noted in relation to the last draft accompanying CFS1 that these definitions reflected a key change by changing the term ‘is usually associated with’ to ‘is likely to be associated with’. Concerned that no change was made, NZFGC sought legal advice on this point and has been advised that the use of the words “likely to be associated with” instead of “usually associated with” does change the application of the definitions and that the phrases have different meanings in law. This change is outside of the scope and purpose of the Code Revision and has the potential to detrimentally affect industry. Further commentary follows the recommendation:

NZFGC therefore recommends that, in 1.1.2—4 Definition of *characterising component* and *characterising ingredient*, the phrase ‘is likely to be associated with’ is replaced by the currently used phrase ‘is usually associated with’.

Taking the plain and ordinary meaning of the words, the Macquarie dictionary defines the word "usual" as being "commonly or ordinarily" and "likely" as being "probably". For completeness, NZFGC notes that the term "likely" is commonly discussed in criminal case law to mean "real and ongoing" or "probable" rather than "possible".

The use of the term "usual" focusses on the common or ordinary which is past or current behaviour. In this context, the characterising ingredient would be a component of food that is commonly or ordinarily associated with the name of food. For example, milk being commonly or ordinarily associated with milk chocolate. This is looking at past or current behaviour, and is not forward looking.

On the other hand, the use of the words "likely to be" broadens the definitions by:

- introducing an element of future behaviour (even though past and current behaviour is still a consideration); and
- changing the meaning from providing for something that "is" to providing for something that "could be".

In this context, the characterising ingredient could be a component of food where there is a real probability that the ingredient **could** be associated with the food. Extending this definition could unnecessarily capture ingredients that are not intended to be characterising ingredients. This would then require additional labelling requirements which may not be the intention or even necessary.

Given the above, NZFGC repeats its recommendation that the previous wording is reinstated and the terms "likely to be" are not incorporated in the Revised Code. To do otherwise, the proposed drafting may change the application of the definition which will be outside of the scope and purpose of the Code Revision.

1.1.2—11 Definition of *used as a food additive etc*

NZFGC commented on the last draft that an element lost was the term 'intentionally added to food' which had been replaced by a new element: 'has been extracted, refined or synthesised'. In our last submission NZFGC used the example of fruit or vegetable juice as a colouring agent that would no longer be available and would have to be pre-approved. The new term in CFS2 Attachment 1 is 'any substance that has been selectively concentrated or refined or synthesised'. This has made the situation even less clear and the impact much wider to potentially include ingredients/substances that have never been considered food additives.

There are a broad range of such substances that are selectively concentrated or refined or synthesised in some way, such as malt in beer, and that are added to foods for purposes which might be considered food additive purposes under this new definition but which are not pre-approved.

Use of the term 'selectively' is not clear and unnecessarily expands the net of food additives. If this change is implemented, a wide range of substances would become non-compliant and would all need preapproval. This would have a very significant impact on the availability of food and an immense cost impact for industry while approvals were sought.

Secondly, as noted in relation to Standard 1.3.1 below, the term 'processed food' has been substituted in a number of places for 'final food' yet they are not synonymous terms.

NZFGC recommends the definition of ‘used as a food additive’ not proceed as proposed because the impact will remove products from manufacture and be very costly to address. **NZFGC recommends** reverting to the narrower ‘has been extracted, refined or synthesised’ as a starting point for further analysis in collaboration with industry experts.

NZFGC recommends that, in section 1.1.2—11 Definition of *used as a food additive* etc, the term ‘processed food’ be removed and the terms ‘food’ or food for sale’ be used as the context demands.

1.1.2—12 Definition of *used as a nutritive substance*

As in relation to section 1.1.2-11, there are a broad range of such substances that are selectively concentrated or refined or synthesised in some that are added to foods for purposes which might be considered food additive purposes but which are not pre-approved. Use of the term ‘selectively’ is not clear. If this change is implemented a wide range of substances would become non-compliant and would all need preapproval. This would have a very significant impact on the availability of food and an immense impact cost for industry while approvals were sought.

NZFGC recommends the definition of ‘used as a nutritive substance’ not proceed as proposed because the impact will remove products from manufacture and be very costly to address. **NZFGC recommends** reverting to the narrower ‘has been extracted, refined or synthesised’ as a starting point for further analysis in conjunction with industry experts.

1.1.2—13 Definition of *used as a processing aid*

The key problem with this definition relates to the situation where a food or food additive could be construed as being used as a processing aid. A recent example is the Coca Cola law suit concerning phosphoric acid in Coca Cola as an ingredient and not as a flavouring or a preservative. Phosphoric acid is added for tartness and an acidulant. The suit claims that phosphoric acid is a flavouring and a preservative and that Coca Cola cannot then claim there are no artificial flavours or preservatives.

Clarity is needed to address a situation that is exacerbated by the proposed definition.

NZFGC recommends that the definition of *used as a processing aid* not proceed until further work has been undertaken to ensure unintended consequences of ingredients and food additives being construed as processing aids is addressed.

1.2.1—8 Information required on general label

1.2.1—8(4) is not clear. It is not clear if the subsection is referring to only the vending machine or to the foods in the vending machine. NZFGC believes it is the former since to undertake the latter would involve significant cost and a transition period that would be outside the scope of P1025.

NZFGC recommends that clarity is required in section 1.2.1—8 Information required on general label, to ensure the requirement to label is related **only** to the vending machine and not to the food in the vending machine. This can be achieved by recasting the section along the following lines:

“(4) For food sold from a vending machine, it is an additional requirement that ~~labels clearly and prominently displayed in or on~~ the vending machine be labelled and that the vending machine label state the name and business address of the supplier of the vending machine.”

1.2.1—24 General legibility requirements

1.2.1—24(1) NZFGC remains concerned that irrespective of intent and form, some in industry have interpreted the equivalent section in the current Code as being, as written “legibly and prominently” NOT “legibly, and prominently”. The impact is very different and some labelling will have to change as a result and at a cost to industry. The process for such a change is a proposal with a transition period that would allow for change to take place over a period of time, not for this change to be included in P1025.

