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**Food Standards**

## **Amendment No. 233**

The following instruments are separate instruments in the Federal Register of Legislation and are known collectively in the Food Standards Gazette as Amendment No. 233

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## Food Standards (Application A1247 – D-allulose as a novel food) Variation

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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 23 October 2024

A handwritten signature in black ink, appearing to read 'M O'Mullane'.

Matthew O'Mullane, General Manager Risk Management and Intelligence  
Delegate of the Board of Food Standards Australia New Zealand

**Note:**

This variation will be published in the Commonwealth of Australia Gazette No. FSC 173 on 29 October 2024.

## 1 Name

This instrument is the *Food Standards (Application A1247 – D-allulose as a novel food) Variation*.

## 2 Variation to Standards in the *Australia New Zealand Food Standards Code*

The Schedule varies Standards in the *Australia New Zealand Food Standards Code*.

## 3 Commencement

The variation commences immediately after the commencement of the *Food Standards (Proposal P1063 – Code Revision (2024) – Added Sugar(s) Claims) Variation*.

### Schedule

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

##### [1] Subsection 1.1.2—2(3) (paragraph (a) of the definition of “sugars”)

Repeal the paragraph, substitute:

- (a) in Standard 1.2.7, Standard 1.2.8 and Schedule 4—means monosaccharides (other than D-allulose-) and disaccharides; and

#### Standard 1.2.3—Information requirements – warning statements, advisory statements and declarations

##### [2] Paragraph 1.2.3—2(2)(c)

Repeal the paragraph, substitute:

- (c) one or more of the substances listed in paragraph (a), in combination with one or more of the substances listed in paragraph (b), at a level of or in excess of 10 g/100 g; or
- (d) added D-allulose as an ingredient and the food is one of the following:
  - (i) a bakery product;
  - (ii) bubble gum;
  - (iii) chewing gum;
  - (iv) breakfast cereal;
  - (v) confectionery (but not chocolate);
  - (vi) a dessert (with or without gelatine);
  - (vii) ice cream;
  - (viii) edible ice;
  - (ix) a non-alcoholic water based flavoured drink (as defined in the table to section S25—2);
  - (x) yoghurt.

#### Standard 1.2.7—Nutrition, health and related claims

##### [3] Section 1.2.7—2 (Note 1, definition of “sugars”)

Repeal the definition, substitute:

**sugars**, in Standard 1.2.7, Standard 1.2.8 and Schedule 4—means monosaccharides (other than D-allulose-) and disaccharides. (Elsewhere in the Code it has a different definition).

#### Standard 1.2.8—Nutrition information requirements

##### [4] Section 1.2.8—4 (Note 1, definition of “sugars”)

Repeal the definition, substitute:

**sugars**, in Standard 1.2.7, Standard 1.2.8 and Schedule 4—means monosaccharides (other than D-allulose-) and disaccharides. (Elsewhere in the Code it has a different definition).

**Standard 2.6.2—Non-alcoholic beverages and brewed soft drinks**

**[5] Section 2.6.2—2 (Note 1, paragraph (a) of the definition of “sugars”)**

Repeal the paragraph, substitute:

- (a) in Standard 1.2.7, Standard 1.2.8 and Schedule 4—means monosaccharides (other than D-allulose) and disaccharides; and

**Schedule 2—Units of measurement**

**[6] Section S2—2 (table, after item dealing with ‘w/v’)**

Insert:

w/w                      weight per weight

**Schedule 4—Nutrition, health and related claims**

**[7] Section S4—2 (Note, paragraph (a) of the definition of “sugars”)**

Repeal the paragraph, substitute:

- (a) in Standard 1.2.7, Standard 1.2.8 and Schedule 4—means monosaccharides (other than D-allulose) and disaccharides; and

**[8] Section S4—3 (table entry dealing with “Sugar or sugars”, descriptor of ‘No added’ in column 3, subparagraph (f)(i) in column 4)**

Omit “hexose monosaccharides and disaccharides”, substitute “hexose monosaccharides (other than D-allulose) and disaccharides”

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

**[9] Subsection S11—2(3) (table, above item dealing with ‘erythritol’)**

Insert:

D-allulose                      2

**Schedule 18—Processing aids**

**[10] Subsection S18—9(3) (table)**

Insert:

