



**15 December 2010**  
**[25-10]**

## **PROPOSAL P1013**

### **CODE MAINTENANCE IX**

### **ASSESSMENT REPORT**

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#### **Executive Summary**

##### **Purpose**

FSANZ regularly seeks to amend the *Australia New Zealand Food Standards Code* (the Code) to maintain its currency and clarity. The purpose of Proposal P1013 is to assess a range of proposed amendments to the Code. The proposed amendments are intended to address inconsistencies, misspellings, grammatical and typographical errors, omissions and items requiring updating or clarification.

In accordance with the FSANZ Act, this Proposal is being assessed under the General Procedure, meaning that one round of consultation will be undertaken.

##### **Assessing the Proposal**

In assessing this Proposal, FSANZ has had regard to the following matters as prescribed in section 59 of the *Food Standards Australia New Zealand Act 1991* (FSANZ Act):

- Whether costs that would arise from a food regulatory measure developed or varied as a result of the Proposal outweigh the direct and indirect benefits to the community, government or industry that would arise from the development or variation of the food regulatory measure.
- Whether there are other measures that would be more cost-effective that could achieve the same end.
- Any relevant New Zealand standards.
- Any other relevant matters.

##### **Preferred Approach**

**To prepare draft variations to various Standards to maintain the currency, accuracy and clarity of the Code.**

##### **Reasons for Preferred Approach**

The proposed amendments:

- do not raise any public health or safety concerns
- will ensure that the Code remains current and that errors and inconsistencies are addressed
- are expected to result in a net benefit for industry, government and the community in general.

## Consultation

### Invitation for Submissions

FSANZ invites public comment on this Report and the draft variations to the Code based on regulation impact principles for the purpose of preparing an amendment to the Code for approval by the FSANZ Board.

Written submissions are invited from interested individuals and organisations to assist FSANZ in further considering this Proposal. Submissions should, where possible, address the objectives of FSANZ as set out in section 18 of the FSANZ Act. Information providing details of potential costs and benefits of the proposed change to the Code from stakeholders is highly desirable. Claims made in submissions should be supported wherever possible by referencing or including relevant studies, research findings, trials, surveys etc. Technical information should be in sufficient detail to allow independent scientific assessment.

The processes of FSANZ are open to public scrutiny, and any submissions received will ordinarily be placed on the public register of FSANZ and made available for inspection. If you wish any information contained in a submission to remain confidential to FSANZ, you should clearly identify the sensitive information, separate it from your submission and provide justification for treating it as confidential commercial material. Section 114 of the FSANZ Act requires FSANZ to treat in-confidence, trade secrets relating to food and any other information relating to food, the commercial value of which would be, or could reasonably be expected to be, destroyed or diminished by disclosure.

Submissions must be made in writing and should clearly be marked with the word 'Submission' and quote the correct project number and name. While FSANZ accepts submissions in hard copy to our offices, it is more convenient and quicker to receive submissions electronically through the FSANZ website using the Changing the Code tab and then through Documents for Public Comment. Alternatively, you may email your submission directly to the Standards Management Officer at [submissions@foodstandards.gov.au](mailto:submissions@foodstandards.gov.au). There is no need to send a hard copy of your submission if you have submitted it by email or the FSANZ website. FSANZ endeavours to formally acknowledge receipt of submissions within 3 business days.

**DEADLINE FOR PUBLIC SUBMISSIONS: 6pm (Canberra time) 9 February 2011**

**SUBMISSIONS RECEIVED AFTER THIS DEADLINE WILL NOT BE CONSIDERED**

Submissions received after this date will only be considered if agreement for an extension has been given prior to this closing date. Agreement to an extension of time will only be given if extraordinary circumstances warrant an extension to the submission period. Any agreed extension will be notified on the FSANZ website and will apply to all submitters.

Questions relating to making submissions or the application process can be directed to the Standards Management Officer at [standards.management@foodstandards.gov.au](mailto:standards.management@foodstandards.gov.au).

If you are unable to submit your submission electronically, hard copy submissions may be sent to one of the following addresses:

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PO Box 7186  
Canberra BC ACT 2610  
AUSTRALIA  
Tel (02) 6271 2222**

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## **INTRODUCTION**

Proposal P1013 – Code Maintenance IX has been prepared by FSANZ to amend the Code to address inconsistencies, misspellings, grammatical and typographical errors, omissions and items requiring clarification or updating, including updating references and amending or deleting outdated provisions. In addition, there are some issues that arise from time to time (including in applications) that could more efficiently be considered as part of a Proposal. FSANZ has compiled these issues for consideration as part of this Proposal.

In addition, an audit of all Standards in the *Australia New Zealand Food Standards Code* was completed in 2010 by the Office of Legislative Drafting and Publishing (OLDP). This audit made numerous recommendations relating to the structure, content and meaning of text in the Standards. A number of the recommendations have been included in this Proposal and others will be addressed in future work.

In accordance with the FSANZ Act, this Proposal is being assessed in accordance with the General Procedure with one round of public comment.

### **1. The Issue / Problem**

The Code is regularly amended to reflect the changing nature of the food supply and the associated changes to regulatory requirements. On occasions, minor typographical errors or inconsistencies can occur and FSANZ identifies and corrects these errors and inconsistencies to ensure the Code remains as accurate as possible. This Proposal includes a small number of proposed variations to the Code to address these matters.

In addition to these minor changes, FSANZ also reviews provisions in the Code to identify outdated or unnecessary provisions, and areas where clarity could be improved. This Proposal includes a number of proposed variations to update references to external documents, and to improve clarity.

Some proposed amendments to the Code are included to address specific issues that have been raised with FSANZ by external stakeholders and through Application A1043 – World Health Organization Limits for Packaged Water. FSANZ is proposing to address these issues as part of this Proposal because it represents a quicker and more efficient means of amending the Code (refer to section 3.35 of this Report).

### **2. Objectives**

The specific objective of this Proposal is to correct and update food regulatory measures in the Code.

In developing or varying a food standard, FSANZ is required by its legislation to meet three primary objectives which are set out in section 18 of the FSANZ Act. These are:

- the protection of public health and safety; and
- the provision of adequate information relating to food to enable consumers to make informed choices; and
- the prevention of misleading or deceptive conduct.

In developing and varying standards, FSANZ must also have regard to:

- the need for standards to be based on risk analysis using the best available scientific evidence;
- the promotion of consistency between domestic and international food standards;
- the desirability of an efficient and internationally competitive food industry;
- the promotion of fair trading in food; and
- any written policy guidelines formulated by the Ministerial Council.

## **RISK ASSESSMENT**

The proposed amendments to the Code included in this Proposal have been provided to FSANZ by jurisdictions and other stakeholders; or identified during the legislative audit by OLDPA; or have been generated internally within FSANZ. The majority of the issues relate to inconsistencies, misspellings, grammatical errors, omissions and items requiring updating or clarification.

The recommended amendments to the Code through this Proposal do not negatively impact on public health or safety. On this basis, a general risk assessment is not considered to be necessary, although for some of the issues a risk assessment has been undertaken and is briefly described when addressing the specific issue.

## **PROPOSED AMENDMENTS**

### **3. Issues Raised and Proposed Solutions**

In this section, the issues are arranged under the relevant standards and the following details are provided with regard to each issue:

**Location:** The relevant clause, subclause, paragraph or Table where the problem arises.

**Issue:** The nature of the inconsistency, error or other issue and where necessary the rationale and risk assessment for the suggested amendment.

**Solution:** The proposed amendment.

Details about the proposed amendments to Editorial notes are provided in section 4.

The drafting of each proposed amendment to the Code is provided in Attachment 1. Drafting of proposed amendments to Editorial notes in the Code is provided in Attachment 2.

#### **3.1 Proposed Amendments to Standards**

**Location:** Wherever the word 'micro-organism' occurs (Standards 1.5.1 (Editorial note), 1.6.1, 2.4.2, 2.5.4, 3.3.1 (Editorial note), 3.2.2, 3.2.3, 3.3.1, 4.2.1, 4.2.3, 4.2.4 and 4.5.1).

**Issue 1:** Microorganism should not be hyphenated.

**Solution:** Replace 'micro-organism' with 'microorganism'.

### **3.2 Standard 1.1.1 – Preliminary Provisions – Application, Interpretation and General Prohibitions**

**Location:** Subclause 1(1) (application of the provisions of the Code)

**Issue 2:** OLDP recommendation to clarify meaning of ‘and/or’

**Solution:** Redraft to remove the expression.

**Location:** Clause 16 (new clause), definition of ‘Code of Federal Regulations’ and wherever the Code of Federal Regulations is referenced in the Code (Standards 1.3.1 and 1.3.4).

**Issue 3:** The US Code of Federal Regulations is mentioned in various places in the Code. This means each entry requires updating regularly.

**Solution:** Define the Code of Federal Regulations in Standard 1.1.1 for citation throughout the Code. Remove reference to the date of the Code of Federal Regulations where currently mentioned in the Code.

**Location:** Clause 2, definition of component

**Issue 4:** The term ‘final product’ is used rather than the more appropriate term ‘final food’.

**Solution:** Amend to ‘final food’.

**Location:** Definition of ‘fund raising events’ in clause 1 and use of this term in paragraph 2(4)(e) of Standard 1.2.10 and clause 6 of Standard 3.2.1.

**Issue 5:** The term should be singular (fund raising event).

**Solution:** Change definition and reference to ‘fund raising events’ to singular.

### **3.3 Standard 1.1.2 – Supplementary Definitions for Foods**

**Location:** Definition of cocoa

**Issue 6:** The definition refers to ‘the addition of salt and/or spices’. OLDP recommendation to clarify meaning of ‘and/or’

**Solution:** Redraft to remove the expression.

**Location:** Definition of coffee

**Issue 7:** The definition refers to ‘roasting and/or grinding’. OLDP recommendation to clarify meaning of ‘and/or’

**Solution:** Replace with ‘roasting, grinding, or both the roasting and grinding’.

### **3.4 Standard 1.2.1 – Application of Labelling and Other Information Requirements**

**Location:** Paragraphs 2(1)(a) and 3(1)(d)

**Issue 8:** The terminology ‘food not in a package’ is inconsistent with the terminology in paragraph 5(2)(a) – ‘the food is other than in a package’.

**Solution:** Amend to use just one precise term (i.e. the food is not in a package).

**Location:** Paragraph 2(2)(a)

**Issue 9:** Under this paragraph, foods exempt from bearing a label must comply with subclauses 1(1) or 1(2) of Standard 1.2.2, however of these two subclauses, only subclause 1(2) refers to foods exempt from bearing a label.

**Solution:** Remove the reference to subclause 1(1) in paragraph 2(2)(a).



**Location:** Subclause 3(1)

**Issue 10:** Inclusion of 'for' at the end of subclause 3(1) is not grammatically correct as it applies to (c). Repetition of the word 'food' at the start of each paragraph (d) to (f) is not necessary.

**Solution:** Move the word 'for' to the start of both paragraphs 3(1)(a) and (b). Move the word 'food' from (d), (e) and (f) to after the wording '...except where the –'.

**Location:** Subparagraph 5(2)(c)(i)

**Issue 11:** Subclause 6(2) allows supplier details to be provided in accompanying documentation rather than on a label of food for catering purposes. It is unclear under subclause 5(2) whether supplier details are required on the outer package in order for an outer package to be exempt from the labelling requirements prescribed in subclause 5(1), or whether the exemption also applies if supplier details are provided in accompanying documentation as provided for under subclause 6(2).

**Solution:** Amend subclause 5(2) to reflect that the supplier details could be provided in accompanying documentation in order for the exemption to apply.

**Location:** Subclause 6(4)

**Issue 12:** The comma after the word 'purposes' is not necessary.

**Solution:** Remove comma.

**Location:** Table to clause 8, wherever 'and/or' occurs.

**Issue 13:** OLDP recommendation to clarify meaning of 'and/or'

**Solution:** Redraft to remove the expression.

### **3.5 Standard 1.2.3 – Mandatory Warning and Advisory Statements and Declarations**

**Location:** Purpose

**Issue 14:** The Standard includes a clause regarding a warning statement, however the Purpose does not make reference to this.

**Solution:** Add to the Purpose that the Standard sets out mandatory warning statements.

**Location:** Clause 3 heading

**Issue 15:** The heading refers to 'warning statements and declarations' however the clause only includes requirements for warning statements.

**Solution:** Remove 'and declarations' from the clause heading and update the Table of Provisions to reflect this amendment.

**Location:** Subclause 3(2)

**Issue 16:** The subclause refers to 'advisory statement' but should refer to 'warning statement'.

**Solution:** Replace 'advisory statement' with 'warning statement'.

**Location:** Table to clause 4

**Issue 17:** The entry for Fish and fish products ends with a full stop (other entries do not have full stops).

**Solution:** Remove full stop.

**Location:** Table to clause 4

**Issue 18:** The terms 'tree nuts' and 'sesame seeds', 'peanuts' and 'soybeans' are combined entries which may cause confusion. In addition, these foods are unrelated in terms of allergy e.g. many people with a tree nut allergy can safely consume sesame seeds.

**Solution:** Provide separate entries for each of the above foods.

### 3.6 Standard 1.2.4 – Labelling of Ingredients

**Location:** Paragraph 2 (d)

**Issue 19:** The exemption from the requirement to label with a statement of ingredients for liquid milk and milk products and cream and cream products sold in glass bottles with no label other than that on the foil cap is now redundant. Other labelling requirements, such as supplier name and address and a nutrition information panel, for which no exemption for milk and milk products in glass bottles has been sought, mean that the requirement for ‘no other label other than that on the foil cap’ will not be met so the exemption will never apply.

**Solution:** Remove exemption.

**Location:** Entry for milk solids in Table to clause 4

**Issue 20:** OLDP recommendation to clarify meaning of ‘and/or’

**Solution:** Redraft to remove the expression.

**Location:** Clause 5, wherever ‘and/or’ appears

**Issue 21:** OLDP recommendation to clarify meaning of ‘and/or’

**Solution:** Redraft to remove the expression.

**Location:** Clause 6

**Issue 22:** Subclause 6(2) as written could be interpreted to mean that compound ingredients must be declared as ‘Name (ingredient 1, ingredient 2, etc)’, however subclause 6(1) clearly states there are two options.

**Solution:** Redraft clause 6 to clearly indicate the two options for declaring compound ingredients in foods (except for food standardised in Standard 2.9.2 and foods containing alcoholic beverages standardised in Standards 2.7.2 to 2.7.5).

**Location:** Subclauses 8(2), 8(4) and 8(5)

**Issue 23:** It is not clear that the food additive class name used in the ingredient list should relate to the technological function of the food additive performed in the food, not what technological function the food additive is capable of.

It is not clear in clause 8 that the names in Schedule 2 are prescribed names.

**Solution:** Amend clause 8 to clarify that the food additive class name used in the statement of ingredients must describe the primary technological function of that food additive in the food and to clarify that the names in Schedule 2 are prescribed names.

#### Questions for submitters

1. Are you aware of any foods that would require relabelling as a result of this amendment?
2. If so, please provide details of the extent and cost of the labelling changes required.

**Location:** New clause (10)

**Issue 24:** Clause 3 of Standard 2.4.1 – Edible Oils refers to labelling requirements for oil where it is specifically named. The clause applies when oil has undergone a process which has altered the fatty acid composition of the edible oil. This labelling requirement applies both to the name of the food if the food is an oil described in this clause, and when a food contains as an ingredient, an oil described in this clause. As this requirement is located in the Edible Oils Standard, the labelling requirement may not be obvious to manufacturers using edible oils as ingredients.

**Solution:** Provide a cross reference to clause 3 of Standard 2.4.1 in Standard 1.2.4 – Labelling of Ingredients. Update the Table of Provisions to reflect this new clause.

### 3.7 Standard 1.2.5 – Date Marking of Food

**Location:** Clause 1, definition of ‘use-by date’

**Issue 25:** The definition of ‘use-by date’ refers to ‘health and safety’ whereas under clause 2, a use-by date is required for ‘health or safety’ reasons. The latter phrase is correct.

**Solution:** Amend ‘health and safety’ to ‘health or safety’.

**Location:** Clause 5

**Issue 26:** The reference to ‘chronological form’ doesn’t clearly identify the intent as recommended under Proposal P139 – Date Marking of Packed Food (Full Assessment Report). Under Proposal P139 it was recommended that the date mark must be expressed as the day, followed by the month, followed by the year, as appropriate according to subclause 5(1), unless the month is expressed in letters, in which case the month can be expressed before the day. The day and year must be in uncoded numerical form, however the month may be expressed in uncoded numerical form or in letters.