NZFGC recommends that the current phrasing in the Code in Standard 1.2.9, section 2(1), be retained and that, until a Proposal is raised to make a change, section 1.2.1—24(1) read:

“1.2.1—24(1) If this Code requires a word, statement, expression or design to be contained, written or set out on a label, the word, statement, expression or design must, wherever occurring:

- (a) be legible; and
- (c) prominent such as to afford contrast distinctly with the background of the label; and
- (d) be in English.”

Standard 1.2.10—Characterising ingredients and components of food

1.2.10—2 Definitions

This section contains two definitions: characterising component and characterising ingredient. The key change in both the definitions is to change the term ‘is usually associated with’ to ‘is likely to be associated with’. FGC sought legal Advice on this matter and our comments are contained under **1.1.2—4 Definition of *characterising component* and *characterising ingredient***.

NZFGC recommends that, in section 1.2.10—2 Definitions, the wording ‘is likely to be associated with’ be replaced by the currently used phrase ‘is usually associated with’.

Standard 1.3.1—Food additives

NZFGC notes the comment in CFS2 that states:

While the term ‘final food’ might be understood in the food industry it is not a term with legal certainty. To resolve the uncertainty the first call for submissions proposed use of the term ‘food item’ to describe a food that is for sale on the basis that it is ready for consumption without further processing. In consultation with stakeholders it was made clear that this term was not acceptable because the notion of food item involved elements beyond the sale itself. While we do not accept that this was a source of legal uncertainty we have modified the language to refer, where appropriate, to food for sale.” (p14-15 CFS2)

We also note the use of term ‘processed food’ which is undefined and the use of a phrase in relation to 1.1.2—13 Definition of used as a processing aid, as a substance that is ‘used during the course of processing’.

NZFGC does not agree that a substance in a processed food is not also used in the course of processing and there is therefore no clarity as to the point in the process that a test for presence or use might be applied.

Put simply, NZFGC does not believe that the clarity currently delivered by the term ‘final food’ has been achieved by the term ‘processed food’.

The term ‘final food’ is more closely aligned with ‘food for sale’ and ‘retail food’ which both have elements of the food presented to the consumer with no further processing. The term ‘processed food’ can be applied to any substance during the processing process. A half completed jam or salami or milk are all processed foods at any stage of manufacture and any ingredients or substances added are added ‘in the course of processing’. There is no distinction. The impact is potentially significant for the integrity of the Food Standards Code.

NZFGC recommends that in Standard 1.3.1—Food additives, the term ‘processed food’ be removed entirely and replaced by either ‘food’ or ‘food for sale’ depending on the context.

1.3.1—4 Maximum permitted levels of food additives in foods

1.3.1—4(1) and (3) NZFGC considers that the term ‘processed food’ in these subsections is unnecessary and can be replaced by ‘foods’.

NZFGC recommends replacing ‘processed foods’ with ‘foods’ in subsections 1.3.1—4(1) and (3) such that these read:

“(1) An additive permitted in ~~processed~~ foods or a colouring permitted in ~~processed~~ foods that is permitted to be used as a food additive by Schedule 15 may be present in a food for sale as a result of use in accordance with GMP.

(3) For a colouring permitted in ~~processed~~ foods to a maximum level that is permitted to be used as a food additive by Schedule 15, the level of all such colours together in a food for sale must be no more than:”

1.3.1—4(6)(e) FGC is unsure where this provision originated but would suggest that, if new, it is beyond the scope of P1025.

Standard 1.3.3—Processing aids

1.3.3—5 Processing aids for certain purposes for all foods

As with the NZFGC comments and recommendations related to Standard 1.3.1 above, NZFGC notes the comment in the CFS2 that states:

While the term ‘final food’ might be understood in the food industry it is not a term with legal certainty. To resolve the uncertainty the first call for submissions proposed use of the term ‘food item’ to describe a food that is for sale on the basis that it is ready for consumption without further processing. In consultation with stakeholders it was made clear that this term was not acceptable because the notion of food item involved elements beyond the sale itself. While we do not accept that this was a source of legal uncertainty we have modified the language to refer, where appropriate, to food for sale.” (p14-15 CFS2)

We also note the use of term ‘processed food’ which is undefined and the use of a phrase in relation to 1.1.2-13 Definition of used as a processing aid as a substance that is ‘used during the course of processing’.

NZFGC does not agree that a substance in a processed food is not also used in the course of processing and there is therefore no clarity as to the point in the process that a test for presence might be applied.

Put simply, NZFGC does not believe that the clarity currently delivered by ‘final food’ has been achieved.

The term ‘final food’ is more closely aligned with ‘food for sale’ and ‘retail food’ which both have elements of the food presented to the consumer with no further processing. The term ‘processed food’ can be applied to any substance during the processing process. A half completed jam or salami or milk are all processed foods at any stage of manufacture and any ingredients or substances added are added ‘in the course of processing’. There is no distinction. The impact is potentially significant for the integrity of the Food Standards Code.

NZFGC recommends that in Standard 1.3.3—Processing aids, the term ‘processed food’ be removed entirely and replaced by either ‘food’ or ‘food for sale’ depending on the context.

The following recommended amendments to sections in Standard 1.3.3 reflect how this change would be applied.

1.3.3—4 Processing aids that may be used with any food

1.3.3—4(2)(a) Consistent with the comments made in relation to ‘processed food’ in Standard 1.3.1, NZFGC considers that the term ‘processed foods’ is unnecessary in this section.

NZFGC recommends that in subsection 1.3.3—4(2)(a), the term ‘processed foods’ be replaced by ‘foods’ such that the subsection reads:
“(2)(a) an additive permitted in ~~processed~~ foods; or”

1.3.3—5 Processing aids for certain purposes for all foods

1.3.3—5(b) NZFGC does not consider that ‘final food’ in the related sections of the current Food Standards Code can be exchanged for ‘processed food’ and have the same meaning.

