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Food Standards

Amendment No. 224

The following instruments are separate instruments in the Federal Register of Legislation and are known collectively in the Food Standards Gazette as Amendment No. 224

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Food Standards (Proposal P1062 – Defining added sugars for claims) 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.

4 December 2023



Owen Walsh, Section Manager – Standards Management
Delegate of the Board of Food Standards Australia New Zealand

Note:

This variation will be published in the Commonwealth of Australia Gazette No. FSC 164 on 13 December 2023. 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 (Proposal P1062 – Defining added sugars for claims) 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.

4 Effect of the variations made by this instrument

- (1) Section 1.1.1—9 of Standard 1.1.1 does not apply to the variations made by this instrument.
- (2) During the transition period, a food product may be sold if the product complies with one of the following:
 - (a) the Code as in force without the variations made by this instrument; or
 - (b) the Code as amended by the variations made by this instrument.
- (3) A food product that was packaged and labelled before the end of the transition period may be sold during the post-transition period if the product complies with one of the following:
 - (a) the Code as in force without the variations made by this instrument; or
 - (b) the Code as amended by the variations made by this instrument.
- (4) For the purposes of this clause:
 - (a) **transition period** means the period commencing on the variation's date of commencement and ending 48 months after the date of commencement; and
 - (b) **post-transition period** means the 24 month period commencing on the day after the transition period ends.

Schedule

Schedule 4 Nutrition, health and related claims

[1] Table to section S4—3 (table entry dealing with “Sugar or sugars”)

Repeal the entry, substitute:

Sugar or sugars	% Free	The food meets the conditions for a nutrition content claim about low sugar.
	Low	The food contains no more sugars than: (a) 2.5 g/100 mL for liquid food; or (b) 5 g/100 g for solid food.
	Reduced or Light/Lite	The food contains at least 25% less sugars than in the same amount of *reference food.
	No added	(a) The food for sale is not an added sugar. (b) The food for sale does not contain: (i) an added sugar as an added ingredient; and (ii) more sugars than:

- (A) 10 g/100 g for solid food; or
 - (B) 7.5 g/100 mL for liquid food.
- (c) The food for sale has not had the concentration of hexose monosaccharides and disaccharides in that food increased by hydrolysis of carbohydrates during the production of that food.
- (d) Condition (c) does not apply if the concentration of hexose monosaccharides and disaccharides in that food is not > 1.5%.
- (e) For the purposes of conditions (a) and (b), an **added sugar** means any of the following derived from any source:
- (i) hexose monosaccharides and disaccharides;
 - (ii) low energy hexose monosaccharide D-tagatose;
 - (iii) starch hydrolysate;
 - (iv) glucose syrup;
 - (v) maltodextrin and similar products;
 - (vi) a product derived at a sugar refinery (including brown sugar, molasses, raw sugar, golden syrup, treacle);
 - (vii) icing sugar;
 - (viii) invert sugar;
 - (ix) sugar and sugar syrup derived from plants;
 - (x) honey;
 - (xi) malt;
 - (xii) malt extracts;
 - (xiii) any of the following unless the food for sale is a prescribed beverage:
 - (A) concentrated fruit juice;
 - (B) concentrated vegetable juice;
 - (C) deionised fruit juice;
 - (D) deionised vegetable juice.

- (f) For the purposes of condition (b), an **ingredient** includes an ingredient of a *compound ingredient.
- (g) For the purposes of condition (e), a **prescribed beverage** means any of the following:
 - (i) a brewed soft drink;
 - (ii) a formulated beverage;
 - (iii) a juice blend;
 - (iv) a fruit drink;
 - (v) a fruit juice;
 - (vi) a vegetable juice;
 - (vii) a water-based beverage.

- Unsweetened
- (a) The food meets the conditions for a nutrition content claim about no added sugar(s).
 - (b) The food does not contain: intense sweeteners; sorbitol; mannitol; glycerol; xylitol; isomalt; maltitol; maltitol syrup; erythritol; or lactitol.
 - (c) The food does not contain, as an ingredient or as an ingredient of a *compound ingredient, a monosaccharide or disaccharide listed in the table to subsection S11—2(3).