



12 June 2018

Food Standards Australia New Zealand  
PO Box 10559  
The Terrace  
WELLINGTON 6143

Email: [submissions@foodstandards.gov.au](mailto:submissions@foodstandards.gov.au)

Dear Madam

Attached are the comments that the New Zealand Food & Grocery Council wishes to present on ***Call for Submissions - Proposal P1048 Code Revision (2018)***.

Yours sincerely



***Call for Submissions - Proposal P1048  
Code Revision (2018)***

**Submission by the New Zealand Food & Grocery  
Council**

**12 June 2018**

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## NEW ZEALAND FOOD & GROCERY COUNCIL

1. The New Zealand Food & Grocery Council (“NZFGC”) welcomes the opportunity to comment on ***Call for Submissions - Proposal P1048 Code Revision (2018)***.
2. NZFGC represents the major manufacturers and suppliers of food, beverage and grocery products in New Zealand. This sector generates over \$34 billion in the New Zealand domestic retail food, beverage and grocery products market, and over \$31 billion in export revenue from exports to 195 countries – some 72% of total merchandise exports. Food and beverage manufacturing is the largest manufacturing sector in New Zealand, representing 44% of total manufacturing income. Our members directly or indirectly employ more than 400,000 people – one in five of the workforce.

### OVERARCHING COMMENTS

3. NZFGC notes the regularised process for making relatively minor amendments to the Australia New Zealand Food Standards Code (the Food Standards Code) by way of an annual ‘Code Revision consultation.
4. NZFGC is supportive of the amendments in the current Proposal and identifies further consequential/related amendments that might be made at the same time.

### DETAILED COMMENTS

#### ***Standard 1.1.1—2 Structure of the Code***

5. The proposal is to omit a note in subsection 1.1.1—2(2) that refers to Schedule 22 as applying in Australia only. This is incorrect as Schedule 22 is referred to in the following areas that apply to both New Zealand and Australia:
  - Standard 1.4.1 Contaminants and natural toxicants, Section 1.4.1—2(2)
  - Standard 1.5.3 Irradiation, Section 1.5.3—2(2)
  - Schedule 5 Nutrient Profiling Scoring Method, Section S5—4(2).
6. NZFGC agrees that the note in Section 1.1.1—2(2) that refers to Schedule 22 as applying in Australia only should be omitted. However we recommend that Schedule 22 be amended with a note added at the outset to make it clear that the paragraphs in the Schedule that refer to “*Portion of the commodity to which the MRL and ERL apply...*” applies only in Australia, otherwise the implication is that these apply to New Zealand as well, which is incorrect.

#### ***Standard 1.1.2—2 Definitions used throughout the Code***

7. In the definition of permitted flavouring substance in Section 1.1.2—2(3), a reference is made in (a)(i) to edition 26 of the Generally Recognised as Safe (GRAS) lists of flavouring substances. The latest edition is for 2017, edition 28.
8. NZFGC supports maintaining the currency of these reference materials and supports the amendment.

#### ***Standard 1.1.2—2 Definitions used throughout the Code***

9. In the definition of nutrient content claim in Section 1.1.2—9(1), the definition refers to ‘\*fat’. Asterisks are reserved for terms that are defined in the Code and for their first occurrence in a section. However, there is a list of 14 basic terms used throughout the Code that are not identified with an asterisk (as set out in Section 1.1.1—16(6)). The list includes ‘fat’.
10. NZFGC supports amendment to remove the asterisk.

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**Standard 1.2.7 Nutrition, health and related claims**

11. Section 1.2.7—4 refers to ‘\*nutrient content claim’. The asterisk’s use is incorrect and should be omitted.
12. NZFGC supports the omission of the asterisk.

**Standard 1.2.8 Nutrition information requirements**

13. Section 1.2.8—5(2)(b) refers to ‘small package’. This should be identified with an asterisk as it is a term defined in Section 1.1.2—2(3) and is the first occurrence in the Standard. Similarly, Section 1.2.8—14(1) refers to ‘small package’ and as this is the first occurrence in this section, it should be identified with an asterisk.
14. NZFGC supports the inclusion of asterisks in the above sections. On the same basis, we support the insertion of an asterisk to precede ‘small package’ in Section 1.2.10—3(3)(c) and Section 1.2.10—5(1)(a) and possibly in the title of Schedule 13.

**Schedule 1 RDIs and ESADDIs**

15. Section S1—4 refers the user to ‘paragraph 1.1.2—14(a)’. This should read 1.1.2—14(3)(a). Similarly, Section S1—5 refers the user to ‘paragraph 1.1.2—14(d) when this should be a reference to paragraph 1.1.2—(3)(c).
16. NZFGC supports amendments to correct these references.

**Schedule 11 Calculation of values for nutrition information panel**

17. Sections S11—4(2) and (3) use asterisks for the term dietary fibre; Section S11—4(2) refers to ‘named fibre’ instead of ‘named dietary fibre’; and Section S11—4(2)(a) and (b) refer to ‘total dietary fibre’ when this should be ‘dietary fibre’.
18. NZFGC supports amendments to correct these references and terms.

**Schedule 15 Substances that may be used as food additives**

19. Paragraph 9.3.2 in the table should read paragraph 9.3.1 (otherwise there is no 9.3.1)
20. NZFGC supports the amendment to correct the numbering in Schedule 15.

**Schedule 18 Processing aids**

21. The table in Section S18—9(3) has been mislabelled by the addition of the words ‘and food’ at the end of the heading to column 3 when they should be added to the heading of column 2.
22. NZFGC supports the amendment to correct the headings of columns 2 and 3.

**Schedule 26 Food produced using gene technology**

23. FSANZ proposes that Section 26—3(4) paragraphs 1(g) and 6(b) require the addition of missing references to their relevant additional labelling requirements.
24. NZFGC supports the amendment to add the relevant labelling requirements to these paragraphs (DHA canola line NS-B5007-4 and provitamin A rice line GR2E respectively).

**Schedule 29 Special purpose foods**

25. Section S29—14(1) should contain a reference to Section 2.9.3—6; and Section S29—20 contains a blank line between the entries for ‘L-cystine’ and ‘L-glutamic acid’ which should be removed.
26. NZFGC supports the correction of both these errors.