**Solution:** Amend to clarify the intent as outlined above.

**Location:** Subclause 6(2)

**Issue 27:** The exemption from the requirement to label with a statement of ingredients for liquid milk and milk products and cream and cream products sold in glass bottles with no label other than that on the foil cap is now redundant. Other labelling requirements, such as supplier name and address and a nutrition information panel, for which no exemption for milk and milk products in glass bottles has been sought, mean that the requirement for ‘no other label other than that on the foil cap’ will not be met so the exemption will never apply.

**Solution:** Remove exemption.

**Location:** Clause 7

**Issue 28:** The intent, as indicated in the Proposal P139 – Date Marking of Packed Food Full Assessment Report, was that ‘packed on’ dates (referred to as ‘packing dates’ in that Report) are permitted in addition to a date mark prescribed by Standard 1.2.5. It is not clear that the permission in clause 7 for the addition of a ‘manufacturer’s or packer’s code’ includes permission for the addition of a packed on date.

**Solution:** Amend to clarify the intent, i.e. that the date the food was packed on (‘packed on’ date) may not be used instead of a use-by date or best-before date (or baked-for date), but is permitted as additional information.

### 3.8 Standard 1.2.6 – Directions for Use and Storage

**Location:** Purpose

**Issue 29:** The OLDP legislative audit identified that the use of ‘and/or’ requires too much work from the reader and can be interpreted in different ways. The Purpose mentions labelling is required for reasons of ‘health and safety’, however this is referred to as ‘health or safety’ later in the Standard.

**Solution:** Remove reference to ‘and/or’ and amend ‘health and safety’ to ‘health or safety’.

**Location:** Clauses 1, 2 and 3

**Issue 30:** The OLDP legislative audit identified that the interpretation of ‘use or storage’ (i.e. ‘includes use and storage’) and use of this term in clauses 2 and 3 could be clarified.

**Solution:** Remove the interpretation of ‘use or storage’ and clarify clauses 2 and 3 to indicate that directions for the use of the food or the storage of the food, or both, should be provided when required. Update the Table of Provisions to reflect these amendments.

### 3.9 Standard 1.2.8 – Nutrition Information Requirements

**Location:** Clause 1

**Issue 31:** The definitions of polyunsaturated fatty acids, saturated fatty acids and trans fatty acids include a typographical error, i.e. the word ‘acids’ after ‘double bonds’ or ‘trans configuration’.

**Solution:** Delete the word ‘acids’ after ‘double bonds’ and ‘trans configuration’ as applicable.

**Location:** Paragraph 3 (a)

**Issue 32:** This subclause provides an exemption for food sold at fundraising events from the requirement to include a nutrition information panel on the label of the package of food, but food sold at fundraising events is already exempt from this requirement under Standard 1.2.1.

**Solution:** Delete 3(a) ‘sold at fundraising events’.

**Location:** Paragraph 3 (l)

**Issue 33:** The term ‘mineral water or spring water’ is defined in Standard 2.6.2, not ‘mineral or spring water’ as stated in this subclause.

**Solution:** Amend subclause 3(l) to reflect the term defined in Standard 2.6.2.

**Location:** Subclause 5(7), nutrition information panel format

**Issue 34:** The second dash point under ‘sugars’ should have two asterisks, i.e. \*\*.

**Solution:** Insert another \*.

**Location:** Clause 10

**Issue 35:** Under Proposal P167 – Nutrition Labelling the intent was that where directions for draining the food prior to consumption are found on the label, ‘the manufacturer should be required to declare nutritional information according to the drained weight of the product’. This is not clearly reflected in this clause.

**Solution:** Add that the particulars in the panel must relate to the food after draining.

**Location:** Clause 11 heading ‘Food to be prepared or consumed with other food’

**Issue 36:** The heading appears as if the clause is an instruction to prepare or consume food with other food.

**Solution:** Add the word ‘intended’ to this heading.

**Location:** Clause 11

**Issue 37:** It is not clear that the third column of the nutrition information panel should indicate the average energy content and average quantities of the nutrients and biologically active substances of the combined foods, when the food in the package is prepared or consumed with other foods.

**Solution:** Amend to clarify the intent as outlined above.

**Location:** Subclause 13(5), reference to the declaration of ‘alpha-linolenic acid, docosahexaenoic acid and/or eicosapentaenoic acid’

**Issue 38:** OLDP recommendation to clarify meaning of ‘and/or’

**Solution:** Redraft to clarify that the clause refers to the declaration of alpha-linolenic acid, docosahexaenoic acid or eicosapentaenoic acid, or a combination.

### 3.10 Standard 1.2.9 – Legibility

**Location:** Clause 3

**Issue 39:** The formatting of ‘3mm’ and ‘1.5mm’ is incorrect (no space before the mm).

**Solution:** Correct formatting.

### 3.11 Standard 1.2.10 – Characterising Ingredients and Components of Food

**Location:** Subclauses 5(2) and 7(2)

**Issue 40:** Subclause 5(2) was previously amended to indicate that the declared percentage ‘may’ be rounded rather than ‘must’ be rounded, so that low percentages (less than 5%) of characterising ingredients didn’t have to be rounded to 0.0%. However this amendment inadvertently also removed the requirement to round percentages of 5% and greater to the nearest whole number. Under subclause 7(2), the percentage of the characterising component ‘must’ be rounded to the nearest whole number or 0.5 decimal place. This is inconsistent with subclause 5(2).

**Solution:** Amend both subclauses to require that for declarations of 5% or greater, the percentage must be rounded to the nearest whole number and for declarations of less than 5%, the percentage may be rounded to the nearest 0.5%.

#### Questions for submitters

3. Do you agree with the recommendation to require declarations of characterising ingredients of 5% or greater to be rounded to the nearest whole number?
4. Are you aware of any foods that would require relabelling as a result of this amendment?

### 3.12 Standard 1.2.11 – Country of Origin Requirements

**Location:** Subclauses 1(4) and 1(5)

**Issue 41:** These subclauses provided the dates of commencement (being 2006) of certain requirements in the Standard and are no longer necessary.

**Solution:** Remove subclauses.

**Location:** Table to subclause 2(2), wherever ‘a mix of local and/or imported foods’ occurs

**Issue 42:** OLDP recommendation to clarify meaning of ‘and/or’

**Solution:** Replace with ‘a mix of local and imported foods’.

### 3.13 Standard 1.3.1 – Food Additives

**Location:** Editorial note following clause 3

**Issue 43:** Good Manufacturing Practice (GMP) is not used uniformly throughout the Code, and is often interchangeable with Good Hygienic Practice (GHP).

The extract from the Codex document in the Editorial note is only defined for food additive use, and is not a general definition.

The same criteria are true for processing aids and (b) in the Editorial note is specifically referring to processing aids in the context of the Code.

**Solution:** Delete the current Editorial note.

Add a definition of GMP with respect to the addition of food additives and processing aids only, to Standard 1.1.1, based on what was in the Editorial note.

Delete the definition of GMP in the Interpretation of Standard 1.3.3.

Modify (b) of the processing aid interpretation in clause 1 of Standard 1.3.3 to include reference to GMP.

**Location:** Subclause 6(2)

**Issue 44:** A colon is used, not a dash.

**Solution:** Replace colon with dash.

- Location:** Clause 7
- Issue 45:** The words 'Other than by direct addition' are unnecessary and could be confusing.
- Solution:** Delete the words 'Other than by direct addition' from the start of clause.
- Location:** Clause 11
- Issue 46:** The publications list needs updating.
- Solution:** Paragraph (a)(i) Update the reference to June 2009 (from August 2007) for the FEMA GRAS flavouring lists.  
Paragraph (a)(iii) Update the CFR reference
- Location:** Paragraph 11 (b)
- Issue 47:** The clause is not clear. Many of these extracted flavours are actually a mixture of flavours that may not have every single entity characterised. The inclusion of 'synthetic' in the main text does not make sense.
- Solution:** Amend drafting to include mixtures of substances and to clarify how the clause applies to those substances obtained by synthetic means.
- Location:** General Provisions of Schedule 1
- Issue 48:** The general permissions for additives in Schedule 2 and the Schedule 3 and Schedule 4 colours should be in the Standard, not in the front section of Schedule 1.  
The user guide referred to no longer exists.
- Solution:** Move 'Additives in Schedule 2...' and 'Colours in Schedule 3...' to a specific provision in clause 3.  
Move 'Colours in Schedule 4...' to a specific provision in clause 3 and clarify that the limits apply to the combination of total colours in the food as stated in the current Schedule 4 header.  
Amend the heading of Schedule 4 to reflect this.  
Remove reference to the user guide.
- Location:** Schedule 1, item 1.1.3
- Issue 49:** The limits for these food additives should be expressed as 'mg/kg'.
- Solution:** Multiply the levels by 1000 and change the units to mg/kg.
- Location:** Schedule 1, item 1.4.2 heading
- Issue 50:** Putting a full stop after 'etc' is not consistent with virtually all other occurrences in the Code.
- Solution:** Remove full stop after 'etc'.
- Location:** Item heading 4.1.3 – Peeled and/or cut fruits and vegetables
- Issue 51:** OLDP recommendation to clarify meaning of 'and/or'
- Solution:** Amend category heading to replace 'and/or' with 'or'.
- Location:** Schedule 1, item 6.4 (qualification for INS 234)
- Issue 52:** The word 'etc.' after flapjacks is unnecessary.
- Solution:** Remove 'etc.' from the qualification.
- Location:** Schedule 1, item 6.4 (qualification for INS 243)
- Issue 53:** It is not clear that 'cooked pasta and noodles only' is associated with INS 243 only.
- Solution:** Change 'cooked' to 'Cooked'

**Location:** Schedule 1, item 10.4 Dried and/or heat coagulated egg products

**Issue 54:** OLDP recommendation to clarify meaning of 'and/or'

**Solution:** Change 'and/or' to 'or'.

**Location:** Schedule 1, item 14.2

**Issue 55:** The 'no alcohol' is not clear as a class of alcoholic beverage in the heading

**Solution:** Change heading to read 'Alcoholic Beverages (including alcoholic beverages that have had the alcohol reduced or removed)'.

**Location:** Schedule 1, item 20.2 soup bases (made up as directed)

**Issue 56:** Having the words 'made up as directed' in the heading is potentially confusing and inconsistent with other entries in the Schedule.

**Solution:** Amend the entry to 'soup' and remove the words 'made up as directed' as these are unnecessary.

**Location:** Schedule 2 and Standard 1.2.4, Schedule 2

**Issue 57:** Modified starches (1400 series) are currently generally permitted food additives but Schedule 2 does not include acetylated oxidized starch (1451), however, it is a generally permitted food additive internationally.

This starch was assessed by the Joint Expert FAO/WHO Committee on Food Additives (JECFA) in 2002. JECFA concluded that 'Because of the nature of acetylated oxidized starch and its similarity to other modified starches with similar non-systemic effects, the Committee established an ADI 'not specified', based on the known uses of acetylated oxidized starch as an ingredient in confectionery products.'<sup>1</sup>

FSANZ has considered the information examined by JECFA and its conclusion, and has concluded that an additional risk assessment is not necessary.

**Solution:** Acetylated oxidized starch and the INS number of 1451 should be added to Schedule 2 of Standard 1.3.1 and Schedule 2 of Standard 1.2.4.

**Location:** Schedule 2

**Issue 58:** Sodium gluconate (INS 576) is not in the list of gluconates in the Code, even though it is in the group list of gluconates given an ADI 'not specified' by JECFA and has usage permission in the EC and USA.

JECFA considered calcium gluconate, magnesium gluconate, potassium gluconate, and sodium gluconate together, because all four salts are freely ionized and it is appropriate to allocate a group ADI, including glucono-delta-lactone, on the basis of their anion, gluconic acid.

Toxicology studies and case reports considered by JECFA in making this decision included studies conducted with all the compounds, but sodium gluconate and glucono-delta-lactone were the most frequently used test substances.

FSANZ has reviewed the JECFA Monograph concerning sodium gluconate and related compounds at

<http://www.inchem.org/documents/jecfa/jecmono/v042je12.htm> and concluded that there is no need for a separate risk assessment for sodium gluconate, in that the group risk assessment conducted by JECFA is already to a large extent based on studies of sodium gluconate.

**Solution:** Sodium gluconate and the INS number of 576 should be added to Schedule 2 of Standard 1.3.1 and to Schedule 2 of Standard 1.2.4.

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<sup>1</sup> ADI 'not specified' is a term applicable to a food substance of very low toxicity which, on the basis of the available data (chemical, biochemical, toxicological, and other), the total dietary intake of the substance arising from its use at the levels necessary to achieve the desired effect and from its acceptable background in food does not, in the opinion of JECFA, represent a hazard to health. For that reason, and for reasons stated in individual evaluations, the establishment of an acceptable daily intake expressed in numerical form is not deemed necessary.

**Location:** Schedule 5, definition of flavour enhancer  
**Issue 59:** The definition refers to 'enhances the existing taste and/or odour'. T OLDP recommendation to clarify meaning of 'and/or'  
**Solution:** Redraft to 'enhances the existing taste or odour'.

**Location:** Schedule 5, definition of flavouring  
**Issue 60:** The definition refers to 'impart taste and/or odour'. OLDP recommendation to clarify meaning of 'and/or'  
**Solution:** Replace 'and/or' with 'or'.

### 3.14 Standard 1.3.2 – Vitamins and Minerals

**Location:** Definition of 'claimable food', clause 1  
**Issue 61:** OLDP recommendation to clarify meaning of 'and/or'  
**Solution:** Amend (c) to refer to 'two or more of the following –' and replace 'and/or' with 'or'.

**Location:** Table to clause 3  
**Issue 62:** Formatting is inconsistent, i.e. use of colons and dashes.  
The 'other edible oils' is not meant to be a subset of the sunflower oil and safflower oil, it should it be a category in its own right.  
The entry for fruit juice is unclear due to the formatting. Inclusion of reconstituted fruit juice is unnecessary, as permission to fortify these are captured by permission to fortify fruit juice.  
**Solution:** Correct formatting and separate out the entry for 'other edible oils' so it is not a subset of sunflower oils and safflower oils. Remove reconstituted fruit juice.

**Location:** Table to clause 3, wherever 'and/or' occurs  
**Issue 63:** OLDP recommendation to clarify meaning of 'and/or'  
**Solution:** Replace 'and/or' with 'or'.

**Location:** Table to clause 3, wherever the term 'thiamine' is used  
**Issue 64:** Spelling of 'thiamine' is not consistent.  
**Solution:** Amend to 'thiamin'.

### 3.15 Standard 1.3.3 – Processing Aids

**Location:** Clause 11  
**Issue 65:** Because this clause refers to permissions both for packaged water and to water used as an ingredient, where the water is used as an ingredient it is not clear if the maximum levels refer to the level in water added to food or to the level in the final food.  
In the former Australian *Food Standards Code* the maximum levels applied to the level in water added to food, and the intent under Proposal P188 – Processing Aids was to maintain this approach.  
**Solution:** Amend to clarify that the maximum levels apply to the water added to food, rather than to the final food.

**Location:** Table to clause 14  
**Issue 66:** The heading of the middle column ('Food') is not appropriate, as the items in the middle column refer to functions of the processing aids rather than (or in addition to) foods.  
**Solution:** Amend the heading from 'Food' to 'Function'.



**Location:** Table to clause 14, reference to 'Reduce and/or inhibit bacterial population' in the entry for lactoperoxidase from bovine milk

**Issue 67:** OLDP recommendation to clarify meaning of 'and/or'

**Solution:** Replace with 'Reduce the bacterial population or inhibit bacterial growth'.

### 3.16 Standard 1.3.4 – Identity and Purity

**Location:** Clause 1 and Purpose

**Issue 68:** The reference to 'substances' is not sufficient to indicate what the Standard applies to.

**Solution:** Amend to reflect that the Standard applies to food additives, processing aids, vitamins, minerals and other added nutrients.

**Location:** Clauses 2 and 3

**Issue 69:** The references to some of the documents are outdated.

**Solution:** Update to reflect latest versions.

**Location:** Clause 3

**Issue 70:** The specifications from the Organisation Internationale de la Vigne et du Vin (OIV) were intended to be added to Standard 1.3.4 as part of Application A605 – Yeast Mannoproteins as a Food Additive for Wine but were inadvertently deleted when Proposal P1001 – Omnibus VII was progressed in parallel.