NZFGC recommends that in subsection 1.3.3—5(b), the term ‘processed foods’ be replaced by ‘food for sale’ such that the subsection reads:
“(b) not present in the food for sale at a level greater than the maximum permitted level indicated in the corresponding row of the table.”

1.3.3—7 Microbial nutrients and microbial nutrient adjuncts

NZFGC does not recognise the difference between ‘in the course of processing’ and ‘in the course of manufacture’ as is used in this section (or ‘during the manufacture of’ as is used in section 1.3.3—12(1)).

NZFGC recommends that in section 1.3.3—7 Microbial nutrients and microbial nutrient adjuncts, the phrase ‘in the course of manufacture’ be replaced with ‘in the course of processing any food’ such that the section reads:
“A substance listed in section S18—5 may be used as a processing aid to perform the technological purpose of a microbial nutrient or a microbial nutrient adjunct in the course of processing any food.”

1.3.3—9 Maximum permitted levels of food additives in foods

1.3.3—9(e) NZFGC does not consider that ‘final food’ in this section can be exchanged for ‘processed food’ and have the same meaning. The context requires the term ‘food for sale’.

NZFGC recommends that subsection 1.3.3—9(e) read:
“is not present in the food **for sale** at a level greater than the maximum permitted indicated in the corresponding row of the table.”

1.3.3—10 Extraction solvents-various foods

1.3.3—10(b) NZFGC does not consider that ‘final food’ in this section can be exchanged for ‘processed food’ and have the same meaning. The context requires the term ‘food for sale’.

NZFGC recommends that subsection 1.3.3—10(b) read:
“is not present in the food **for sale** at a level greater than the maximum permitted indicated in the corresponding row of the table.”

1.3.3—11 Processing aids that perform various technological purposes

1.3.3—11(c) NZFGC does not consider that ‘final food’ in this section can be exchanged for ‘processed food’ and have the same meaning. The context requires the term ‘food for sale’.

NZFGC recommends that subsection 1.3.3—11(c) read:

“if the substance is not present in the food **for sale** at a level greater than the maximum permitted level indicated in that row.”

1.3.3—12 Microbial control agent – dimethyl dicarbonate

NZFGC does not recognise the difference between ‘in the course of processing’ and ‘during the manufacture of a food’ as is used in this section (or ‘in the course of manufacture’ as is used in 1.3.3—7).

NZFGC recommends that in 1.3.3—12 Microbial control agent – dimethyl dicarbonate, the phrase ‘during the manufacture a food for sale’ in this section be replaced with ‘in the course of processing a food’.

Standard 1.5.1 Novel foods

Exclusive use of novel foods

This clause from the current Standard has been omitted and replaced by a Note that says conditions may be added relating to the first 15 months and specifically referring to the brands under which the food may be sold (relating to exclusivity). NZFGC considers the note is not clear and that the exclusivity provisions are fundamental to the developmental effort associated with novel foods and should be reflected on the face of the Standard. This is particularly important to give New Zealand users of the Food Standards Code certainty since the Commonwealth FSANZ Act 1991 has no application.

NZFGC recommends that the current section 3 in Standard 1.5.1 be retained to give visibility and clarity around the application of the exclusive use of novel foods especially for New Zealand users of the Code for which the FSANZ Act 1991, as a Commonwealth Act, has no application in New Zealand.

Chapter 2—Food standards

Standard 2.5.3—Fermented milk products

2.5.3—3 Requirement for food sold as fermented milk and yoghurt

2.5.3—4 Compositional requirement for fermented milk and yoghurt used as an ingredient

NZFGC considers these sections remain a major problem and that clarity has been lost through the redrafting. The clarity lost relates to the distinction that the requirements concerning protein, pH and microorganisms from the added culture apply ONLY to fermented milk including yoghurt and NOT to a food containing the fermented milk or yoghurt. The proposed wording for fermented milk/yoghurt combined with other foods (eg fruit yoghurt) is particularly confusing.

NZFGC recommends that sections 2.5.3—3 and 2.5.3—4 be recast to remove the doubt that section 2.5.3—3 currently raises about a composite food needing to meet the provisions listed in 2.5.3—3 that are applicable only to the fermented milk or yoghurt. This can be easily effected by reverting to the form of the current Standard such that section 2.5.3—3 states:

“Fermented milk or yoghurt may contain other foods”

and section 2.5.3—4 states:

“the fermented milk or yoghurt portion of a food must comply with [paragraphs (a) to (d)]”.

Standard 2.5.5—Butter

2.5.5—2 Definitions

Butter is defined in the current Standard 2.5.5 as:

“butter means a product derived exclusively from milk and products obtained from milk, principally in the form of an emulsion of the type water-in-oil.”

The proposal now is that the definition read

“butter means

- (a) a food that is derived **principally** from milk and products obtained from milk, principally in the form of an emulsion of the type water-in-oil; or
- (b) such a food with the following added”

The use of the term “principally” rather than “exclusively” has a significant impact and opens the product up to be derived from other, non-dairy ingredients (eg 90% from milk ingredients, 8% vegetable fats and 2% other permitted ingredients eg salt). Other products not derived exclusively from milk and products obtained from milk are not butter and would be regulated as edible spreads or similar which could be composed of any ration of vegetable oil and milk derived products. Also, the term “exclusively” is used in Codex.

NZFGC recommends that in section 2.5.5—2 Definitions, the term ‘exclusively’ is retained in the definition of butter.

Standard 2.6.4—Formulated caffeinated beverages

This standard refers to a term ‘one-day quantity’. The term is defined in a note to section 5(3)(2) within the Standard. It is inappropriate to define a term in a note and is inconsistent with position of the definition of ‘one-day quantity’ in Standard 2.9.4 which is included in the definitions at the start of Standard 2.9.4 and in the primary definitions in Standard 1.1.2.