D-psicose 3-epimerase (EC 5.1.3.30) from <i>Microbacterium foliorum</i>	For use in the manufacture of D-allulose	GMP
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## Schedule 25— Permitted novel foods

### [11] Section S25—2 (table)

Insert:

- D-allulose
1. May only be a food for retail sale if that food is a tabletop sweetener.
  2. May only be added to a food listed in condition 4.
  3. A food listed in condition 4 must not contain added D-allulose in an amount or at a level greater than the limit, if any, specified in that condition for that food.
  4. The listed foods are:
    - (a) bakery products (limit: 10% w/w);
    - (b) bubble gum (limit: 50% w/w);
    - (c) breakfast cereals (limit: 5% w/w);
    - (d) cereal bars (limit: 5% w/w);
    - (e) chewing gum (limit: 50% w/w);
    - (f) confectionery (but not chocolate) (limit: 50% w/w);
    - (g) desserts (with or without gelatine) (limit: 10% w/w);
    - (h) edible ices (including sorbet) (limit: 5% w/w);
    - (i) frostings (limit: 5% (w/w));
    - (j) fruit spreads (but not chutney) (limit: 10% w/w);
    - (k) ice cream (limit: 5% w/w);
    - (l) icings (limit: 5% w/w);
    - (m) imitation cream (limit: 5% w/w);
    - (n) non-alcoholic water based flavoured drinks (limit: 3.5% w/w);

**Note** See the definition of 'a non-alcoholic water based flavoured drink' in condition 5 below.
    - (o) salad dressings (limit: 5% w/w);
    - (p) sweet sauces (limit: 10% w/w);
    - (q) syrups (limit: 10% w/w);
    - (r) tabletop sweeteners (limit: 100% w/w);
    - (s) yoghurt (limit: 5% w/w);

**Note** An advisory statement to the effect that excess consumption may have a laxative effect is required for certain foods for sale containing D-allulose. See subsection 1.2.3—2(2)
  5. For the purposes of this permission, a **non-alcoholic water based flavoured drink**:
    - (a) includes: a brewed soft drink; a non-brewed soft drink; a cola type drink; a formulated caffeinated beverage; a fruit drink; a tea beverage; a coffee beverage; a powdered drink concentrate; and a liquid drink concentrate; and
    - (b) does not include: a food standardised in Part 2.9 of the Code; a dairy analogue; a fruit juice; a vegetable juice; a formulated beverage; an electrolyte drink; and an electrolyte drink base.
  6. During the exclusive use period, only D-allulose sold under the brand Nexweet may be a food for retail sale in accordance with condition 1 or added to food in accordance with conditions 2 to 5 above.
  7. For the purposes of condition 6 above, **exclusive use period** means the period commencing on the date of gazettal of the *Food Standards (Application A1247 – D-allulose as a novel food) Variation* and ending 15 months after that date.

**Food Standards (Application A1284 – Triacylglycerol lipase from GM *Trichoderma reesei* as a processing aid) Variation**

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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 23 October 2024



Matthew O'Mullane, General Manager Risk Management and Intelligence  
Delegate of the Board of Food Standards Australia New Zealand

**Note:**

This variation will be published in the Commonwealth of Australia Gazette No. FSC 173 on 29 October 2024. 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 A1284 – Triacylglycerol lipase from GM Trichoderma reesei as a processing aid) 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**

**Schedule 18—Processing aids**

**[1] Subsection S18—9(3) (table)**

Insert:

Lipase, triacylglycerol, protein engineered variant, (EC 3.1.1.3) sourced from <i>Trichoderma reesei</i> containing the lipase, triacylglycerol gene from <i>Thermomyces lanuginosus</i>	For use in the manufacture of bakery and other cereal-based products	GMP
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**[2] Subsection S18—9(3) (note after the table)**

Omit the dot point list of protein engineered variants of enzymes in the note, substitute:

- Cellulase, protein engineered variant;
- Endo-1,4- $\beta$ -xylanase, protein engineered variant;
- Fructan  $\beta$ -fructosidase, protein engineered variant;
- Glucoamylase, protein engineered variant;
- Lipase, triacylglycerol, protein engineered variant;
- Maltogenic  $\alpha$ -amylase, protein engineered variant;
- Protein engineered enzymes used in the manufacture of various steviol glycosides;
- Subtilisin, protein engineered variant.