The OIV specifications are viewed by FSANZ and the industry as good specifications for wine additives and processing aids that are internationally accepted and recognised, including for mannoproteins.

**Solution:** Amend to include the *International Oenological Codex* (2010 supplementary edition) as an additional secondary source of specifications.

#### Questions for submitters

5. Should all current references in clauses 2 and 3 of Standard 1.3.4 be maintained in addition to those proposed as updated references?
6. Are there any other references that should be added to these clauses? If yes, which references and why?

**Location:** Clause 4

**Issue 71:** The absence of a definition of a 'heavy metal' makes interpretation and compliance more difficult.

There is no apparent reason for the high level of total heavy metals.

In the Inquiry Report for Proposal P189 – Specifications for Identify & Purity of Food Additives, Processing Aids, Vitamins, Minerals & Other Added Nutrients, FSANZ indicated that the actual JECFA limits would be incorporated into the Code when they became available.

**Solution:** Define heavy metal requirements as they are defined by JECFA i.e. remove existing (c), and insert new (c) and (d) for cadmium and mercury, each with limits of 1 mg/kg.

**Location:** Schedule

**Issue 72:** The specifications for oils or dried algae rich in DHA or ARA are presented as commercial specifications with many requirements that are not related to safety or characterisation and which may impact on trade.

The specifications for heavy metals have been updated to reflect the lower levels achievable in the commercial product. The specifications for DHA or ARA, hexane and *trans* fatty acids have also been updated to match international specifications.

The heading of each of the specifications for the oils rich in DHA or ARA and for the dried marine microalgae are not correctly hyphenated.

**Solution:** The specifications should be rewritten to reflect purity and composition factors related to food safety and characterisation and to reflect international specifications.

Revise the headings.

#### Question for submitters

7. Are you aware of any commercial impacts as a result of the proposed amendments to these specifications?

### 3.17 Standard 1.4.1 – Contaminants and Natural Toxicants

**Location:** Purpose

**Issue 73:** Incorrect names for WTO agreements are used.

The last paragraph (regarding Generally Expected Levels (GELs)) is not appropriate in a Purpose.

**Solution:** Insert correct WTO Agreement names.

Remove third paragraph.

**Location:** Subclause 1(5) and Table to clause 2

**Issue 74:** Reference to 'edible kelp' in brackets next to seaweed implies other types of seaweed that are commonly consumed (e.g. hijiki) do not have to meet this requirement for arsenic levels. However international and FSANZ surveys indicate that 'edible kelp' does not have the level of arsenic that other seaweeds do, and that hijiki, in particular, may have levels of public health concern.

**Solution:** Remove '(edible kelp)' where it appears after 'seaweed'.

**Location:** Table to clause 2

**Issue 75:** There is insufficient clarity of the meaning of 'cocoa products'. A review of FSANZ's records in this matter indicates that FSANZ did intend to control the level of cadmium in the final products only, as opposed to the primary products.

**Solution:** Provide clarity that 'cocoa products' does not include primary products that are made entirely of whole or part of the cocoa bean (such as cocoa paste).

**Location:** Clauses 2, 3, 4 and 5 and Tables to these clauses

**Issue 76:** The clauses refer to 'unbolded type' in the Tables. The OLDP identified that this method of referencing certain information in tables could be improved.

**Solution:** Remove references to unbolded type and restructure tables to provide clarification.

### 3.18 Standard 1.4.2 – Maximum Residue Limits (Australia only)

**Location:** Subclause 4(2) and all Schedules

**Issue 77:** There is an implication that this Standard was designed for traded commodities only, e.g. whole grain, which is not necessarily correct. Schedule 4 defines the classes of foods. For example, for cereals the portion of the commodity to which the MRL applies is the 'whole commodity', including for rice, 'rice in husk'. However in processing there is often fractionation of components, for example, grain into endosperm, bran and germ; or concentration through evaporation, e.g. dried apples. Subclause 4(2) is intended to make it clear that the limits apply to all processed forms of these products.

**Solution:** Amend subclause 4(2) to clarify that the limits apply to all processed forms including separated fractions.

**Location:** Schedule 1, wherever 'and/or' occurs

**Issue 78:** OLDP recommendation to clarify meaning of 'and/or'

**Solution:** Replace 'and/or' with 'and'.

**Location:** Schedule 2, wherever 'and/or' occurs

**Issue 79:** OLDP recommendation to clarify meaning of 'and/or'

**Solution:** Replace 'and/or' with 'or'.

**Location:** Schedules 1 and 2

**Issue 80:** The units for each of the maximum and extraneous residue limits are only expressed in clauses 2 and 3 of the Standard, not in each of the Schedules.

**Solution:** Insert 'mg/kg' after the heading words maximum residue limits and extraneous residue limits.

### 3.19 Standard 1.4.4 – Prohibited and Restricted Plants and Fungi

**Location:** Schedule 1

**Issue 81:** The reference to '*Plugeus* spp.' should be '*Pluteus* spp.'

**Solution:** Amend entry.

**Location:** Schedule 1 and 2

**Issue 82:** The need for the reference to 'Australian Approved Name' is not necessary. It is not referred to elsewhere in the Code and is a Therapeutic Goods Administration document aimed at terminology for medicines.

**Solution:** Delete reference to 'Not an Australian Approved Name' and the associated asterisks from Schedules 1 and 2, and delete the definition of Australian Approved Name List from Standard 1.1.1.

### 3.20 Standard 1.5.1 – Novel Foods

**Location:** Table to clause 2

**Issue 83:** The oils derived from marine microalgae and the dried marine microalgae are not correctly hyphenated.

**Solution:** Amend the formatting to reflect that recommended in Standard 1.3.4 (see issue 72 above).

### 3.21 Standard 1.6.1 – Microbiological Limits for Food

**Location:** Clause 2 and the Schedule

**Issue 84:** Clause 2 of Standard 1.6.1 provides that foods listed in the Schedule are subject to the conditions listed in clause 2, however there is no link in the Schedule back to the conditions in clause 2 and the requirement is not expressed clearly.

**Solution:** Make the requirements of clause 2 clearer and provide a link back to clause 2 in the heading of the Schedule.

### 3.22 Standard 1.6.2 – Processing Requirements (Australia only)

**Location:** Table of Provisions

**Issue 85:** The Table of Provisions needs to be amended as a result of deletions in Amendment No. 116 (to take effect on 20 May 2012).

**Solution:** Amend to reflect correct clause headings

**Location:** Clause 8

**Issue 86:** It is not grammatically correct to refer to 'A fermented comminuted processed meat'. *Meat* is plural.

**Solution:** Change to 'Fermented comminuted processed meat'.

### 3.23 Standard 2.2.1 – Meat and Meat Products

**Location:** Purpose

**Issue 87:** The Purpose includes information that is unnecessary and not relevant in a Purpose.

**Solution:** Delete all of the Purpose except for the first sentence.

**Location:** Clause 4

**Issue 88:** The wording of this clause is confusing.

**Solution:** Redraft to clarify the intent:

Presence of brain, heart, kidney, liver, tongue or tripe in a food must be declared either as offal or as the specific type of offal.

This must be declared on the label on a package of food, or where the food is not required to bear a label, be declared to the purchaser.

For all other types of offal, the specific name of the offal must be declared on the label of a package of food, or, if the food is not required to bear a label, declared to the purchaser.

**Location:** Clause 7

**Issue 89:** Regulation of the use of colourings for branding meat is not appropriate in this Standard.

**Solution:** Relocate the permissions for colourings for branding the surface of meat to Standard 1.3.3 – Processing Aids, as the purpose of the colourings is to stamp carcasses for quality or inspection purposes – not to add colour to the final meat. As a consequence, remove the exemption from the requirement to declare the presence of the colour on the label (subclause 7(2)), as processing aids are already exempt from the requirement to be listed in the statement of ingredients under Standard 1.2.4.

**Location:** Subclause 9(3)

**Issue 90:** The clause refers to 'fermented comminuted processed meat' when it should refer to 'fermented comminuted manufactured meat'.

**Solution:** Replace the word 'processed' with 'manufactured'.

**Location:** Clause 10  
**Issue 91:** It is not grammatically correct to refer to 'A fermented comminuted processed meat'. *Meat* is plural.  
**Solution:** Change to 'Fermented comminuted processed meat'.

**Location:** Paragraph 11(3)(b)  
**Issue 92:** The paragraph refers to bovine fat 'and/or' bovine tallow. OLDP recommendation to clarify meaning of 'and/or'  
**Solution:** Replace 'and/or' with 'or'.

### **3.24 Standard 2.2.2 – Egg and Egg Products**

**Location:** Purpose  
**Issue 93:** The Purpose includes information that is unnecessary and not relevant in a Purpose.  
**Solution:** Delete the second sentence of the Purpose.

### **3.25 Standard 2.2.3 – Fish and Fish Products**

**Location:** Purpose and clause 2  
**Issue 94:** This Standard includes a limit for histamine in fish and fish products. This is not a compositional issue, but is a natural toxin in some fish.  
**Solution:** Delete clause 2 and include the limit in the Table to clause 5 of Standard 1.4.1 – Contaminants and Natural Toxicants.  
Amend the Purpose to remove the reference to histamine.

### **3.26 Standard 2.3.1 – Fruit and Vegetables**

**Location:** Defined term 'peeled and/or cut fruit and vegetables', clause 1  
**Issue 95:** OLDP recommendation to clarify meaning of 'and/or'  
**Solution:** As the terms 'peeled' and 'cut' have the common meaning, there is no need for this definition in the Code.

### **3.27 Standard 2.4.1 – Edible Oils**

**Location:** Definition of 'edible oils', clause 1  
**Issue 96:** The definition refers to 'the triglycerides and/or diglycerides of fatty acids'. OLDP recommendation to clarify meaning of 'and/or'  
**Solution:** Amend definition to include the 'triglycerides and diglycerides'.

### **3.28 Standard 2.4.2 – Edible Oil Spreads**

**Location:** Purpose  
**Issue 97:** The Purpose refers to butter but does not make it clear that butter is not regulated by Standard 2.4.2.  
**Solution:** Amend the Purpose to clarify that Standard 2.4.2 does not regulate butter.

### **3.29 Standard 2.5.1 – Milk**

**Location:** Purpose and clause 4  
**Issue 98:** Reference to the milk processing requirements in Standard 4.2.4 is not necessary.  
**Solution:** Delete clause 4 and references to Standard 4.2.4 in the Purpose.

### **3.30 Various Part 2.5 Standards**

**Location:** Purpose of Standards 2.5.2 – Cream, 2.5.3 – Fermented Milk Products, 2.5.4 – Cheese, 2.5.5 – Butter, 2.5.6 – Ice Cream, 2.5.7 – Dried Milks, Evaporated Milks and Condensed Milks

**Issue 99:** Reference to processing requirements is not necessary.

**Solution:** Delete reference to processing requirements from the Purpose.

### **3.31 Standard 2.5.3 – Fermented Milk Products**

**Location:** Clause 1, definition of fermented milk

**Issue 100:** The definition refers to ‘fermentation of milk and/or products derived from milk’. OLDP recommendation to clarify meaning of ‘and/or’

**Solution:** Replace ‘and/or’ with ‘or’.

**Location:** Clause 2 and Table to subclause 2(3)

**Issue 101:** The Table refers to ‘culture’. Culture is not defined or used elsewhere in the Standard.

The Table does not mention viable organisms, so it is not clear how it relates to subclause 2(2). It is also not clear whether the requirement in the Table relates to each culture (singular) or the total of all cultures. The Table and clause uses ‘proportion’, however pH is not expressed as a proportion.

**Solution:** In the Table to subclause 2(3), replace ‘microorganisms from the added culture’ with ‘viable microorganisms used in the fermentation’.

Amend ‘Proportion’ to ‘Value’.

### **3.32 Standard 2.5.4 – Cheese**

**Location:** Clause 1, definition of cheese.

**Issue 102:** The definition refers to ‘milk and/or materials obtained from milk’. OLDP recommendation to clarify meaning of ‘and/or’

**Solution:** Replace ‘and/or’ with ‘or’.

**Location:** Clause 2

**Issue 103:** The clause heading refers to composition, however the clause is about permitted ingredients.

**Solution:** Redraft to clarify that the clause is about permission to add ingredients.

### **3.33 Standard 2.5.5 – Butter**

**Location:** Subclause 2(2)

**Issue 104:** The clause heading refers to composition, however the subclause 2(2) is about permitted ingredients.

**Solution:** Redraft to clarify that the subclause 2(2) is about permission to add ingredients.

### **3.34 Standard 2.5.7 – Dried Milks, Evaporated Milks and Condensed Milks**

**Location:** Clauses 1 and 2 and the Schedule

**Issue 105:** The clauses refer to ‘unbolded type’ and ‘bolded type’ in the Schedule. The OLDP identified that this method of referencing certain information could be improved.

**Solution:** Remove references to unbolded/bolded type and restructure Schedule to provide clarification.

### 3.35 Standard 2.6.2 – Non-Alcoholic Beverages and Brewed Soft Drinks

**Location:** Clause 1, definition of brewed soft drink and definition of formulated beverage, wherever ‘and/or’ is referred to

**Issue 106:** OLDP recommendation to clarify meaning of ‘and/or’

**Solution:** Redraft to remove the expression.

**Location:** Subclause 2(2) and Table to subclause 2(2) (composition of packaged water)

**Issue 107:** Subclause 2(2) and the Table to subclause 2(2) stipulate compositional requirements for packaged waters. The Table to subclause 2(2) lists limits for various substances that may be present in Australian and New Zealand packaged waters as naturally occurring constituents or contaminants. These limits have not been amended since the Standard was published in 2000. The Australasian Bottled Water Institute Inc. (ABWI) has made an application (A1043 – World Health Organization Limits for Packaged Water) to FSANZ seeking adoption by reference of the World Health Organization (WHO) guideline values for chemicals that are of health significance in drinking-water.

This has the advantage of aligning the permitted levels in Australian and New Zealand with internationally accepted standards. While there are some changes with respect to inorganic substances, the major changes are the inclusion of limits for organic substances and the reduction in the maximum permitted level of naturally occurring fluoride from 2.0 mg/L to 1.5 mg/L. FSANZ has been informed that industry in Australia and New Zealand is confident that it can meet the WHO limits.

As the WHO limits are subject to rigorous analysis, FSANZ does not believe that further risk analysis is required.

**Solution:** Update the provisions in Standard 2.6.2 for the composition of packaged waters in relation to the presence of certain substances. Replace subclause 2(2) and the Table to sub-clause 2(2) in Standard 2.6.2 with the following sentence: ‘Water presented in packaged form must not contain substances at greater levels than the guideline values specified in *Annex 4 Chemical summary tables, Table A4.3 Guideline values for chemicals that are of health significance in drinking-water* in the *Guidelines for drinking-water quality, 3<sup>rd</sup> edition incorporating the 1<sup>st</sup> and 2<sup>nd</sup> addenda, Volume 1 Recommendations, World Health Organization, Geneva 2008.*’  
Amend Standard 1.4.2 to clarify that the Standard does not apply to packaged water.

#### Question for submitters

8. As there are some differences between the WHO guidelines and the current Code, please identify if this change would have commercial, trade or health impacts.

### 3.36 Standard 2.6.3 – Kava

**Location:** Purpose

**Issue 108:** The Purpose indicates that this Standard regulates the ‘sale and distribution’ of kava, however it regulates the form and labelling of kava.

**Solution:** Replace ‘sale and distribution’ with ‘form and labelling’.

**Location:** Clause 2, reference to ‘peeled root and/or peeled rootstock’

**Issue 109:** OLDP recommendation to clarify meaning of ‘and/or’

**Solution:** Replace ‘and/or’ with ‘or’.

### **3.37 Standard 2.7.1 – Labelling of Alcoholic Beverages and Food Containing Alcohol**

**Location:** Table to clause 2, column 1

**Issue 110:** The expressions ‘containing not more than’ and ‘no less than’ are difficult to follow.

**Solution:** Amend to ‘Alcoholic beverages containing 1.15% or less alcohol by volume’ and ‘Beverages containing 0.5% or more alcohol by volume’.

### **3.38 Various Part 2.7 Standards**

**Location:** Clause 2 of Standards 2.7.2 – Beer, 2.7.3 – Fruit Wine and Vegetable Wine, and 2.7.4 – Wine and Wine Product, and clauses 2 and 3 of Standard 2.7.5 - Spirits

**Issue 111:** The clause headings refer to composition, so it is not clear these clauses are about permitted ingredients.