NZFGC recommends, for clarity and consistency, the definition of ‘one-day quantity’ for caffeinated beverages be treated the same as the similar definition in Standard 2.9.4:

- a definition be included at the start of Standard 2.6.4 along the lines of:
“one day quantity, in relation to a formulated caffeinated beverage, means the maximum amount of formulated caffeinated beverage that should be consumed in a day and does not contain more of the listed substances than the amount in the corresponding row of the table to section S29—2 and calculated in accordance with subsection(5) of this Standard”. Note 3 to section 2.6.4—5(3) can then be deleted”.
- the same definition described above for Standard 2.6.4 be included in the primary definitions in Standard 1.1.2.

Standard 2.7.1—Labelling of alcoholic beverages and food containing alcohol

In current Standard 2.7.1 the following table is provided for the declaration of alcohol by volume (currently clause 2 of Standard 2.7.1):

Column 1	Column 2
Food, including alcoholic beverages, containing more than 1.15 % alcohol by volume	Expressed in mL/100 g or mL/100 mL or X% ALCOHOL BY VOLUME or words and expressions of the same or similar effect
Alcoholic beverages containing 1.15% or less alcohol by volume	‘CONTAINS NOT MORE THAN X% ALCOHOL BY VOLUME’ or words and expressions of the same or similar effect
Beverages containing 0.5% or more, but less than 1.15%, alcohol by volume	

Sections 2.7.1—3(2) and (3) in CFS2 Attachment A have each had the phrase “...or words and expressions of the same or similar effect” deleted. This now makes a number of declarations non-compliant. Contrary to the FSANZ view, flexibility has been lost. This will involve cost to industry which is not the intention of P1025. If these are to be removed in the future, the amendment should be the subject of an application or proposal and a cost-benefit analysis conducted for the purposes of assessing the impact of the amendment.

NZFGC recommends that subsections 2.7.1—3 (2) and (3) both have added to them the phrase:
 “or words and expressions of the same or similar effect”.

Standard 2.7.2—Beer

2.7.2—2 Definitions The definition in Standard 1.1.2 of CFS2 Attachment A does not match the definition in this section of Standard 2.7.2. These definitions need to be aligned.

NZFGC recommends that the definition in Standard 1.1.2 of CFS2 for ‘*beer*’ be aligned with the definition in section 2.7.2—2 Definitions

2.7.2—3 Requirement for food sold as a beer The current provision in Standard 2.7.2 in the definitions provides that “**a reference to beer** includes a reference to ‘ale’, ‘lager’, ‘pilsener’, ‘porter’ and ‘stout’”. The proposed section 2.7.2—3 appears more restrictive and is likely to have an impact beyond the scope of P1025.

NZFGC recommends that in section 2.7.2—3 Requirement for food sold as a beer, the current “reference to beer” remains unchanged and that the reference continue to read:
 “A **reference to beer** includes a reference to ‘ale’, ‘lager’, ‘pilsener’, ‘porter’ and ‘stout’.

Standard 2.7.3—Fruit wine and vegetable wine

2.7.3—2 Definitions The definition in Standard 1.1.2 for ‘*mead*’ and ‘*fruit wine or vegetable wine*’ of the CFS2 does not match the definition in this section of the current Standard 2.7.3. These definitions need to be aligned.

NZFGC recommends that the definition in Standard 1.1.2 of CFS2 for ‘*mead*’ and ‘*fruit wine or vegetable wine*’ be aligned with the definition in section 2.7.3—2 Definitions

NZFGC notes that in CFS2 Attachment A, the definitions of ‘cider’ and ‘perry’ have reverted to the definitions that are in the current Standard 2.7.3. NZFGC appreciates that there are both differing views about, and potential impacts resulting from, changing the definitions at this time. Since P1025 is not intended to alter the effect of the Food Standards Code, NZFGC supports no change at this time.

NZFGC recommends that the definitions of ‘cider’ and ‘perry’ in section 2.7.3—2 remain as presented in CFS2 Attachment A, that is, no change from the definitions in the current Standard 2.7.3.

Schedule 15 Substances that may be used as food additives

S15—5 refers in several places to ‘additives permitted in processed foods’. For consistency with comments and recommendations made in relation to Standard 1.3.1, these occurrences can be replaced by ‘foods’.

NZFGC recommends that all occurrences of ‘additives permitted in processed foods’ in Schedule 15 be replaced with ‘additives permitted in foods’.

Schedule 30 Special Purpose Foods

S30—17 Additional permitted forms and intake amounts for vitamins and minerals in formulated supplementary sports foods and in formulated meal replacements

In the previous consultation draft, table S30—17 was table S30—16 and appeared with three columns as is the table in the current Standard. Table S30—16 was presented as follows:

Schedule 30—Special purpose foods

S30.16 Additional permitted forms and intake amounts for vitamins and minerals in formulated supplementary sports foods and in formulated meal replacements

S30.16 Additional permitted forms and intake amounts for vitamins and minerals in formulated supplementary sports foods and in formulated meal replacements

For sections 2.119, 2.122, 2.125, 2.128 and 2.131, the table is set out below:

Additional permitted forms and intake amounts

Column 1	Column 2	Column 3
<i>Vitamin or mineral</i>	<i>Permitted form</i>	<i>Amount</i>
Biotin	d-biotin	30 µg
Pantothenic acid	d-sodium pantothenate	5 µg
Calcium	Calcium hydroxide	800 mg

In CFS2 Attachment A, both the heading “Column 3” and ALL values for the ‘Intake amounts’ are completely missing and need to be re-inserted exactly as in the current Standard. The following is the table as presented in CFS2 Attachment A:

Schedule 30 Special purpose foods

Section S30—17

Additional permitted forms and intake amounts for vitamins and minerals in formulated supplementary sports foods and in formulated meal replacements

S30—17 Additional permitted forms and intake amounts for vitamins and minerals in formulated supplementary sports foods and in formulated meal replacements

For sections 2.9.3—3 and 2.9.4—3, the table is:

Additional permitted forms and intake amounts

Column 1	Column 2	Column 3
<i>Vitamin or mineral</i>	<i>Permitted forms</i>	
Biotin	d-biotin	
Pantothenic acid	d-sodium pantothenate	
Calcium	Calcium hydroxide	
Chromium		
<i>Inorganic forms:</i>	Chromic chloride	
<i>Organic forms:</i>	High chromium yeast	

NZFGC **recommends** that the table in S30—17 have added to it the third column that lists the intake amounts titled 'Column 3' together with the specific intake amounts for each of the vitamins and minerals listed in Columns 1 and 2.