## Food Standards (Proposal P1063 – Code Revision (2024) - Added Sugar(s) Claims) Variation

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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 23 October 2024



Luci Henson, General Manager, Corporate Services  
Delegate of the Board of Food Standards Australia New Zealand

**Note:**

This variation will be published in the Commonwealth of Australia Gazette No. FSC 173 on 29 October 2024. 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 P1063 – Code Revision (2024) – Added Sugar(s) Claims) Variation*.

## 2 Variation to Standards in the *Australia New Zealand Food Standards Code*

The Schedule varies Standards 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 the instruments; or
  - (b) the Code as amended by the variations made by the instruments.
- (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 the instruments; or
  - (b) the Code as amended by the variations made by the instruments.
- (4) For the purposes of this clause:
  - (a) **the instruments** means:
    - (a) this instrument; and
    - (b) the *Food Standards (Proposal P1062 – Defining added sugars for claims) Variation*;
  - (b) **transition period** means the period commencing on the date of commencement of this instrument and ending 48 months after the date of commencement of the *Food Standards (Proposal P1062 – Defining added sugars for claims) Variation*; and
  - (c) **post-transition period** means the 24 month period commencing on the day after the transition period ends.

## Schedule

### Standard 1.1.2 – Definitions used throughout the Code

#### [1] Subsection 1.1.2—2(3) (paragraph (a) of the definition of *sugars*)

Repeal the paragraph, substitute:

- (a) in Standard 1.2.7, Standard 1.2.8 and Schedule 4—means monosaccharides and disaccharides; and

### Standard 1.2.7 – Nutrition, health and related claims

#### [2] Section 1.2.7—2 (Note 1, the definition of *sugars*)

Repeal the definition, substitute:

**sugars**, in Standard 1.2.7, Standard 1.2.8 and Schedule 4—means monosaccharides and disaccharides. (Elsewhere in the Code it has a different definition).

### Standard 1.2.8 – Nutrition information requirements

#### [3] Section 1.2.8—4 (Note 1, the definition of *sugars*)

Repeal the definition, substitute:

**sugars**, in Standard 1.2.7, Standard 1.2.8 and Schedule 4—means monosaccharides and disaccharides. (Elsewhere in the Code it has a different definition).

#### **Standard 2.6.2 – Non-alcoholic beverages and brewed soft drinks**

##### **[4] Section 2.6.2—2 (Note 1, paragraph (a) of the definition of *sugars*)**

Repeal the paragraph, substitute:

- (a) in Standard 1.2.7, Standard 1.2.8 and Schedule 4—means monosaccharides and disaccharides; and

#### **Schedule 4 – Nutrition, health and related claims**

##### **[5] Section S4—2 (Note, the definition of *sugars*)**

Repeal the Note, substitute:

**Note** In this Code (see section 1.1.2—2):

**sugars:**

- (a) in Standard 1.2.7, Standard 1.2.8 and Schedule 4—means monosaccharides and disaccharides; and
- (b) otherwise—means any of the following products, derived from any source:
- (i) hexose monosaccharides and disaccharides, including dextrose, fructose, sucrose and lactose;
  - (ii) starch hydrolysate;
  - (iii) glucose syrups, maltodextrin and similar products;
  - (iv) products derived at a sugar refinery, including brown sugar and molasses;
  - (v) icing sugar;
  - (vi) invert sugar;
  - (vii) fruit sugar syrup;
- but does not include:
- (i) malt or malt extracts; or
  - (ii) sorbitol, mannitol, glycerol, xylitol, polydextrose, isomalt, maltitol, maltitol syrup, erythritol or lactitol.

**Note** **Sugar** is defined differently—see section 1.1.2—3.

##### **[6] Section S4—3 (table entry dealing with “Sugar or sugars”, descriptor of ‘No added’ in column 3, conditions (a) to (g) in column 4)**

Repeal the conditions, substitute:

- (a) The food for sale is not an added sugar.
- (b) The food for sale does not contain an added sugar as an added ingredient.
- (c) The food for sale does not contain more sugars than:
  - (i) 10 g/100 g for solid food; or
  - (ii) 7.5 g/100 mL for liquid food.
- (d) 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.

- (e) Condition (d) does not apply if the concentration of hexose monosaccharides and disaccharides in that food is not > 1.5%.
- (f) 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.
- (g) For the purposes of condition (b), an **ingredient** includes an ingredient of a \*compound ingredient.
- (h) For the purposes of condition (f), 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.