**Solution:** Redraft to clarify that the clauses are about permission to add ingredients.

### **3.39 Standard 2.7.3 – Fruit Wine and Vegetable Wine**

**Location:** Clause 1

**Issue 112:** The terms ‘fruit wine and/or vegetable wine’ and ‘fruit wine and/or vegetable wine product’ are defined. OLDP recommendation to clarify meaning of ‘and/or’. These terms currently only apply in Standard 2.7.3 but are used in Standard 1.3.1.

**Solution:** Redraft to remove reference to ‘and/or’ and amend to apply these definitions wherever these terms are used in the Code. Modify the Purpose to reflect these amendments.

### **3.40 Standard 2.7.4 – Wine and Wine Product**

**Location:** Purpose

**Issue 113:** The information in the Purpose relating to Acts and Regulations etc in Australia and New Zealand is not appropriate in a Purpose.

**Solution:** Move the last two paragraphs of the Purpose into an Editorial note.

### **3.41 Standard 2.8.1 – Sugars**

**Location:** Purpose

**Issue 114:** The Purpose refers to honey but does not make it clear that honey is not regulated by Standard 2.8.1. The reference to the location in the Code of the regulation of intense sweeteners is not necessary.

**Solution:** Amend the Purpose to clarify that Standard 2.8.1 does not regulate honey. Delete the reference to intense sweeteners.

### **3.42 Standard 2.9.1 – Infant Formula Products**

**Location:** Purpose

**Issue 115:** The reference to other provisions in the Code in relation to infant formula products is unnecessary.

**Solution:** Delete the fourth and fifth paragraphs of the Purpose.



**Location:** Definition of protein substitute, clause 1

**Issue 116:** The definition refers to 'L-amino acids and/or the hydrolysate...'. OLDP recommendation to clarify meaning of 'and/or'

**Solution:** Redraft to remove reference to 'and/or' and reword the definition to clarify that protein substitutes are able to contain both amino acids and hydrolysates, either singly or in combination.

**Location:** Table to clause 7

**Issue 117:** The list of permitted forms of nucleotides in the Table has forms that are not covered by the specifications in the Code or specified sources in Standard 1.3.4, and do not match Codex permissions. This appears to be an error.

**Solution:** Remove Adenosine 5'-monophosphate sodium salt, Cytidine 5'-monophosphate sodium salt and Uridine 5'-monophosphate from the list of permitted forms in the Table.

#### **Question for submitters**

9. Do you consider that the removal of these permitted forms of nucleotides from the Code would be of concern to industry, particularly with respect to existing products?

**Location:** Paragraph 16(2)(e)

**Issue 118:** The requirement for inulin-derived substances and galacto-oligosaccharides to be declared in weight per 100 ml was intended to apply to the powdered or concentrated form of infant formula product when reconstituted.

**Solution:** Reword to clarify that the declaration must be expressed in weight per 100 mL when reconstituted.

**Location:** Paragraph 20(1)(f) and paragraphs 20(2)(a) and (b)

**Issue 119:** The broad reference to Standard 1.2.4 and to clause 16 in clause 20 means it is not totally clear where reference to nutrients or nutritive substances on labels of infant formula products is prohibited.

**Solution:** Amend paragraph 20(1)(f) to clarify that the nutrient or nutritive substance can only be declared in accordance with clause 30, in a statement of ingredients (in accordance with Standard 1.2.4) or in a nutrition information statement (in accordance with clause 16 of Standard 2.9.1).  
Amend paragraphs 20(2)(a) and (b) to be consistent with this amended wording.

### **3.43 Standard 2.9.2 – Foods for Infants**

**Location:** Purpose

**Issue 120:** The reference to other provisions in the Code in relation to foods for infants is unnecessary.

**Solution:** Delete the third paragraph of the Purpose.

**Location:** Purpose

**Issue 121:** The purpose refers to 'and/or'. OLDP recommendation to clarify meaning of 'and/or'

**Solution:** Redraft to remove the expression.

**Location:** Definition of food for infants, clause 1

**Issue 122:** The definition refers to 'food that is intended and/or represented'. OLDP recommendation to clarify meaning of 'and/or'

**Solution:** Replace 'and/or' with 'or'.

**Location:** Paragraph 4 (b)

**Issue 123:** The clause refers to 'may contain vitamin C and/or folate'. OLDP recommendation to clarify meaning of 'and/or'

**Solution:** Replace with 'may contain vitamin C or folate or both'.

### 3.44 Standard 2.9.4 – Formulated Supplementary Sports Foods

**Location:** Paragraph 7(3)(a)

**Issue 124:** The paragraph refers to 'the product is useful either before, during and/or after sustained strenuous exercise'. OLDP recommendation to clarify meaning of 'and/or'

**Solution:** Replace with 'the product is useful for one or more of before, during, or after sustained strenuous exercise'.

### 3.45 Standard 3.3.1 – Food Safety Programs for Food Service to Vulnerable Persons

**Location:** Schedule

**Issue 125:** The Schedule refers to 'provide chemotherapy and/or renal dialysis services'. OLDP recommendation to clarify meaning of 'and/or'

**Solution:** Replace 'and/or' with 'or'.

### 3.46 Standard 4.2.1 – Primary Production and Processing Standard for Seafood

**Location:** Clause 15, definition of ASQAP Manual

**Issue 126:** The Standard refers to version 3 (2002) of the ASQAP Manual, however various updates have been made to the ASQAP Manual since then. The Schedule to the Standard specifies the ASQAP Manual conditions so the specific version number and year in the definition is not necessary.

**Solution:** Remove the version number and year from the definition.

**Location:** Clause 15, definition of 'batch'

**Issue 127:** The current definition of batch restricts the meaning to shellfish harvested from a lease and does not capture wild harvest shellfish industries. This effectively exempts wild shellfish harvesting activities from the requirements for co-mingling and is not commensurate with the intended outcome of Standard 4.2.1. It is also not commensurate with the definition in the Australian Shellfish Quality Assurance Program (ASQAP) Operations Manual, which captures all shellfish industries including wild shellfish harvesting activities.

**Solution:** Amend the definition of 'batch' to align with the ASQAP Operations Manual and capture wild harvest shellfish industries, as follows: **Batch** means a quantity of bivalve molluscs harvested from a particular harvesting area (e.g. marine farm, lease or designated wild shellstock harvest area) and with the same harvest date.

### 3.47 Standard 4.5.1 – Wine Production Requirements

**Location:** Subclause 5(4)

**Issue 128:** Methanol is a natural toxicant produced during alcoholic fermentation. As such, it is already listed in Standard 1.4.1 in the Table to clause 3. It is not appropriate to have it in a production standard. Additionally, the limits are different for white wine in Standards 4.5.1 and 1.4.1, with the level in Standard 1.4.1 being more consistent with the maximum limits in other countries and the Organisation Internationale de la Vigne et du Vin (OIV).

**Solution:** Remove subclause 5(4) from Standard 4.5.1.

#### Question for submitters

10. Do you believe this change will have negative trade repercussions?

## 4. Amendments to Editorial notes

### 4.1 Standard 1.1.1 – Preliminary Provisions - Application, Interpretation and General Prohibitions

**Location:** Editorial note following the Purpose

**Issue 129:** The *Food Act 2008* (Western Australia) came into effect on 23 October 2009. However, the Purpose refers to the *Health Act 1991*.

**Solution:** Update entry to *Food Act 2008* (Western Australia).

**Location:** Editorial note following definition of 'fund raising events'

**Issue 130:** The Editorial note does not relate to the definition and belongs in explanatory material.

**Solution:** Remove Editorial note (the information in this Editorial note has been provided in a new fact sheet on the FSANZ Website).

### 4.2 Standard 1.2.3 – Mandatory Warning and Advisory Statements and Declarations

**Location:** Editorial note following Table to clause 2

**Issue 131:** Incorrectly has a hyphen after 2.5.1. 'Dried' does not start with a capital.

**Solution:** Amend to correct formatting.

### 4.3 Standard 1.2.5 – Date Marking of Food

**Location:** Editorial note following subclause 2(2)

**Issue 132:** The Editorial note refers to the incorrect title of a user guide and it is not standard practice to refer to user guides in the Code.

**Solution:** Remove reference to this guide from the Editorial note.

### 4.4 Standard 1.2.9 – Legibility Requirements

**Location:** Editorial note following clause 3

**Issue 133:** Grammatical errors and the name of Standard 1.1.1 is missing.

**Solution:** Correct grammatical errors and add in name of Standard 1.1.1.

### 4.5 Standard 1.2.10 – Characterising Ingredients and Components of Food

**Location:** The statement 'An example of a characterising component is milk fat in ice cream' in the Editorial note following subclause 2(4).

**Issue 134:** The Editorial note repeats the information provided in the first Editorial note following subclause 1(1) and the information is not relevant to subclause 2(4).

**Solution:** Delete the statement mentioned above in the Editorial note following subclause 2(4).

### 4.6 Standard 1.2.11 – Country of Origin Requirements

**Location:** Editorial note following subclause 2(3)

**Issue 135:** The Editorial note contains mistakes and is unnecessary.

**Solution:** Delete the Editorial note.

#### 4.7 Standard 1.3.1 – Food Additives

**Location:** Editorial note following clause 11

**Issue 136:** Communication with the Flavour and Fragrance Association of Australia and New Zealand (FFAANZ) has indicated that the consolidated list of artificial flavouring substances referred to in this Editorial note is now obsolete.

**Solution:** Remove the Editorial note following clause 11.

#### 4.8 Standard 1.3.2 – Vitamins and Minerals

**Location:** Table to clause 3 - Bread

**Issue 137:** It is not clear that bread sold in New Zealand may have folic acid added to it.

**Solution:** Add an Editorial note referencing the New Zealand folic acid fortification standard.

#### 4.9 Standard 1.5.1 – Novel Foods

**Location:** Editorial note following clause 3

**Issue 138:** The entry for the dates at the end of the Editorial note has not been completed. The second paragraph contains incorrect information.

**Solution:** Amend the Editorial note to complete the gazettal commencement date (8 April 2010) and 15 months/end date.  
Remove the incorrect information.

#### 4.10 Standard 2.2.1 – Meat and Meat Products

**Location:** Editorial note following definition of meat in clause 1

**Issue 139:** The cross references to other Standards in the Code are not necessary.

**Solution:** Delete Editorial note.

#### 4.11 Standard 2.2.3 – Fish and Fish Products

**Location:** Editorial note following the definition of fish in clause 1.

**Issue 140:** The first publication referenced in the Editorial note for New Zealand guidance no longer exists. Seafood Services Australia, under which the Australian Fish Names Committee is established, has advised FSANZ that the guidance note for readers in Australia is very loose and does not provide appropriate guidance.

**Solution:** Delete the first publication for New Zealand from the Editorial note (all of 1).  
Add the following to the Editorial note, as advised by Seafood Services Australia, to improve clarity and provide further direction for Australia:

*This Standard does not define specific names for fish. An Australian Fish Names Standard (AS SSA 5300) has been published which provides guidance on standard fish names to be used in Australia.*

- 1. Hard copies of the Australian Fish Names Standard (AS-SSA 5300) are available from Seafood Services Australia at <http://www.seafood.net.au/shop>*
- 2. A searchable database of Australian Standard Fish Names is available at <http://www.fishnames.com.au/>*

#### **4.12 Standards in Part 2.5 – Dairy Products**

**Location:** Editorial note preceding the Table of Provisions

**Issue 141:** The list of regulatory instruments for processing dairy products in New Zealand is incomplete and unnecessary. The reference to the location in the Code for processing requirements is in the Purpose but is more appropriate in an Editorial note. In addition it does not specify that the processing requirements apply only in Australia.

**Solution:** Revise the Editorial note to refer to the requirements for processing dairy products in New Zealand generically rather than specifically.  
Move the reference to the processing requirements in Australia (Standard 4.2.4) from the Purpose to the Editorial note.

#### **4.13 Standard 2.7.4 – Wine and Wine Products**

**Location:** Editorial note following clause 2

**Issue 142:** The information in the Editorial note is not considered to be necessary.

**Solution:** Delete the Editorial note.

#### **4.14 Standard 2.7.5 – Spirits**

**Location:** Editorial note following clause 4

**Issue 143:** The information in the Editorial note is not considered to be necessary.

**Solution:** Delete the Editorial note.

#### **4.15 Standard 2.9.1 – Infant Formula Products**

**Location:** Editorial note following clause 23

**Issue 144:** The Editorial note doesn't refer to the specifications in Standard 1.3.4 for the novel sources of DHA (those approved under Standard 1.5.1).

**Solution:** Add reference to the specifications in Standard 1.3.4 for the novel sources of DHA. Amend the current Editorial note to reflect the renaming of these products as per amendments to Standard 1.3.4 above.

#### **4.16 Standard 4.2.1 – Primary Production and Processing Standard for Seafood**

**Location:** Wherever the word 'food-borne' occurs

**Issue 145:** Food-borne should not be hyphenated.

**Solution:** Replace 'food-borne' with 'foodborne'.

#### **4.17 Standard 4.2.4 – Primary Production and Processing Standard for Dairy Products**

**Location:** Editorial note following subclause 15(5), 'Dairy products may have a greater fat and/or solids content compared to milk...'

**Issue 146:** The OLDP legislative audit identified that the use of 'and/or' requires too much work from the reader and can be interpreted in different ways.

**Solution:** Replace 'and/or' with 'or'.

## 5. Options

The regulatory options available for this Proposal are:

### 5.1 Option 1 – To abandon the Proposal

This option maintains the *status quo* by retaining the existing drafting in the Code.

### 5.2 Option 2 – To prepare draft variations to the Code to incorporate the proposed amendments

This option would require the preparation of amendments to the Code to incorporate the proposed amendments.

## 6. Impact Analysis (RIS ID: 11751)

The Office of Best Practice Regulation in its letter of 6 September 2010 has advised FSANZ that it believes the proposed amendments will have no to low impacts on business and individuals and therefore does not require a Regulation Impact Statement (RIS).

### 6.1 Comparison of Options

In assessing Proposals, FSANZ considers the impact of various regulatory (and non-regulatory) options on all sectors of the community, including the food industry, governments and consumers in Australia and New Zealand.

For this Proposal, Option 1 is not regarded as viable or desirable because it would perpetuate errors, inconsistencies and outdated provisions in the Code. While the costs to the community of adopting this option are low, the lack of credibility associated with retaining provisions that are known to be inadequate means that this option is not considered appropriate.

Under Option 2, the proposed amendments will have the benefit of clarifying regulatory measures thus improving capacity for compliance and enforcement. There will also be improved ability for industry innovation and consistency internationally by amending the Code as proposed. Apart from the need for agencies to acquaint themselves with the changes to the Code, there are unlikely to be any costs associated with this option. Option 2 is therefore a viable and desirable option.

## Communication and Consultation Strategy

## 7. Communication

This Proposal includes proposed amendments to a number of food regulatory measures in the Code and will therefore be of interest to a broad range of stakeholders. FSANZ does not anticipate that these amendments will be of major significance and, for this reason, has applied a basic communication strategy to this Proposal. This involves alerting the community to the opportunity to comment on the proposed changes to the Code via a media release, website and FSANZ's Facebook page. Email alerts will be sent to more than 5000 subscribers to the FSANZ Notification Circular and to interested parties.

If the FSANZ Board approves the draft variations to the Code, FSANZ will notify the Ministerial Council of its decision. Stakeholders, including the public, will be notified on the gazettal of changes to the Code on the FSANZ website.

## 8. Consultation

This Proposal is being assessed under the General Procedure in the FSANZ Act. This means that one round of public consultation is required for the Proposal.

FSANZ is therefore seeking comment from interested stakeholders to assist us in assessing this Proposal. Information is specifically sought on the questions raised throughout this Report, as well as an indication of your support of or objection to the proposed amendments. If commenting on a particular issue in this Report, please note the appropriate issue number in your submission. Submitters can obtain advice on how to make a submission from the FSANZ website.

Individuals and organisations that make submissions on this Proposal will be notified at each stage during the assessment of the Proposal.

### 8.1 World Trade Organization (WTO)

As members of the World Trade Organization (WTO), Australia and New Zealand are obligated to notify WTO member nations where proposed mandatory regulatory measures are inconsistent with any existing or imminent international standards and the proposed measure may have a significant effect on trade.