Section 2: Amendments recommended by NZFGC that should be made for users in Australia and/or New Zealand to improve utility and clarity

CHAPTER 1

Standard 1.1.1—Structure of the Code and general provisions

Part 1—Preliminary

Division 1—Status of Code

1.1.1—2 Structure of the Code

The Chapters that apply only in Australia (Chapters 3 and 4) are marked as “Australia only” but Standards within Chapters 1 and 2 that apply only in Australia are not so marked. This infers that all the Standards in Chapters 1 and 2 apply in both Australia and New Zealand when this is not the case.

NZFGC recommends that the following Standards should be marked by the notation “(Australia only)” after the title as shown:

- Standard 1.2.11 Country of origin labelling requirements (Australia only)
- Standard 1.4.2 Agvet chemicals (Australia only)
- Standard 1.6.2 Processing requirements for meat (Australia only)
- Standard 2.2.2 Eggs (Australia only)

Similarly, the following should also be amended:

- Standard 2.9.6 Transitional standard for special purpose foods (including amino acid modified foods) (New Zealand only).

Standard 1.1.2 Definitions used throughout the Code

1.1.2—2 Definitions—general

FGC has noted that in only a few several areas, the term ‘beverage’ is used as a general term like ‘food’ when in most other areas it is a qualified term referring to a specific type of beverage. The definition of ‘standard drink’ only has relevance to an ‘alcoholic beverage’. FGC considers the addition of the phrase ‘for a beverage’ in the definition of ‘standard drink’ to be clumsy and unnecessary.

NZFGC recommends, since clarity is the aim of the revision, that in section 1.1.2—2 Definitions—general, the definition should read:

“standard drink, for an alcoholic beverage, means the amount of ...”.

This is consistent with the term ‘standardised alcoholic beverage’ which is used rather than ‘standardised beverage’.

The definition of ‘fund raising event’ has an incomplete note referring to New Zealand.

NZFGC recommends that in section 1.1.2—2 Definitions—general, the note to the definition of ‘fund raising event’ referring to New Zealand be completed.

Standard 1.2.1—Requirements to have labels or otherwise provide information

Division 3—Sales of food to caterers

1.2.1—17 Information that can be requested

This section does not include a provision that information requested by the caterer must be provided in writing which is a requirement for a similar provision in “Other Sales”, section 1.2.1—21.

NZFGC recommends, for consistency, that in section 1.2.1—17 Information that can be requested, suppliers may be requested by a caterer to provide information in writing.

Standard 1.2.10—Characterising ingredients and components of food

1.2.10—3 Requirement to declare characterising ingredients and components

NZFGC noted in its last submission that the list of foods that do not require characterising ingredients or components has been reduced and a number of exceptions now sit in various places in the revised Code. NZFGC sought a note be added for the remaining exceptions that are not listed: ‘food packaged in the presence of the purchaser’, ‘foods for catering purposes’ and ‘food delivered packaged and ready for immediate consumption at the express order of the purchaser’. NZFGC remains of the view this note is important for completeness and usability.

NZFGC recommends that a note be added to section 1.2.10—3 Requirement to declare characterising ingredients and components, to indicate that other exceptions are:
‘food packaged in the presence of the purchaser’, ‘foods for catering purposes’ and ‘food delivered packaged and ready for immediate consumption at the express order of the purchaser’.

Standard 1.3.1—Food Additives

Schedules 7 and 8 provide respectively ‘Food additive class names (for statement of ingredients)’ and ‘Food additive names and code numbers (for statement of ingredients)’. These Schedules are not referred to in Standard 1.3.1.

NZFGC recommends that a Note be added to Standard 1.3.1—Food Additives identifying the existence of Schedules 7 and 8.

Standard 1.3.3—Processing aids

Part 4—Contaminants and residues

Part 5—Foods requiring pre-market clearance

Part 6—Microbiological limits and processing requirements

The Outline to each of these Parts has been removed. The Outlines were and helpful to the user. NZFGC supports their reinsertion.

NZFGC recommends that Outlines be added to Standard 1.3.3—Processing aids, Part 4—Contaminants and residues, Part 5—Foods requiring pre-market clearance and Part 6—Microbiological limits and processing requirements

CHAPTER 2

Standard 2.4.2—Edible oil spreads

2.4.2—3 Requirements for sale as edible oil spread or margarine The application of section 2.4.2—3 is not made clear until the last subsection (where it identifies the Australia only subsections). This is a real irritation for New Zealand users.

NZFGC recommends that in section 2.4.2—3 Requirements for sale as edible oil spread or margarine, the application of the section relevant to New Zealand appear as the first subsection so that application in New Zealand is clear up front. The section would then read:

2.4.2—3 Requirements for sale as edible oil spread or margarine

Application of section to New Zealand

(1) Subsections (3) and (5) do not apply to edible oil spread or margarine produced in, or imported into, New Zealand.

Requirement for food sold as edible oil spread

(2) A food that is sold as an edible oil spread must consist of edible oil spread
etc

Standard 2.6.4—Formulated caffeinated beverages

2.6.4—5 Labelling requirements—formulated caffeinated beverage This section refers to ‘food’ in subsections 2.6.4—5(3)(a) and (b) but in subsection 2.6.4—5(3)(c) it refers to ‘beverage’. The reference in subsection 2.6.4—5(3)(c) is not to any beverage and should more properly refer to formulated caffeinated beverage.