The proposed amendments to the Code are unlikely to have a significant effect on international trade as they relate to the correction of errors, clarification of the intent of certain provisions and in some cases amendments to the Code to align with international standards.

On this basis, a notification will not be made under either the WTO Technical Barriers to Trade (TBT) or Sanitary and Phytosanitary Measures (SPS) Agreements.

## **CONCLUSION**

### 9. Conclusion and Preferred Option

The proposed draft variations in this Proposal have been prepared to address inconsistencies, misspellings, grammatical and typographical errors, omissions and items requiring updating or clarification.

#### **Preferred Approach**

**To prepare draft variations to various Standards to maintain the currency, accuracy and clarity of the Code.**

#### **Reasons for Preferred Approach**

The proposed amendments:

- do not raise any public health or safety concerns
- will ensure that the Code remains current and that errors and inconsistencies are addressed

- are expected to result in a net benefit for industry, government and the community in general.

## **10. Implementation**

It is proposed that the variations in this Proposal take effect on gazettal. However a food product would be taken to comply with the variations for a period of 12 months following gazettal, if the food product complied with the Code before the variations commenced (under subclause 1(2) of Standard 1.1.1).

### **ATTACHMENTS**

1. Draft variations to the *Australia New Zealand Food Standards Code*
2. Draft variations to Editorial Notes in the *Australia New Zealand Food Standards Code*



## Attachment 1

### Draft variations to the *Australia New Zealand Food Standards Code*

*Subsection 94 of the FSANZ Act provides that standards or variations to standards are legislative instruments, but are not subject to disallowance or sunseting*

#### To commence: on gazettal

[1] *The Australia New Zealand Food Standards Code is varied by omitting micro-organism wherever appearing in the Standards listed in the Table to this item, substituting microorganism –*

#### Table to Item [1]

Standard 1.6.1  
Standard 2.4.2  
Standard 2.5.4  
Standard 3.2.2  
Standard 3.2.3  
Standard 3.3.1  
Standard 4.2.1  
Standard 4.2.3  
Standard 4.2.4  
Standard 4.5.1

[2] *Standard 1.1.1 of the Australia New Zealand Food Standards Code is varied by –*

[2.1] *omitting subclause 1(1), substituting –*

(1) Unless expressly provided elsewhere in this Code, the provisions of this Code apply to food products –

- (a) sold or prepared for sale in Australia or New Zealand; and
- (b) imported into Australia or New Zealand.

[2.2] *omitting the definition of **Australian Approved Names List** in clause 2*

[2.3] *omitting final product from the definition of **component** in clause 2, substituting final food*

[2.4] *omitting the definition of **fund raising events** in clause 2, substituting –*

**fund raising event** means an event that raises funds solely for a community or charitable cause and not for personal financial gain.

[2.5] *inserting in alphabetical order in clause 2 –*

**Good Manufacturing Practice (GMP)**, with respect to the addition of additives and processing aids to food, means –

- (a) the quantity of additive or processing aid added to food shall be limited to the lowest possible level necessary to accomplish its desired effect; and

- (b) the quantity of the additive or processing aid that becomes a component of food as a result of its use in the manufacture, processing or packaging of a food, and which is not intended to accomplish any physical or other technical effect in the finished food itself, is reduced to the extent reasonably possible; and
- (c) the additive or processing aid is prepared and handled in the same way as a food ingredient.

[2.6] *inserting following clause 15 –*

**16 Citation of the United States Code of Federal Regulations (CFR)**

(1) In this Code, a reference to the Code of Federal Regulations, or CFR, is a reference to the 2010 compilation of the United States Code of Federal Regulations.

(2) In this Code, the Code of Federal Regulations is cited in the following format –

[title number] CFR § [section number]

[3] **Standard 1.1.2** of the Australia New Zealand Food Standards Code is varied by –

[3.1] *omitting salt and/or spices from the definition of **cocoa** in clause 1, substituting salt or spices*

[3.2] *omitting the definition of **coffee** in clause 1, substituting –*

**coffee** means the product prepared by roasting or grinding, or both the roasting and grinding, of coffee beans.

[4] **Standard 1.2.1** of the Australia New Zealand Food Standards Code is varied by –

[4.1] *omitting paragraph 2(1)(a), substituting –*

(a) the food is not in a package; or

[4.2] *omitting from paragraph 2(2)(a) –*

subclauses 1(1) or (2)

*substituting –*

subclause 1(2)

[4.3] *omitting subclause 3(1), substituting -*

(1) Subject to subclause (2), food other than food –

- (a) for retail sale; or
- (b) for catering purposes; or
- (c) supplied as an intra company transfer;

must bear a label containing the information prescribed in Standard 1.2.2, except where the food –

(d) is not in a package; or

- (e) is in an inner package or packages contained in an outer package where the label on the outer package includes the information prescribed in Standard 1.2.2; or
- (f) is in a transportation outer and the information prescribed in Standard 1.2.2 is clearly discernable through the transportation outer on the labels on the packages within.

[4.4] *omitting paragraph 5(2)(c), substituting –*

- (c) an outer package where the –
  - (i) label on the outer package includes the information prescribed in Standard 1.2.2; and
  - (ii) food in the inner package is labelled in accordance with subclause (1); or
- (d) an outer package where the –
  - (i) information prescribed in clause 3 of Standard 1.2.2 is provided in documentation accompanying that food; and
  - (ii) label on the outer package includes the information prescribed in clauses 1 and 2 of Standard 1.2.2; and
  - (iii) food in the inner package is labelled in accordance with subclause (1).

[4.5] *omitting from subclause 6(4) –*

catering purposes,

*substituting –*

catering purposes

[4.6] *omitting and/or wherever appearing in Column 2 of the Table to clause 8, substituting or*

**[5] Standard 1.2.3 of the Australia New Zealand Food Standards Code is varied by –**

[5.1] *inserting and warning after mandatory advisory in the Purpose.*

[5.2] *omitting from the heading to clause 3 –*

**and declarations**

[5.3] *omitting advisory statement from subclause 3(2), substituting warning statement*

[5.4] *omitting from the Table to clause 4 –*

Fish and fish products, except for isinglass derived from swim bladders and used as a clarifying agent in beer and wine.
Peanuts and soybeans, and their products
Tree nuts and sesame seeds and their products other than coconut from the fruit of the palm <i>Cocos nucifera</i>

*substituting –*

Fish and fish products, except for isinglass derived from swim bladders and used as a clarifying agent in beer and wine
Peanuts and peanut products
Soybeans and soybean products
Tree nuts and tree nut products other than coconut from the fruit of the palm <i>Cocos nucifera</i>
Sesame seeds and sesame seed products

[5.5] *updating the Table of Provisions to reflect these amendments*

[6] **Standard 1.2.4 of the Australia New Zealand Food Standards Code is varied by –**

[6.1] *omitting clause 2, substituting –*

## **2 Requirement for statement of ingredients**

The label on a package of food must include a statement of ingredients unless –

- (a) the food is labelled with the name of the food which would otherwise be those ingredients listed in the ingredient list; or
- (b) the food is water presented in packaged form as standardised in Standard 2.6.2; or
- (c) the food is an alcoholic beverage standardised in Standard 2.7.2 to Standard 2.7.5 of this Code; or
- (d) the food is contained in a small package.

[6.2] *omitting and/or from the entry for milk solids in the Table to clause 4, substituting or*

[6.3] *omitting and/or wherever appearing in clause 5, substituting or*

[6.4] *omitting clause 6, substituting –*

## **6 Declaration of compound ingredients**

(1) A compound ingredient must be declared in the statement of ingredients either –

- (a) by declaring the compound ingredient by name in its appropriate place in the statement of ingredients, and listing its ingredients in brackets after the name of the compound ingredient, in descending order of ingoing weight in the compound ingredient, as specified in the Table to this clause; or
- (b) by declaring all of the ingredients of the compound ingredient separately as if they were individual ingredients of the final food.

(2) However, paragraph 6(1)(a) does not apply to food standardised in Standard 2.9.2.

(3) The ingredients in an alcoholic beverage, standardised in Standards 2.7.2 to 2.7.5 of this Code, do not need to be declared in a statement of ingredients if the alcoholic beverage has been declared as an ingredient in the food.

**Table to clause 6**

<b>Amount of compound ingredient in the food</b>	<b>Ingredients of the compound ingredient to be included in the statement of ingredients</b>
5% or more	All ingredients
less than 5%	1. If applicable, any substance listed in the Table to clause 4 of Standard 1.2.3; and 2. all food additives in the compound ingredient that perform a technological function in the final food

**Editorial note:**

An example for clause 6 is the statement of ingredients for canned spaghetti, which could read

‘spaghetti (wheat flour, water), meat, sugar, water’

under option (a) or

‘wheat flour, meat, sugar, water’

under option (b).

[6.5] *omitting subclause 8(2), substituting –*

(2) Where an additive must be declared and its technological function in the food can be classified in one of the classes of additives listed in Schedule 1 of this Standard the additive must be declared by the name of that class followed by the additive’s prescribed name or code number in brackets, as indicated in Schedule 2 of this Standard.

[6.6] *inserting for its technological function in the food in subclause 8(4), before must be used*

[6.7] *omitting subclause 8(5), substituting –*

(5) Where a food additive’s technological function in the food cannot be classified in one of the classes specified in Schedule 1, it must be declared in the statement of ingredients by use of its prescribed name, as indicated in Schedule 2 of this Standard.

[6.8] *inserting following clause 9 –*

**10 Process declaration for oil**

If a food contains oil as an ingredient, and the specific name of the oil is used on the label of the food, the label must include the statement prescribed in clause 3 of Standard 2.4.1.

[6.9] *inserting the following entries in alphabetical order into Part 1 of Schedule 2 –*

Sodium gluconate	576
Acetylated oxidised starch	1451

[6.10] *inserting the following entries in numerical order into Part 2 of Schedule 2 –*

Sodium gluconate	576
Acetylated oxidised starch	1451

[6.11] *updating the Table of Provisions to reflect these amendments*

[7] **Standard 1.2.5** of the Australia New Zealand Food Standards Code is varied by –

[7.1] *omitting from the definition of **use-by date** in clause 1 health and safety, substituting health or safety*

[7.2] *omitting clause 5 and the Examples under clause 5, substituting –*

## **5 Prescribed form of date**

(1) If the best-before date or use-by date of a food is not more than 3 months from the date it is applied, the date mark must consist at least of the day and month, expressed in that order.

(2) If the best-before date or use-by date of a food is more than 3 months from the date it is applied, the date mark must consist at least of the month and year, expressed in that order.

(3) The best-before date and use-by date must be expressed in numerical form, except for the month which may be expressed in letters. Where the month is expressed in letters, the month may precede the day.

(4) The day, month and year so expressed within the best-before or use-by date must be distinguishable.

### **Examples:**

#### **For paragraph 5(1) –**

3 Dec or 3 12  
3 12 99 or 3 Dec 99

#### **For paragraph 5(2) –**

Dec 99 or 12 99  
3 12 99 or 3 Dec 99

#### **For paragraph 5(3) –**

3 Dec 99 or Dec 3 99

[7.3] *omitting clause 6, substituting –*

## **6 Statement of storage conditions**

The label on a package of food must include a statement of any specific storage conditions required to ensure that the food will keep for the period indicated by the use-by date, or the best-before date.

[7.4] *omitting subclause 7(2), substituting –*

(2) Subclause (1) does not preclude the label on a package of food from including a packed-on date or a manufacturer's or packer's code in addition to the required use-by date or best-before date.

[8] **Standard 1.2.6** of the Australia New Zealand Food Standards Code is varied by –

[8.1] *omitting the Purpose, substituting –*

### **Purpose**

This Standard requires directions for use or storage of food to be included on a label where, for reasons of health or safety, consumers should be informed of specific use or storage requirements.

[8.2] *omitting clauses 1, 2 and 3 and the Table to clause 3, substituting –*

### **1 Directions for use and storage of food**

(1) The label on a package of food must include directions for the use of the food or the storage of the food, or both, if the food is of such a nature as to require the directions for health or safety reasons.

(2) If food is unpackaged, the food must either be labelled with, or accompanied by, directions for the use of the food or the storage of the food, or both, if the food is of such a nature as to require the directions for health or safety reasons.

(3) If the food is of a kind listed in column 1 of the Table to this clause, the food must be labelled with, or accompanied by, the directions for use set out in column 2.

**Table to clause 1**

<b>Column 1</b>	<b>Column 2</b>
<b>Food</b>	<b>Directions for use</b>
Raw bamboo shoots	A statement that indicates that bamboo shoots should be fully cooked before being consumed.
Raw sweet cassava	A statement that indicates that sweet cassava should be peeled and fully cooked before being consumed.

[8.3] *updating the Table of Provisions to reflect these amendments*

[9] **Standard 1.2.8** of the Australia New Zealand Food Standards Code is varied by –

[9.1] *omitting acids after bonds from the definition of **polyunsaturated fatty acids** in clause 1*

[9.2] *omitting acids after bonds from the definition of **saturated fatty acids** in clause 1*

[9.3] *omitting acids after configuration from the definition of **trans fatty acids** in clause 1*

[9.4] *omitting clause 3, substituting –*

### 3 Nutrition information requirements and exemptions

Subject to clause 4, the label on a package of food must include a nutrition information panel except where the food is –

- (a) deleted
- (b) an alcoholic beverage standardised in Standard 2.7.2 to Standard 2.7.5 of this Code; or
- (c) a herb, a spice, a herbal infusion; or
- (d) vinegar and related products as standardised in Standard 2.10.1; or
- (e) salt and salt products as standardised in Standard 2.10.2; or
- (f) tea, decaffeinated tea, decaffeinated instant or soluble tea, instant or soluble tea, coffee, decaffeinated coffee, decaffeinated instant or soluble coffee, instant or soluble coffee, as defined in Standard 1.1.2; or
- (g) an additive for the purposes of Standard 1.3.1; or
- (h) a processing aid as defined in Standard 1.3.3; or
- (i) fruit, vegetables, meat, poultry, and fish that comprise a single ingredient or category of ingredients; or
- (j) in a small package; or
- (k) gelatine as defined in Standard 1.1.2; or
- (l) water, or mineral water or spring water as defined in Standard 2.6.2; or
- (m) prepared filled rolls, sandwiches, bagels and similar products; or
- (n) jam setting compound; or
- (o) a kit which is intended to be used to produce an alcoholic beverage standardised in Standard 2.7.2 to Standard 2.7.5 of this Code; or
- (p) a beverage containing no less than 0.5% alcohol by volume that is not standardised in Standard 2.7.2 to Standard 2.7.5 of this Code; or
- (q) kava as standardised in Standard 2.6.3.

[9.5] *omitting subclause 5(7), substituting –*

(7) The information prescribed in subclause (4) and subclause (5), where required to be included in a nutritional information panel, must be set out in the following format –

<b>NUTRITION INFORMATION</b>		
Servings per package: (insert number of servings)		
Serving size: g (or mL or other units as appropriate)		
	Quantity per Serving	Quantity per 100 g (or 100 mL)
Energy	kJ (Cal)	kJ (Cal)
Protein, total	g	g
– *	g	g
Fat, total	g	g
– saturated	g	g
– **	g	g
– trans	g	g
– **	g	g
– polyunsaturated	g	g
– **	g	g
– monounsaturated	g	g
– **	g	g



Cholesterol	mg	mg
Carbohydrate	g	g
– sugars	g	g
– **	g	g
– **	g	g
– **	g	g
Dietary fibre, total	g	g
– **	g	g
Sodium	mg (mmol)	mg (mmol)
(insert any other nutrient or biologically active substance to be declared)	g, mg, µg (or other units as appropriate)	g, mg, µg (or other units as appropriate)

\*a sub-group nutrient    \*\*a sub-sub-group nutrient

[9.6] *inserting in clause 10 following must –*

include the particulars set out in each column of the panel expressed as a proportion of the drained food, and must

[9.7] *omitting clause 11, substituting –*

## **11 Food intended to be prepared or consumed with other food**

The label on a package of food intended to be prepared or consumed with at least one other food, may include an additional column at the right hand side of the panel, specifying, in the same manner as set out the panel, descriptions and quantities of the additional food or foods, together with the average energy content of the combined foods and the average quantities of nutrients and biologically active substances contained in the combined foods.

[9.8] *omitting subclause 13(5), substituting –*

(5) Where a nutrition claim is made in accordance with subclause (3) or subclause (4), the declarations in the nutrition information panel must indicate the source of omega 3 fatty acids, namely –

- (a) alpha-linolenic acid; or
- (b) docosahexaenoic acid; or
- (c) eicosapentaenoic acid; or
- (d) a combination of the above.

[10] **Standard 1.2.9** of the Australia New Zealand Food Standards Code is varied by –

[10.1] *omitting 3mm from subclause 3(a), substituting 3 mm*

[10.2] *omitting 1.5mm from subclause 3(b), substituting 1.5 mm*

[11] **Standard 1.2.10** of the Australia New Zealand Food Standards Code is varied by –

[11.1] *omitting fund raising events from paragraph 2(4)(e), substituting a fund raising event*

[11.2] *omitting subclause 5(2), substituting –*

(2) If the percentage declared is 5% or greater, it must be rounded to the nearest whole percent. If the percentage declared is below 5%, it may be rounded to the nearest 0.5 percent.

[11.3] *omitting subclause 7(2), substituting –*

(2) If the percentage declared is 5% or greater, it must be rounded to the nearest whole percent. If the percentage declared is below 5%, it may be rounded to the nearest 0.5 percent.

[12] **Standard 1.2.11** of the Australia New Zealand Food Standards Code is varied by –

[12.1] *omitting subclauses 1(4) and 1(5)*

[12.2] *omitting local and/or imported from Column 2 of the Table to subclause 2(2), substituting local and imported*

[13] **Standard 1.3.1** of the Australia New Zealand Food Standards Code is varied by –

[13.1] *omitting clause 3, substituting –*

### **3 Permitted use of additives**

(1) The additives listed by name or number in Schedules 1, 2, 3 and 4 may be added to a food or class of food to perform technological functions provided that –

- (a) the use complies with any restrictions on use listed in Schedule 1; and
- (b) the proportion of the additive is no more than the maximum level necessary to achieve one or more technological functions under the conditions of Good Manufacturing Practice (GMP).

(2) The additives in Schedule 2 may be present in processed foods as a result of use in accordance with GMP, except where expressly prohibited in Schedule 1.

(3) The colours in Schedule 3 may be present in processed foods as a result of use in accordance with GMP except where expressly prohibited in Schedule 1.

(4) The colours in Schedule 4 may be present in processed foods to a combined maximum level of 290 mg/kg in foods, and 70 mg/L in beverages, except where expressly prohibited in Schedule 1.

[13.2] *omitting from subclause 6(2) –*

calculated by:

*substituting –*

calculated by –

[13.3] *omitting from clause 7 –*

Other than by direct addition, a food

*substituting –*

A food

[13.4] *omitting clause 11, substituting –*

## **11 Permitted flavouring substances**

Permitted flavouring substances, for the purposes of this Standard, are –

- (a) Flavouring substances which are listed in at least one of the following publications –
  - (i) *Food Technology, A Publication of the Institute of Food Technologists, Generally Recognised as Safe (GRAS) lists of flavouring substances published by the Flavour and Extract Manufacturers' Association of the United States from 1960 to June 2009; or*
  - (ii) *Chemically-defined flavouring substances, Council of Europe, November 2000; or*
  - (iii) *21 CFR § 172.515; or*
- (b) Flavouring substances obtained by physical, microbiological, enzymatic, or chemical processes from material of vegetable or animal origin either in its raw state or after processing by traditional preparation process including drying, roasting and fermentation; or
- (c) Flavouring substances obtained by synthetic means which are identical to any of the flavouring substances described in subparagraph (b).

[13.7] *omitting from Schedule 1 under item 0 GENERAL PROVISIONS –*

***Additives in Schedule 2  
may be present in  
processed foods as a result  
of use in accordance with  
GMP except where  
expressly prohibited in this  
schedule.***

***Colours in Schedule 3 may  
be present in processed  
foods as a result of use in  
accordance with GMP  
except where expressly  
prohibited in this schedule.***

***Colours in Schedule 4 may  
be present in processed  
foods to a maximum level  
of 290 mg/kg in foods other  
than beverages and 70  
mg/L in beverages except  
where expressly prohibited  
in this schedule***

**For an explanation and examples of the different food additive classifications in Schedule 1, please refer to the user guide to Standard 1.3.1 - Food Additives.**

**The asterisk (\*) in Schedule 1 indicates that additives in Schedules 2, 3 and 4 are permitted.**

[13.8] *omitting from* Schedule 1 *item* 1.1.3 Liquid milk to which phytosterols, phytostanols or their esters have been added, *substituting* –

**1.1.3 Liquid milk to which phytosterols, phytostanols or their esters have been added**

401	Sodium alginate	2000	mg/kg
407	Carrageenan	2000	mg/kg
412	Guar gum	2000	mg/kg
471	Mono- and diglycerides of fatty acids	2000	mg/kg
460	Microcrystalline cellulose	5000	mg/kg

[13.9] *omitting from* Schedule 1 *from the heading for item* 1.4.2 Cream products (flavoured, whipped, thickened, sour cream etc.) –

**sour cream etc.**

*substituting* –

**sour cream etc**

[13.10] *omitting from* Schedule 1 *from the heading for item* 4.1.3 Peeled and/or cut fruits and vegetables –

and/or

*substituting* –

**or**

[13.11] *omitting from* Schedule 1 *under item* 6.4 Flour products (including noodles and pasta)\*, *the entries* –

234	Nisin	250	mg/kg	Flour products that are cooked on hot plates only e.g. crumpets, pikelets, flapjacks, etc. cooked pasta and noodles only
243	Ethyl lauroyl arginate	200	mg/kg	

*substituting* –

234	Nisin	250	mg/kg	Flour products that are cooked on hot plates only e.g. crumpets, pikelets, and flapjacks.
243	Ethyl lauroyl arginate	200	mg/kg	Cooked pasta and noodles only

[13.12] *omitting from Schedule 1 wherever appearing in item 10.4 Dried and/or heat coagulated egg products, the words and/or, substituting or*

[13.13] *omitting from Schedule 1 from the heading for item 14.2 Alcoholic beverages (including no and low alcohol) –*

(including no and low alcohol)

*substituting –*

(including alcoholic beverages that have had the alcohol reduced or removed)

[13.14] *omitting from Schedule 1 the heading under item 20.2 Food other than beverages\* - soup bases (made up as directed)*

*substituting –*

soup

[13.15] *inserting in columns 1 and 2 respectively in each of the listings in Schedule 2 (Alphabetical Order and Numeric Order) –*

576	Sodium gluconate
1451	Acetylated oxidised starch

[13.16] *omitting wherever appearing in Schedule 4 –*

**Colours permitted singly or in combination to a total maximum level of 290 mg/kg in processed foods and to a total maximum level of 70 mg/L in beverages other than beverages specified in Schedule 1**

*substituting –*

**Colours permitted to a combined maximum level of 290 mg/kg in processed foods, and a combined maximum level of 70 mg/L in beverages, except where expressly prohibited in Schedule 1**

[13.17] *omitting wherever appearing in Schedule 5 under the Definition column –*

taste and/or odour

*substituting –*

taste or odour

[14] **Standard 1.3.2 of the Australia New Zealand Food Standards Code is varied by –**

[14.1] *omitting and/or wherever appearing in the definition of **claimable food** in clause 1, substituting or*

[14.2] *omitting a mixture of from the definition of **claimable food** in clause 1, substituting two or more of the following*

[14.3] *omitting thiamine wherever appearing in the Table to clause 3, substituting thiamin*

[14.4] *omitting and/or wherever appearing in the Table to clause 3, substituting or*

[14.5] *omitting from the Table to clause 3 –*

<b>Edible oils and spreads</b>				
Edible oil spreads and margarine: – containing no more than 28% total saturated fatty acids and trans fatty acids	10 g	Vitamin A Vitamin D  Vitamin E	110 µg (15%) 1.0 µg (10%)  3.5 mg (35%)	125 µg 1.6 µg
Sunflower oil and safflower oil – other edible oils – containing no more than 28% total saturated fatty acids and trans fatty acids	10 g	Vitamin E	7.0 mg (70%) 3.0 mg (30%)	
<b>Fruit juice, vegetable juice, fruit drink and fruit cordial</b>				
Fruit juice, reconstituted fruit juice, concentrated fruit juice: – Blackcurrant – Guava – Other fruit juice – Mango  – Pawpaw – Other fruit juice	200 mL	Calcium Folate  Vitamin C  Carotene forms of Vitamin A	200 mg (25%) 100 µg (50%)  500 mg (12.5 times) 400 mg (10 times) 120 mg (3 times) 800 µg (1.1 times)	
Tomato juice, concentrated tomato juice	200 mL	Vitamin C Carotene forms of Vitamin A Folate Calcium	60 mg (1.5 times) 200 µg (25%) 100 µg (50%) 200 mg (25%)	

*substituting –*

<b>Edible oils and spreads</b>				
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Edible oil spreads and margarine	10 g	Vitamin A Vitamin D	110 µg (15%) 1.0 µg (10%)	125 µg 1.6 µg
Edible oil spreads and margarine containing no more than 28% total saturated fatty acids and trans fatty acids	10 g	Vitamin E	3.5 mg (35%)	
Sunflower oil and safflower oil	10 g	Vitamin E	7.0 mg (70%)	
Edible oils (except sunflower and safflower oil) containing no more than 28% total saturated fatty acids and trans fatty acids	10 g	Vitamin E	3.0 mg (30%)	
<b>Fruit juice, vegetable juice, fruit drink and fruit cordial</b>				
All fruit juice and concentrated fruit juice	200 mL	Calcium Folate Vitamin C Carotene forms of Vitamin A	200 mg (25%) 100 µg (50%) 120 mg (3 times) 200 µg (25%)	
Blackcurrant juice, concentrated blackcurrant juice	200 mL	Vitamin C	500 mg (12.5 times)	
Guava juice, concentrated guava juice	200 mL	Vitamin C	400 mg (10 times)	
Mango juice	200 mL	Carotene forms of Vitamin A	800 µg (1.1 times)	
Pawpaw juice, concentrated pawpaw juice	200 mL	Carotene forms of Vitamin A	300 µg (40%)	
Tomato juice, concentrated tomato juice	200 mL	Vitamin C Carotene forms of Vitamin A Folate Calcium	60 mg (1.5 times) 200 µg (25%) 100 µg (50%) 200 mg (25%)	

[15] **Standard 1.3.3** of the Australia New Zealand Food Standards Code is varied by –

[15.1] *omitting the definition of GMP*

[15.2] *omitting paragraph (b) from the definition of processing aid in clause 1, substituting –*

(b) the proportion of the processing aid is no more than the maximum level

necessary to achieve one or more technological functions under conditions of Good Manufacturing Practice (GMP).

[15.3] *omitting final food from clause 11, substituting water*

[15.4] *omitting Food from the heading to the Table to clause 14, substituting Function*

[15.5] *omitting from the Table to clause 14 –*

Lactoperoxidase from bovine milk EC 1.11.1.7	Reduce and/or inhibit bacterial population on meat surfaces	GMP
---	---	-----

*substituting –*

Lactoperoxidase from bovine milk EC 1.11.1.7	Reduce the bacterial population or inhibit bacterial growth	GMP
---	---	-----

[15.6] *inserting in the Table to clause 14 –*

Colours permitted in schedules 2, 3 and 4 of Standard 1.3.1	Applied to the outer surface of meat as a brand for the purposes of inspection or identification	GMP
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[16] **Standard 1.3.4 of the Australia New Zealand Food Standards Code is varied by –**

[16.1] *omitting the Purpose, substituting –*

## **Purpose**

This Standard ensures that food additives, processing aids, vitamins and minerals and other nutrients added to food in accordance with this Code meet appropriate specifications for identity and purity. In general, these specifications are those used by the international community.

[16.2] *omitting clauses 1, 2 and 3, substituting –*

## **1 Application**

This Standard applies only to the following substances which are added to food in accordance with this Code, or sold for use in food –

- (a) food additives;
- (b) processing aids;
- (c) vitamins and minerals;
- (d) novel food substances; and
- (e) nutritive substances.

## **2 Substances with specifications in primary sources**

A substance must comply with a relevant monograph (if any) published in one of the following –

- (a) the Schedule to this Standard; or
- (b) Combined Compendium of Food Additive Specifications, FAO JECFA



- Monograph 1 (2005) as superseded by specifications published in FAO JECFA Monographs 3 (2006) and FAO JECFA Monographs 4 (2007) and FAO JECFA Monographs 5 (2008) and FAO JECFA Monographs 7 (2009) and FAO JECFA Monographs 10 (2010), Food and Agriculture Organisation of the United Nations. Rome; or
- (c) *Food Chemicals Codex* (7<sup>th</sup> Edition) published by United States Pharmacopoeia (2010).

### 3 Substances with specifications in secondary sources

If there is no monograph applying to a substance under clause 2, the substance must comply with a relevant monograph (if any) published in one of the following –

- (a) the *British Pharmacopoeia 2010*, TSO, Norwich (2010); or
- (b) the United States Pharmacopoeia, 34<sup>th</sup> Revision and The National Formulary, 29<sup>th</sup> Edition (2010); or
- (c) the *Pharmaceutical Codex*, 12th Edition, Council of the Pharmaceutical Society of Great Britain. The Pharmaceutical Press, London (1994); or
- (d) *Martindale; The Complete Drug Reference*. The Pharmaceutical Press London (2009); or
- (e) the *European Pharmacopoeia 6th Edition*, Council of Europe, Strasbourg (2007); or
- (f) the *International Pharmacopoeia 4th Edition*, World Health Organization, Geneva (2006 and 2008 supplement); or
- (g) the *Merck Index*, 14th Edition, (2006); or
- (h) the *Code of Federal Regulations*; or
- (i) the *Specifications and Standards for Food Additives*, 7<sup>th</sup> Edition (2000), Ministry of Health and Welfare (Japan); or
- (j) the *International Oenological Codex* (2010 supplementary edition), Organisation Internationale de la Vigne et du Vin (OIV).

[16.3] *omitting paragraph 4(c), substituting –*

- (c) 1 mg/kg of cadmium;
- (d) 1 mg/kg of mercury.

[16.4] *omitting from paragraph (c) under the Specification for carboxymethyl cellulose ion exchange resin in the Schedule –*

CFR Title 21 part 173.25(c)(4)

*substituting –*

21 CFR § 173.25(c)(4)

[16.5] *omitting from paragraph (c) under the Specification for quaternary amine cellulose ion exchange resin in the Schedule –*

CFR Title 21 part 173.25(c)(4)

*substituting –*

21 CFR § 173.25(c)(4)

[16.6] *omitting from paragraph (c) under the Specification for diethyl aminoethyl cellulose*

ion exchange resin *in the* Schedule –

CFR Title 21 part 173.25(c)(4)

*substituting* –

21 CFR § 173.25(c)(4)

[16.7] *omitting from paragraph (c) under the* Specification for agarose ion exchange resin *in the* Schedule –

CFR Title 21 part 173.25(c)(4)

*substituting* –

21 CFR § 173.25(c)(4)

[16.8] *omitting from the* Schedule *the entries for*–

**Specification for docosahexaenoic acid (DHA) – rich dried marine micro-algae (*Schizochytrium* sp.)**

**Specification for docosahexaenoic acid (DHA) – rich oil derived from marine micro-algae (*Schizochytrium* sp.)**

**Specification for docosahexaenoic acid (DHA) – rich oil derived from the algae *Cryptocodinium cohnii***

**Specification for oil derived from the fungus *Mortierella alpina* rich in arachidonic acid (ARA)**

**Specification for docosahexaenoic acid (DHA) - rich oil derived from marine micro-algae (*Ulkenia* sp.)**

*substituting* –

**Specification for dried marine micro-algae (*Schizochytrium* sp.) rich in docosahexaenoic acid (DHA)**

Full chemical name for DHA	4,7,10,13,16,19-docosahexaenoic acid (22:6n-3 DHA)
Solids (%)	min. 95.0
DHA (%)	min. 15.0
Lead (mg/kg)	max. 0.5
Arsenic (mg/kg)	max. 0.5

**Specification for oil derived from marine micro-algae (*Schizochytrium* sp.) rich in docosahexaenoic acid (DHA)**

Full chemical name for DHA	4,7,10,13,16,19-docosahexaenoic acid (22:6n-3 DHA)
DHA (%)	min. 32
Trans fatty acids (%)	max. 2.0
Lead (mg/kg)	max. 0.1
Arsenic (mg/kg)	max. 0.1
Mercury (mg/kg)	max. 0.1
Hexane (mg/kg)	max. 0.3

**Specification for oil derived from the algae *Cryptocodinium cohnii* rich in docosahexaenoic acid (DHA)**

Full chemical name for DHA	4,7,10,13,16,19-docosahexaenoic acid (22:6n-3)
DHA (%)	min. 35
Trans fatty acids (%)	max. 2.0
Lead (mg/kg)	max. 0.1
Arsenic (mg/kg)	max. 0.1
Mercury (mg/kg)	max. 0.1
Hexane (mg/kg)	max. 0.3

**Specification for oil derived from the fungus *Mortierella alpina* rich in arachidonic acid (ARA)**

Full chemical name for ARA	5,8,11,14-eicosatetraenoic acid (20:4n-6 ARA)
ARA (%)	min. 35
Trans fatty acids (%)	max. 2.0
Lead (mg/kg)	max. 0.1
Arsenic (mg/kg)	max. 0.1
Mercury (mg/kg)	max. 0.1
Hexane (mg/kg)	max. 0.3

**Specification for oil derived from marine micro-algae (*Ulkenia* sp.) rich in docosahexaenoic acid (DHA)**

Full chemical name for DHA	4,7,10,13,16,19-docosahexaenoic acid (22:6n-3 DHA)
DHA (%)	min. 32
Trans fatty acids (%)	max. 2.0
Lead (mg/kg)	max. 0.2
Arsenic (mg/kg)	max. 0.2
Mercury (mg/kg)	max. 0.2
Hexane (mg/kg)	max. 10

[17] **Standard 1.4.1** of the Australia New Zealand Food Standards Code is varied by –

[17.1] *omitting from the Purpose* –

Consideration has also been given to Australia’s and New Zealand’s international trade obligations under the World Trade Organization’s Sanitary and Phytosanitary Agreement and Technical Barrier to Trade Agreement.