NZFGC recommends that in subsection 2.6.4—5(3)(c), for clarity and the avoidance of doubt, ‘beverage’ be replaced with ‘formulated caffeinated beverage’ such that the subsection reads:

“(c) if the **formulated caffeinated** beverage contains a listed substance—no more than a one-day quantity should be consumed per day.”

Similarly, the reference to ‘beverage’ in subsection 2.6.4—5(5)(a) is not any beverage but is a reference to a formulated caffeinated beverage.

NZFGC recommends that in subsection 2.6.4—5(5)(a), the term ‘beverage’ be replaced with ‘formulated caffeinated beverage’ such that the subsection reads:

(a) for each listed substance that the beverage contains, calculate the equivalent amount in accordance with the equation in subsection (6); and.

Standard 2.7.1—Labelling of alcoholic beverages and food containing alcohol

2.7.1—2 Definitions As noted in relation to the definitions in Standard 1.1.2, the definition of ‘standard drink’ in this section only has relevance to an ‘alcoholic beverage’ because it is defined by the amount of ethanol it contains. FGC considers the addition of the phrase ‘for a beverage’ in the definition to be clumsy and unnecessary. If greater specificity is required then the definition should read:

“*standard drink*, for an alcoholic beverage, means the amount of ...”.

This is consistent with the definition of ‘standardised alcoholic beverage’ which is the term used rather than ‘standardised beverage’.

NZFGC recommends that in section 2.7.1—2 Definitions, the phrase ‘for a beverage’ in the definition of ‘*standard drink*’ be deleted such that the definition reads:

“***standard drink*** means the amount of a beverage which contains 10 grams of ethanol when measured at 20°C.”

Should some qualification be required, **NZFGC recommends** the inclusion of the phrase ‘for an alcoholic beverage’ such that the definition would read:

“***standard drink***, for an alcoholic beverage, means the amount of a beverage which contains 10 grams of ethanol when measured at 20°C.”

Standard 2.7.3—Fruit wine and vegetable wine

2.7.3—2 Definitions In this section, the definition of ‘mead’ has a typographical error “(b) such as food ~~with the~~ with the addition ...”

FGC notes that fruit juice products and vegetable juice products are referred to in Standard 2.7.3-2(b) but are not defined anywhere in the Code. As the purpose of P1025 is to remove confusion and create clarity, these terms should be defined as they are used in the Code.

NZFGC recommends that the terms ‘fruit juice products’ and ‘vegetable juice products’ be defined.

Standard 2.9.2—Food for infants

There is no outline of this Division which may be helpful at add.

Standard 2.9.4—Formulated supplementary sports foods

Division 2—Formulated supplementary sports foods generally

There is no Division 1 in this Standard. However, the definition of ‘*one-day quantity*’ could comprise a definitions section in a Division 1 Preliminary.

NZFGC RECOMMENDATIONS

Section 1: Issues identified as significant for industry and on which NZFGC recommends the proposed drafting not proceed

CHAPTER 1

Standard 1.1.2 Definitions used throughout the Code

1.1.2—2 Definitions—general

NZFGC recommends that more definitions be included in the primary definitions section in Standard 1.1.2—2 Definitions—general, rather than less and that inconsistencies in treatment where identified in this Submission and other submissions be addressed.

1.1.2—3 Definitions—particular foods

NZFGC recommends retaining the term ‘exclusively’ in the definition of *butter* but making it clear the specified ingredients may be added, such that the definition read along the lines of:

“a food that is derived *exclusively* from milk and products obtained from milk (principally in the form of an emulsion of the type water-in-oil), which may have the following added...”.

1.1.2—4 Definition of *characterising component* and *characterising ingredient*

NZFGC therefore recommends that in section 1.1.2—4 Definition of *characterising component* and *characterising ingredient*, the phrase ‘is likely to be associated with’ is replaced by the currently used phrase ‘is usually associated with’.

1.1.2—11 Definition of *used as a food additive*

NZFGC recommends the definition of ‘used as a food additive’ not proceed as proposed because the impact will remove products from manufacture and very costly to address. **NZFGC recommends** reverting to the narrower ‘has been extracted, refined or synthesised’ as a starting point for further analysis in collaboration with industry experts.

NZFGC recommends that, in section 1.1.2—11 Definition of *used as a food additive* etc, the term ‘processed food’ be removed and the terms ‘food’ or ‘food for sale’ be used as the context demands.

1.1.2—12 Definition of *used as a nutritive substance*

NZFGC recommends the definition of ‘used as a nutritive substance’ not proceed as proposed because the impact will remove products from manufacture and be very costly to address. **NZFGC recommends** reverting to the narrower ‘has been extracted, refined or synthesised’ as a starting point for further analysis in conjunction with industry experts.

1.1.2—13 Definition of *used as a processing aid*

NZFGC recommends that the definition of *used as a processing aid* not proceed until further work has been undertaken to ensure unintended consequences of ingredients and food additives being construed as processing aids.

1.2.1—8 Information required on general label

NZFGC recommends that clarity is required in section 1.2.1—8 Information required on general label, to ensure the requirement to label is related **only** to the vending machine and not to the food in the vending machine. This can be achieved by recasting the section along the following lines:

“(4) For food sold from a vending machine, it is an additional requirement that ~~labels clearly and prominently displayed in or on the vending machine~~ be labelled and that the vending machine label state the name and business address of the supplier of the vending machine.”

1.2.1—24 General legibility requirements

NZFGC recommends that the current phrasing in the Code in Standard 1.2.9, section 2(1), be retained and that, until a Proposal is raised to make a change, section 1.2.1—24(1) read:

“1.2.1—24(1) If this Code requires a word, statement, expression or design to be contained, written or set out on a label, the word, statement, expression or design must, wherever occurring:

- (a) be legible; and
- (c) prominent such as to afford contrast distinctly with the background of the label; and
- (d) be in English.”