In order to assist both enforcement agencies and industry to maintain contaminant levels at the lowest achievable levels, Generally Expected Levels (GELs), have been established to complement the use of MLs. GELs, while not legally enforceable, provide a benchmark against which to measure contaminant levels in foods. The list of GELS is provided in the User Guide – Generally Expected Levels (GELs) for Metal Contaminants.

*substituting* –

Consideration has also been given to Australia’s and New Zealand’s international trade obligations under the World Trade Organization’s Agreement on the Application of Sanitary and Phytosanitary Measures and the Agreement on Technical Barriers to Trade.

[17.2] *omitting from subclause 1(5)* –

(edible kelp)

[17.3] *omitting the definitions for **food** and **metal contaminant** in subclause 2(1), substituting –*

**food** means the food or class of foods listed in Column 2 of the Table to this clause.

**metal contaminant** means a substance listed in Column 1 of the Table to this clause and includes compounds of a metal.

[17.4] *omitting subclauses 2(2) and 2(3), substituting -*

(2) The maximum levels for metal contaminants in food are listed in Column 3 of the Table to this clause.

(3) Where a mixed food contains food or a class of foods listed in Column 2 of the Table to this clause, the proportion of the metal contaminant permitted to be present in the mixed food (ML1) is calculated in accordance with the formula prescribed in subclause 1(6).

[17.5] *omitting the Table to clause 2, substituting –*

**Table to clause 2**

<b>Column 1 Contaminant</b>	<b>Column 2 Food</b>	<b>Column 3 Maximum level</b>
Arsenic (total)	Cereals	1 mg/kg
Arsenic (inorganic)	Crustacea Fish Molluscs Seaweed	2 mg/kg 2 mg/kg 1 mg/kg 1 mg/kg
Cadmium	Chocolate and cocoa products, excluding cocoa products which are made entirely of the whole or part of the cocoa bean Kidney of cattle, sheep and pig Leafy vegetables (as specified in Schedule 4 to Standard 1.4.2) Liver of cattle, sheep and pig Meat of cattle, sheep and pig (excluding offal) Molluscs (excluding dredge/bluff oysters and queen scallops) Peanuts Rice Root and tuber vegetables (as specified in Schedule 4 to Standard 1.4.2) Wheat	0.5 mg/kg  2.5 mg/kg 0.1 mg/kg  1.25 mg/kg 0.05 mg/kg 2 mg/kg  0.5 mg/kg 0.1 mg/kg 0.1 mg/kg  0.1 mg/kg
Lead	Brassicas Cereals, Pulses and Legumes Edible offal of cattle, sheep, pig and poultry Fish Fruit Infant formulae Meat of cattle, sheep, pig and poultry (excluding offal) Molluscs Vegetables (except brassicas)	0.3 mg/kg 0.2 mg/kg 0.5 mg/kg 0.5 mg/kg 0.1 mg/kg 0.02 mg/kg 0.1 mg/kg 2 mg/kg 0.1 mg/kg
Mercury	Crustacea	mean level of 0.5 mg/kg*

	Fish (as specified in Schedule 4 to Standard 1.4.2) and fish products, excluding gemfish, billfish (including marlin), southern bluefin tuna, barramundi, ling, orange roughy, rays and all species of shark Gemfish, billfish (including marlin), southern bluefin tuna, barramundi, ling, orange roughy, rays and all species of shark Fish for which insufficient samples are available to analyse in accordance with clause 6 Molluscs	mean level of 0.5 mg/kg*  mean level of 1 mg/kg*  1 mg/kg  mean level of 0.5 mg/kg*
Tin	All canned foods	250 mg/kg

\* A reference to a mean level in the Table to clause 2 in this Standard is to the mean level of mercury in the prescribed number of sample units as described in clause 6 of this Standard.

[17.6] *omitting the definition of food in subclause 3(1), substituting –*

**food** means the food or class of foods listed in Column 2 of the Table to this clause.

[17.7] *omitting the definition of non-metal contaminant in subclause 3(1), substituting –*

**non-metal contaminant** means a substance listed in Column 1 of the Table to this clause.

[17.8] *omitting subclauses 3(2) and 3(3), substituting –*

(2) The maximum levels for non-metal contaminants in food are listed in Column 3 of the Table to this clause.

(3) Where a mixed food contains a food or class of foods listed in Column 2 of the Table to this clause, the proportion of the non-metal contaminant permitted to be present in the mixed food (ML1) is calculated in accordance with the formula prescribed in subclause 1(6).

[17.9] *omitting the Table to clause 3, substituting –*

**Table to clause 3**

<b>Column 1 Contaminant</b>	<b>Column 2 Food</b>	<b>Column 3 Maximum level</b>
Acrylonitrile	All food	0.02 mg/kg
Aflatoxin	Peanuts Tree nuts (as specified in Schedule 4 to Standard 1.4.2)	0.015 mg/kg 0.015 mg/kg
Amnesic shellfish poisons (Domoic acid equivalent)	Bivalve molluscs	20 mg/kg
3-chloro-1,2-propanediol	Soy sauce and oyster sauce	0.2 mg/kg calculated on a 40% dry matter content

Diarrhetic shellfish poisons (Okadaic acid equivalent)	Bivalve molluscs	0.2 mg/kg
1,3-dichloro-2-propanol	Soy sauce and oyster sauce	0.005 mg/kg calculated on a 40% dry matter content
Ergot	Cereal grains	500 mg/kg
Methanol	Red wine, white wine and fortified wine Whisky, Rum, Gin and Vodka Other spirits, fruit wine, vegetable wine and mead	3 g of methanol per litre of ethanol 0.4 g of methanol per litre of ethanol 8 g of methanol per litre of ethanol
Neurotoxic shellfish poisons	Bivalve molluscs	200 MU/kg
Paralytic shellfish poisons (Saxitoxin equivalent)	Bivalve molluscs	0.8 mg/kg
Phomopsins	Lupin seeds and the products of lupin seeds	0.005 mg/kg
Polychlorinated biphenyls, total	Mammalian fat Poultry fat Milk and milk products Eggs Fish	0.2 mg/kg 0.2 mg/kg 0.2 mg/kg 0.2 mg/kg 0.5 mg/kg
Vinyl chloride	All food	0.01 mg/kg

[17.10] *omitting the definition of **food** in subclause 4(1), substituting –*

**food** means the food or class of foods listed in Column 2 of the Table to this clause.

[17.11] *omitting in bold type from the definition of **natural toxicant from the addition of a flavouring substance** in subclause 4(1)*

[17.12] *omitting subclauses 4(2) and 4(3), substituting –*

(2) The maximum levels for natural toxicants from the addition of a flavouring substance in food are listed in Column 3 of the Table to this clause.

(3) Where a mixed food contains a food or class of foods listed in Column 2 of the Table to this clause, the proportion of the natural toxicant from the addition of a flavouring substance permitted to be present in the mixed food (ML1) is calculated in accordance with the formula prescribed in subclause 1(6).

[17.13] *omitting the Table to clause 4, substituting –*

**Table to clause 4**

Column 1 Toxicant	Column 2 Food	Column 3 Maximum level
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Agaric acid	Food containing mushrooms Alcoholic beverages	100 mg/kg 100 mg/kg
Aloin	Alcoholic beverages	50 mg/kg
Berberine	Alcoholic beverages	10 mg/kg
Coumarin	Alcoholic beverages	10 mg/kg
Hydrocyanic acid, total	Confectionery Stone fruit juices Marzipan Alcoholic beverages	25 mg/kg 5 mg/kg 50 mg/kg 1 mg per 1% alcohol content
Hypericine	Alcoholic beverages	2 mg/kg
Pulegone	Confectionery Beverages	350 mg/kg 250 mg/kg
Quassine	Alcoholic beverages	50 mg/kg
Quinine	Mixed alcoholic drinks not elsewhere classified Tonic drinks, bitter drinks and quinine drinks Wine based drinks and reduced alcohol wines	300 mg/kg 100 mg/kg 300 mg/kg
Safrole	Food containing mace and nutmeg Meat products Alcoholic beverages	15 mg/kg 10 mg/kg 5 mg/kg
Santonin	Alcoholic beverages	1 mg/kg
Sparteine	Alcoholic beverages	5 mg/kg
Thujones (alpha and beta)	Sage stuffing Bitters Sage flavoured foods Alcoholic beverages	250 mg/kg 35 mg/kg 25 mg/kg 10 mg/kg

[17.14] *omitting the definition of **food** in subclause 5(1), substituting –*

**food** means the food or class of foods listed in Column 2 of the Table to this clause.

[17.15] *omitting in bolded type from the definition of **natural toxicant** in subclause 5(1)*

[17.16] *omitting subclauses 5(2), 5(3) and 5(4), substituting –*

(2) The maximum levels for natural toxicants in food are listed in Column 3 of the Table to this clause.

(3) Where a mixed food contains a food or class of foods listed in Column 2 of the Table to this clause, the proportion of the natural toxicants permitted to be present in the mixed food (ML1) is calculated in accordance with the formula prescribed in subclause 1(6).

(4) Subclause 1(2) of Standard 1.1.1 does not apply to ready-to-eat cassava chips for the purposes of the Table to clause 5.

[17.17] *omitting the Table to clause 5, substituting –*

**Table to clause 5**

<b>Column 1 Toxicant</b>	<b>Column 2 Food</b>	<b>Column 3 Maximum level (mg/kg)</b>
Erucic acid	Edible oils	20,000
Histamine	Fish and fish products	200
Hydrocyanic acid, total	Ready-to-eat cassava chips	10
Lupin alkaloids	Lupin flour, lupin kernel flour, lupin kernel meal and lupin hulls	200
The ML for Tutin to cease on 31 March 2011 Tutin	Tutin in honey Tutin in comb honey	2 0.1

[18] **Standard 1.4.2** of the Australia New Zealand Food Standards Code is varied by –

[18.1] *inserting after subclause 1(7) –*

(8) To avoid doubt, this Standard does not apply to packaged water.

[18.2] *omitting subclause 4(2), substituting –*

(2) Unless Schedules 1 or 2 specify a separate MRL or ERL for a processed food, the MRL or ERL applies to that food whether raw or processed, including separated fractions.

[18.3] *omitting the heading to Schedule 1, substituting –*

Maximum Residue Limits (mg/kg)

[18.4] *omitting and/or wherever appearing in Schedule 1, substituting and*

[18.5] *omitting the heading to Schedule 2, substituting –*

Extraneous Residue Limits (mg/kg)

[18.6] *omitting and/or wherever appearing in Schedule 4, substituting or*

[19] **Standard 1.4.4** of the Australia New Zealand Food Standards Code is varied by –

[19.1] *omitting from Schedule 1 –*

*Plugeus* spp.



*substituting –*

*Pluteus spp.*

[19.2] *omitting from Schedule 1 and Schedule 2, wherever occurring, the symbol \**

[19.3] *omitting from Schedule 1 and Schedule 2, wherever occurring –*

\* Not an Australian Approved Name.

**[20]** **Standard 1.5.1** of the Australia New Zealand Food Standards Code is varied by *omitting from the Table to clause 2 –*

Docosahexaenoic acid (DHA) – rich dried marine micro-algae ( <i>Schizochytrium</i> sp.)	
Docosahexaenoic acid (DHA) – rich oil derived from marine micro-algae ( <i>Schizochytrium</i> sp.)	
Docosahexaenoic acid (DHA) – rich oil derived from marine micro-algae ( <i>Ulkenia</i> sp.)	

*substituting –*

Dried marine micro-algae ( <i>Schizochytrium</i> sp.) rich in docosahexaenoic acid (DHA)	
Oil derived from marine micro-algae ( <i>Schizochytrium</i> sp.) rich in docosahexaenoic acid (DHA)	
Oil derived from marine micro-algae ( <i>Ulkenia</i> sp.) rich in docosahexaenoic acid (DHA)	

**[21]** **Standard 1.6.1** of the Australia New Zealand Food Standards Code is varied by –

[21.1] *omitting clause 2, substituting –*

## **2 Application**

(1) The foods listed in column 1 of the Schedule in this Standard must, subject to subclause (2), comply with the microbiological limits set in relation to that food in the Schedule.

(2) In the case of powdered infant formula with added lactic acid producing cultures, the Standard Plate Count (SPC) microbiological limit applies prior to the addition of the lactic acid cultures to the food.

[21.2] *omitting the heading from the Schedule, substituting –*

### **SCHEDULE**

#### **Microbiological criteria (clause 2)**

[21.3] *omitting from column 1 of the Schedule –*

Unpasteurised milk

*substituting –*

Unpasteurised milk for retail sale

**[22]** **Standard 1.6.2** of the Australia New Zealand Food Standards Code is varied by omitting from subclauses 8(2) and 8(3) –

A fermented comminuted processed meat

*substituting –*

Fermented comminuted processed meat

**[23]** **Standard 2.2.1** of the Australia New Zealand Food Standards Code is varied by –

[23.1] *omitting the Purpose, substituting –*

### **Purpose**

This Standard includes definitions, compositional and labelling requirements for meat and meat products.

[23.2] *omitting clause 4, substituting –*

### **4 Declaration of the presence of offal in food**

(1) The presence of offal in a food must be -

- (a) declared in the statement of ingredients; or
- (b) where the food is not required to bear a label, otherwise declared to the purchaser.

(2) The presence of brain, heart, kidney, liver, tongue or tripe in a food must be declared as 'offal' or by the specific name of the type of offal.

(3) The presence of any other type of offal in a food must be declared by the specific name of the type of offal.

[23.3] *omitting clause 7, substituting –*

### **7 Deleted**

[23.4] *omitting processed from subclause 9(3), substituting manufactured.*

[23.5] *omitting from clause 10 –*

Where a fermented comminuted manufactured meat or a fermented

*substituting –*

Where fermented comminuted manufactured meat or fermented

[23.6] *omitting paragraph 11(3)(b), substituting –*

- (b) a minor ingredient of a processed product, where that ingredient comprises

bovine fat or bovine tallow; and

[24] **Standard 2.2.2** of the Australia New Zealand Food Standards Code is varied by omitting the Purpose, substituting –

#### **Purpose**

This Standard provides definitions and requirements for egg and egg products.

[25] **Standard 2.2.3** of the Australia New Zealand Food Standards Code is varied by –

[25.1] *omitting the Purpose, substituting –*

#### **Purpose**

This Standard defines the term ‘fish’ and requires the provision of certain cooking instructions for raw fish which has been joined using a binding system without the application of heat.