Standard 1.2.10—Characterising ingredients and components of food

1.2.10—2 Definitions

NZFGC recommends that the wording ‘is likely to be associated with’ in section 1.2.10—2 is replaced by the currently used term ‘is usually associated with’.

Standard 1.3.1—Food additives

NZFGC recommends that in Standard 1.3.1—Food additives, the term ‘processed food’ be removed entirely and replaced by either ‘food’ or ‘food for sale’ depending on the context.

1.3.1—4 Maximum permitted levels of food additives in foods

NZFGC recommends replacing ‘processed foods’ with ‘foods’ in subsections 1.3.1—4(1) and (3) such that these read:

“(1) An additive permitted in ~~processed~~ foods or a colouring permitted in ~~processed~~ foods that is permitted to be used as a food additive by Schedule 15 may be present in a food for sale as a result of use in accordance with GMP.

(3) For a colouring permitted in ~~processed~~ foods to a maximum level that is permitted to be used as a food additive by Schedule 15, the level of all such colours together in a food for sale must be no more than:”

Schedule 15 Substances that may be used as food additives

NZFGC recommends that all occurrences of ‘additives permitted in processed foods’ in Schedule 15 be replaced with ‘additives permitted in foods’.

Standard 1.3.3—Processing aids

1.3.3—5 Processing aids for certain purposes for all foods

NZFGC recommends that in Standard 1.3.3—Processing aids, the term ‘processed food’ be removed entirely and replaced by either ‘food’ or ‘food for sale’ depending on the context.

1.3.3—4 Processing aids that may be used with any food

NZFGC recommends that in subsection 1.3.3—4(2)(a), the term ‘processed foods’ be replaced by ‘foods’ such that the subsection reads:
“(2)(a) an additive permitted in ~~processed~~ foods; or”

1.3.3—5 Processing aids for certain purposes for all foods

NZFGC recommends that in subsection 1.3.3—5(b), the term ‘processed foods’ be replaced by ‘food for sale’ such that the subsection reads:
“(b) not present in the food for sale at a level greater than the maximum permitted level indicated in the corresponding row of the table.”

1.3.3—7 Microbial nutrients and microbial nutrient adjuncts

NZFGC recommends that in section 1.3.3—7 Microbial nutrients and microbial nutrient adjuncts, the phrase ‘in the course of manufacture’ be replaced with ‘in the course of processing any food’ such that the section reads:
“A substance listed in section S18—5 may be used as a processing aid to perform the technological purpose of a microbial nutrient or a microbial nutrient adjunct in the course of processing any food.”

1.3.3—9 Maximum permitted levels of food additives in foods

NZFGC recommends that section 1.3.3—9(e) read:
“is not present in the food **for sale** at a level greater than the maximum permitted indicated in the corresponding row of the table.”

1.3.3—10 Extraction solvents-various foods

NZFGC recommends that section 1.3.3—10(b) read:
“is not present in the food **for sale** at a level greater than the maximum permitted indicated in the corresponding row of the table.”

1.3.3—11 Processing aids that perform various technological purposes

NZFGC recommends that section 1.3.3—11(c) read:
“if the substance is not present in the food **for sale** at a level greater than the maximum permitted level indicated in that row.”

1.3.3—12 Microbial control agent – dimethyl dicarbonate

NZFGC recommends that in 1.3.3—12 Microbial control agent – dimethyl dicarbonate, the phrase ‘during the manufacture a food’ in this section be replaced with ‘in the course of processing a food’.

Standard 1.5.1 Novel foods Exclusive use of novel foods

NZFGC recommends that the current section 3 in Standard 1.5.1 be retained to give visibility and clarity around the application of the exclusive use of novel foods especially for New Zealand users of the Code for which the FSANZ Act 1991, as a Commonwealth Act, has no application in New Zealand.

Chapter 2—Food standards

Standard 2.5.3—Fermented milk products

2.5.3—3 Requirement for food sold as fermented milk and yoghurt

2.5.3—4 Compositional requirement for fermented milk and yoghurt used as an ingredient

NZFGC recommends that sections 2.5.3—3 and 2.5.3—4 be recast to remove the doubt that section 2.5.3—3 currently raises about a composite food needing to meet the provisions listed in 2.5.3—3 that are applicable only to the fermented milk or yoghurt. This can be easily effected by reverting to the form of the current Standard such that section 2.5.3—3 states:

“Fermented milk or yoghurt may contain other foods”

and section 2.5.3—4 states:

“the fermented milk or yoghurt portion of a food must comply with [paragraphs (a) to (d)]”.

Standard 2.5.5—Butter 2.5.5—2 Definitions

NZFGC recommends that in section 2.5.5—2 Definitions, the term ‘exclusively’ is retained in the definition of butter.

Standard 2.6.4—Formulated caffeinated beverages

NZFGC recommends, for clarity and consistency, the definition of ‘one-day quantity’ for caffeinated beverages is treated the same as the definition in Standard 2.9.4:

- a definition be included at the start of Standard 2.6.4 along the lines of “*one day quantity, in relation to a formulated caffeinated beverage*, means the maximum amount of formulated caffeinated beverage that should be consumed in a day and does not contain more of the listed substances than the amount in the corresponding row of the table to section S29—2 and calculated in accordance with subsection(5) of this Standard”. Note 3 to subsection 2.6.4—5(3) can then be deleted.
- the same definition described above for Standard 2.6.4 be included in the primary definitions in Standard 1.1.2.

Standard 2.7.1—Labelling of alcoholic beverages and food containing alcohol

NZFGC recommends that subsections 2.7.1—3 (2) and (3) both have added to them the phrase:

“... or words and expressions of the same or similar effect”.

Standard 2.7.2—Beer

NZFGC recommends that the definition in Standard 1.1.2 of CFS2 for ‘*beer*’ be aligned with the definition in section 2.7.2—2 Definitions

2.7.2—3 Requirement for food sold as a beer

NZFGC recommends that in section 2.7.2—3 Requirement for food sold as a beer, the current “reference to beer” remains unchanged and that the reference continue to read:

“A **reference to beer** includes a reference to ‘ale’, ‘lager’, ‘pilsener’, ‘porter’ and ‘stout’.

Standard 2.7.3—Fruit wine and vegetable wine

2.7.3—2 Definitions

NZFGC recommends that the definition in Standard 1.1.2 of CFS2 for ‘*mead*’ and ‘*fruit wine or vegetable wine*’ be aligned with the definition in section 2.7.3—2 Definitions.

NZFGC recommends that the definitions of ‘cider’ and ‘perry’ in section 2.7.3—2 remain as presented in CFS2, that is no change from the definitions in the current Standard 2.7.3.

Schedule 30 Special Purpose Foods

S30—17 Additional permitted forms and intake amounts for vitamins and minerals in formulated supplementary sports foods and in formulated meal replacements

NZFGC recommends that the table in S30—17 have added to it the third column that lists the intake amounts titled ‘Column 3’ together with the specific intake amounts for each of the listed vitamins and minerals in Columns 1 and 2.

Section 2: Amendments recommended by NZFGC that should be made for users in Australia and/or New Zealand to improve utility and clarity

CHAPTER 1

Standard 1.1.1—Structure of the Code and general provisions

1.1.1—2 Structure of the Code

NZFGC recommends that the following Standards should be marked by the notation “(Australia only)” after the title as shown:

- Standard 1.2.11 Country of origin labelling requirements (Australia only)
- Standard 1.4.2 Agvet chemicals (Australia only)
- Standard 1.6.2 Processing requirements for meat (Australia only)
- Standard 2.2.2 Eggs (Australia only)

Similarly, the following should also be recorded:

- Standard 2.9.6 Transitional standard for special purpose foods (including amino acid modified foods) (New Zealand only).

Standard 1.1.2 Definitions used throughout the Code

1.1.2—2 Definitions—general

NZFGC recommends, since clarity is the aim of the revision, that in section 1.1.2—2 Definitions—general, the definition should read:

“*standard drink*, for an alcoholic beverage, means the amount of ...”.

This is consistent with the term ‘standardised alcoholic beverage’ which is used rather than ‘standardised beverage’.

NZFGC recommends that in section 1.1.2—2 Definitions—general, the note to the definition of ‘fund raising event’ referring to New Zealand be completed.

Standard 1.2.1—Requirements to have labels or otherwise provide information

Division 3—Sales of food to caterers

1.2.1—17 Information that can be requested

NZFGC recommends, for consistency, that in section 1.2.1—17 Information that can be requested, suppliers may be requested by a caterer to provide information in writing.

Standard 1.2.10—Characterising ingredients and components of food

1.2.10—3 Requirement to declare characterising ingredients and components

NZFGC recommends that a note be added to section 1.2.10—3 Requirement to declare characterising ingredients and components, to indicate that other exceptions are:

‘food packaged in the presence of the purchaser’, ‘foods for catering purposes’ and ‘food delivered packaged and ready for immediate consumption at the express order of the purchaser’.

Standard 1.3.1—Food Additives

NZFGC recommends that a Note be added to Standard 1.3.1—Food Additives identifying the existence of Schedules 7 and 8.

Standard 1.3.3—Processing aids

Part 4—Contaminants and residues

Part 5—Foods requiring pre-market clearance

Part 6—Microbiological limits and processing requirements

NZFGC recommends that Outlines be added to Standard 1.3.3—Processing aids, Part 4—Contaminants and residues, Part 5—Foods requiring pre-market clearance and Part 6—Microbiological limits and processing requirements

CHAPTER 2

Part 4—Edible oils

Standard 2.4.2—Edible oil spreads

NZFGC recommends that in section 2.4.2—3 Requirements for sale as edible oil spread or margarine, the application of the section relevant to New Zealand appear as the first subsection so that application in New Zealand is clear up front. The section would then read:

2.4.2—3 Requirements for sale as edible oil spread or margarine

Application of section to New Zealand

(1) Subsections (3) and (5) do not apply to edible oil spread or margarine produced in, or imported into, New Zealand.

Requirement for food sold as edible oil spread

(2) A food that is sold as an edible oil spread must consist of edible oil spread
etc

Standard 2.6.4—Formulated caffeinated beverages

NZFGC recommends that in subsection 2.6.4—5(3)(c), for clarity and the avoidance of doubt, ‘beverage’ be replaced with ‘formulated caffeinated beverage’ such that the subsection reads:

“(c) if the **formulated caffeinated** beverage contains a listed substance—no more than a one-day quantity should be consumed per day.”

NZFGC recommends that in subsection 2.6.4—5(5)(a), the term ‘beverage’ be replaced with ‘formulated caffeinated beverage’ such that the subsection reads:

(a) for each listed substance that the beverage contains, calculate the equivalent amount in accordance with the equation in subsection (6); and.

Standard 2.7.1—Labelling of alcoholic beverages and food containing alcohol
2.7.1—2 Definitions

NZFGC recommends that in section 2.7.1—2 Definitions, the phrase ‘for a beverage’ in the definition of ‘*standard drink*’ be deleted such that the definition reads:

“***standard drink*** means the amount of a beverage which contains 10 grams of ethanol when measured at 20°C.”

Should some qualification be required, NZFGC **recommends** the inclusion of the phrase ‘for an alcoholic beverage’ such the definition would read:

“***standard drink***, for an alcoholic beverage, means the amount of a beverage which contains 10 grams of ethanol when measured at 20°C.”

Standard 2.7.3—Fruit wine and vegetable wine

NZFGC recommends that the terms ‘fruit juice products’ and ‘vegetable juice products’ be defined.