[25.2] *omitting clauses 2 and 3, substituting –*

## **2 Labelling etc of formed or joined fish**

Where raw fish has been formed or joined in the semblance of a cut or fillet of fish using a binding system without the application of heat, whether coated or not, a declaration that the fish is either formed or joined, in conjunction with cooking instructions indicating how the microbiological safety of the product can be achieved –

- (a) must be included on the label on the package of the fish; or
- (b) if the food is not required to be labelled, must be provided to the purchaser.

[25.3] *updating the Table of Provisions to reflect these amendments*

[26] **Standard 2.3.1** of the Australia New Zealand Food Standards Code is varied by omitting the definition of **peeled and/or cut fruit and vegetables**

[27] **Standard 2.4.1** of the Australia New Zealand Food Standards Code is varied by omitting the definition of **edible oils**, substituting –

**edible oils** means the triglycerides and diglycerides of fatty acids of plant or animal origin, including aquatic plants and aquatic animals.

[28] **Standard 2.4.2** of the Australia New Zealand Food Standards Code is varied by inserting and is not covered by this Standard after Standard 2.5.5 in the Purpose.

[29] **Standard 2.5.1** of the Australia New Zealand Food Standards Code is varied by –

[29.1] *omitting from the Purpose –*

Processing requirements for milk are contained in Standard 4.2.4. Subclause 4(2) of this Standard does not apply to milk produced in New Zealand.

[29.2] *omitting from the Table of Provisions –*

4 Milk to be processed

5 Phytosterols, phytostanols and their esters

*substituting –*

4 Phytosterols, phytostanols and their esters

[29.3] *omitting and/or from subclause 2(2), substituting or*

[29.4] *omitting clauses 4 and 5, substituting –*

#### **4 Phytosterols, phytostanols and their esters**

Phytosterols, phytostanols and their esters may only be added to milk –

- (a) that contains no more than 1.5 g total fat per 100 g; and
- (b) that is supplied in a package, the labelled volume of which is no more than 1 litre; and
- (c) where the total plant sterol equivalents content is no less than 3 g/L of milk and no more than 4 g/L of milk.

[30] **Standard 2.5.2** of the Australia New Zealand Food Standards Code is varied by *omitting from the Purpose –*

Processing requirements for cream are contained in Standard 4.2.4.

[31] **Standard 2.5.3** of the Australia New Zealand Food Standards Code is varied by –

[31.1] *omitting from the Purpose –*

Processing requirements for fermented milk are contained in Standard 4.2.4

[31.2] *omitting and/or from the definition of **fermented milk** in clause 1, substituting or*

[31.3] *omitting clause 2, substituting –*

#### **2 Composition of fermented milk, including yoghurt**

(1) Fermented milk may contain other foods.

(2) In fermented milk and the fermented milk portion of a food containing fermented milk, each component or parameter listed in Column 1 must comply with the value specified in Column 2 of the Table to this subclause.

[31.4] *omitting the Table to subclause 2(3), substituting –*

**Table to subclause 2(3)**

<b>Column 1</b>	<b>Column 2</b>
<b>Component or parameter</b>	<b>Value</b>
protein (measured as crude protein)	minimum 30 g/kg
pH	maximum 4.5
viable microorganisms used in the fermentation	minimum 10 <sup>6</sup> cfu/g

[32] **Standard 2.5.4** of the Australia New Zealand Food Standards Code is varied by –

[32.1] *omitting from the Purpose –*

Processing requirements for cheese are contained in Standard 4.2.4

[32.2] *omitting and/or wherever appearing in clause 1, substituting or*

[32.3] *omitting clause 2 substituting –*

## **2 Permitted ingredients**

Cheese may contain the following ingredients–

- (a) water; and
- (b) lactic acid producing microorganisms; and
- (c) flavour producing microorganisms; and
- (d) gelatine; and
- (e) starch; and
- (f) vinegar; and
- (g) salt.

[32.4] *updating the Table of Provisions to reflect this amendment*

[33] **Standard 2.5.5** of the Australia New Zealand Food Standards Code is varied by –

[33.1] *omitting from the Purpose –*

Processing requirements for butter are contained in Standard 4.2.4

[33.2] *omitting clause 2, substituting –*

## **2 Composition of butter**

Butter must contain no less than 80.0% m/m milkfat.

## **3 Permitted ingredients**

Butter may contain the following ingredients–

- (a) water; and
- (b) salt; and
- (c) lactic acid producing microorganisms; and
- (d) flavour producing microorganisms.

[33.3] *updating the Table of Provisions to reflect these amendments*

[34] **Standard 2.5.6** of the Australia New Zealand Food Standards Code is varied by *omitting from the Purpose –*

Processing requirements for ice cream are contained in Standard 4.2.4.

[35] **Standard 2.5.7** of the Australia New Zealand Food Standards Code is varied by –

[35.1] *omitting from the Purpose –*

Processing requirements for dried, evaporated and condensed milk are contained in Standard 4.2.4.

[35.2] *omitting the definition of **components of milk products** in clause 1*

[35.3] *omitting subclause 2(1), substituting –*

(1) The fat, or protein, or both fat and protein, content of the milk used to make dried milks or condensed milks, may be adjusted to comply with the compositional requirements set out in this Standard, by the addition or withdrawal of milk constituents in such a way as not to alter the whey protein to casein ratio of the milk being adjusted.

[35.4] *omitting subclause 2(3), substituting –*

(3) In addition to the general compositional requirements of this Standard, the milk products listed in Column 1 of the Schedule, when made from cow's milk, must contain the components listed in Column 2, in the corresponding proportions specified in Column 3 of the Schedule.

[35.5] *omitting the Schedule, substituting –*

#### SCHEDULE

Column 1	Column 2	Column 3
Dried whole milks	Milkfat Water	Minimum 26% m/m Maximum 5% m/m
Dried skim milks	Milkfat Water	Maximum 1.5% m/m Maximum 5% m/m
Condensed whole milks	Milkfat	Minimum 8% m/m
	Milk solids	Minimum 28% m/m
Condensed skim milks	Milkfat	Maximum 1% m/m
	Milk solids	Minimum 24% m/m
Evaporated whole milks	Milkfat	Minimum 7.5% m/m
	Milk solids	Minimum 25% m/m
Evaporated skim milks	Milkfat	Maximum 1% m/m
	Milk solids	Minimum 20% m/m

[36] **Standard 2.6.2** of the Australia New Zealand Food Standards Code is varied by –

[36.1] *omitting the definition of **brewed soft drink** from clause 1, substituting –*

**brewed soft drink** means the product prepared by a fermentation process from water with sugar and one or more of –

- (a) fruit extractives or infusions; or
- (b) vegetable extractives or infusions.

[36.2] *omitting* vitamins and/or minerals *from the definition of formulated beverage in clause 1, substituting* vitamins or minerals or both vitamins and minerals

[36.3] *omitting subclause 2(2) and the Table to subclause 2(2), substituting –*

(2) Water presented in packaged form must not contain substances at greater levels than the guideline values specified in *Annex 4 Chemical summary tables, Table A4.3 Guideline values for chemicals that are of health significance in drinking-water in the Guidelines for drinking-water quality, 3<sup>rd</sup> edition incorporating the 1<sup>st</sup> and 2<sup>nd</sup> addenda, Volume 1 Recommendations, World Health Organization, Geneva 2008.*

[37] **Standard 2.6.3** of the Australia New Zealand Food Standards Code is varied by –

[37.1] *omitting* sale and distribution *from the Purpose, substituting* form and labelling

[37.2] *omitting* and/or *from clause 2, substituting* or

[38] **Standard 2.7.1** of the Australia New Zealand Food Standards Code is varied by –

[38.1] *omitting from the Table to subclause 2(1) –*

Alcoholic beverages containing not more than 1.15 % alcohol by volume	'CONTAINS NOT MORE THAN X% ALCOHOL BY VOLUME' or words and expressions of the same or similar effect
Beverages containing no less than 0.5% alcohol by volume	

*substituting –*

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 alcohol by volume	

[39] **Standard 2.7.2** of the Australia New Zealand Food Standards Code is varied by –

[39.1] *omitting clause 2, substituting –*

## 2 Permitted addition of other foods during production

The following foods may be added to beer during production –

- (a) cereal products or other sources of carbohydrate; and
- (b) sugar; and
- (c) salt; and
- (d) herbs and spices.

[40] **Standard 2.7.3** of the Australia New Zealand Food Standards Code is varied by –

[40.1] *omitting the Purpose, substituting –*

## Purpose

This Standard defines the composition of fruit wine, vegetable wine, fruit wine product, vegetable wine product, mead, cider and perry.

[40.2] *omitting from clause 1 –*

In this Standard –

*substituting –*

(1) In this Standard –

[40.3] *omitting the definitions for **fruit wine and/or vegetable wine and fruit wine and/or vegetable wine product***

[40.4] *inserting in clause 1, following the definition of **perry** –*

(2) Any reference to fruit wine or vegetable wine in the Code refers to a product prepared from the complete or partial fermentation of fruit, vegetable, grains, cereals or any combination or preparation of those foods, other than that produced solely from grapes.

(3) Any reference to fruit wine product or vegetable wine product in the Code refers to a food containing no less than 700 mL/L of fruit wine, or vegetable wine, or both fruit and vegetable wine, which has been formulated, processed, modified or mixed with other foods such that it is not a fruit wine or vegetable wine.

[40.5] *omitting clause 2, substituting –*

## 2 Permitted ingredients

Fruit wine, vegetable wine and mead may contain the following ingredients–

- (a) fruit juice and fruit juice products; and
- (b) vegetable juice and vegetable juice products; and
- (c) sugars; and
- (d) honey; and
- (e) spices; and
- (f) alcohol; and
- (g) water.

[41] **Standard 2.7.4** of the Australia New Zealand Food Standards Code is varied by *omitting the Purpose, substituting –*

## Purpose

This Standard sets general definitions for wine and wine product and provides permissions for the addition of certain foods during the production of wine.

[41.1] *omitting clause 2, substituting –*

## 2 Permitted addition of other foods to wine during production –

The following foods may be added to wine during production –



- (a) grape juice and grape juice products; and
- (b) sugars; and
- (c) brandy or other spirit; and
- (d) water, where the water is necessary to incorporate any permitted food additive or processing aid.

[42] **Standard 2.7.5** of the Australia New Zealand Food Standards Code is varied by –

[42.1] *omitting clauses 2 and 3, substituting –*

## 2 Permitted ingredients of spirit and brandy

Spirit and brandy may contain the following ingredients –

- (a) water; and
- (b) sugars; and
- (c) honey; and
- (d) spices.

## 3 Permitted addition of other foods to brandy during production

The following foods may be added to brandy during production –

- (a) grape juice; and
- (b) grape juice concentrates; and
- (c) wine; and
- (d) prune juice.

[43] **Standard 2.8.1** of the Australia New Zealand Food Standards Code is varied by *omitting the second paragraph of the Purpose, substituting –*

Honey is standardised in Standard 2.8.2 and is not covered by this Standard.

[44] **Standard 2.9.1** of the Australia New Zealand Food Standards Code is varied by –

[44.1] *omitting the fourth and fifth paragraphs from the Purpose*

[44.2] *omitting the definition of **protein substitute** in clause 1, substituting –*

**protein substitute** means –

- (a) L-amino acids; or
- (b) the hydrolysate of one or more of the proteins on which infant formula product is normally based; or
- (c) a combination of L-amino acids and the hydrolysate of one or more of the proteins on which infant formula product is normally based.

[44.3] *omitting the following entries from the Table to clause 7,*

Adenosine 5'-monophosphate	Adenosine 5'-monophosphate Adenosine 5'-monophosphate sodium salt	0.14 mg	0.38 mg
Cytidine 5'-monophosphate	Cytidine 5'-monophosphate Cytidine 5'-monophosphate sodium salt	0.22 mg	0.6 mg

Uridine 5'-monophosphate	Uridine 5'-monophosphate Uridine 5'-monophosphate sodium salt	0.13 mg	0.42 mg
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*substituting –*

Adenosine 5'-monophosphate	Adenosine 5'-monophosphate	0.14 mg	0.38 mg
Cytidine 5'-monophosphate	Cytidine 5'-monophosphate	0.22 mg	0.6 mg
Uridine 5'-monophosphate	Uridine 5'-monophosphate sodium salt	0.13 mg	0.42 mg

[44.4] *omitting from paragraph 16(2)(e) –*

expressed in weight per 100 mL.

*substituting –*

expressed in weight per 100 mL when the product is reconstituted.

[44.5] *omitting paragraph 20(1)(f), substituting –*

- (f) subject to clause 28, a reference to the presence of any nutrient or nutritive substance, except for a reference to a nutrient or nutritive substance in –
  - (i) accordance with clause 30 – Claims relating to lactose free formula or low lactose formulas; or
  - (ii) the statement of ingredients in accordance with Standard 1.2.4 – Labelling of Ingredients; or
  - (iii) the nutrition information statement in accordance with clause 16 of this Standard – Declaration of nutrition information; or

[44.6] *omitting paragraphs 20(2)(a) and 20(2)(b), substituting –*

- (a) the statement of ingredients in accordance with Standard 1.2.4 – Labelling of Ingredients; or
- (b) the nutrition information statement in accordance with clause 16 of this Standard – Declaration of nutrition information.

[45] **Standard 2.9.2** of the Australia New Zealand Food Standards Code is varied by –

[45.1] *omitting the first paragraph from the Purpose, substituting –*

This Standard provides for the compositional (including nutritional) and labelling requirements of foods intended or represented for use as food for infants. Foods in this Standard are intended to be fed to infants in addition to human milk or infant formula products or both. This Standard does not apply to infant formula products, as they are regulated by Standard 2.9.1, nor does it apply to formulated meal replacements and formulated supplementary foods as they are regulated by Standard 2.9.3.

[45.2] *omitting the third paragraph from the Purpose*

[45.3] *omitting and/or from the definition of **food for infants** in clause 1, substituting or*

[45.4] *omitting and/or folate from paragraph 4(b), substituting or folate or both*

[46] **Standard 2.9.4** of the Australia New Zealand Food Standards Code is varied by omitting paragraph 7(3)(a), substituting –

- (a) the product is useful for one or more of before, during, or after sustained strenuous exercise; and

[47] **Standard 3.2.1** of the Australia New Zealand Food Standards Code is varied by omitting clause 6, substituting –

## 6 Fund raising events

A food business does not have to prepare a food safety program in accordance with this Standard in relation to a fundraising event conducted by the food business.

[48] **Standard 3.3.1** of the Australia New Zealand Food Standards Code is varied by omitting and/or from the Schedule, substituting or

[49] **Standard 4.2.1** of the Australia New Zealand Food Standards Code is varied by –

[49.1] omitting food-borne wherever appearing, substituting foodborne

[49.2] omitting the definition of ASQAP Manual from clause 15, substituting –

**ASQAP Manual** means the Australian Shellfish Quality Assurance Program Operations Manual.

[49.3] omitting the definition of **batch** from clause 15, substituting –

**batch** means a quantity of bivalve molluscs harvested from a particular harvesting area (e.g. marine farm, lease or designated wild shellstock harvest area) and with the same harvest date.

[50] **Standard 4.5.1** of the Australia New Zealand Food Standards Code is varied by –

[50.1] omitting subclause 5(4), substituting –

- (4) Deleted

## To commence: on 20 May 2012

[51] **Standard 1.6.2** of the Australia New Zealand Food Standards Code is varied by omitting from the Table of Provisions–

- 4 Eviscerated poultry

substituting –

- 4 Reserved

**Draft variations to Editorial Notes in the *Australia New Zealand Food Standards Code***

To commence: on gazettal

[1] *The Editorial notes in the Standards of the Australia New Zealand Food Standards Code listed in Column 1 of the Table to this item are varied by omitting the Editorial notes listed in Column 2 –*

**Table to Item 1**

<b>Column 1 Standard</b>	<b>Column 2 Editorial note</b>
Standard 1.1.1	The Editorial note following the definition of <b>fund raising events</b>
Standard 1.2.11	The Editorial note following clause 2
Standard 1.3.1	The Editorial note following clause 3
Standard 1.3.1	The Editorial note following clause 11
Standard 2.2.1	The Editorial note within clause 1
Standard 2.7.4	The Editorial note following clause 2
Standard 2.7.5	The Editorial note following clause 4

[2] **Standard 1.1.1** of the Australia New Zealand Food Standards Code is varied by omitting from the Editorial note preceding the Table of Provisions –

*Health Act 1911* (Western Australia)

*substituting –*

*Food Act 2008* (Western Australia)

[3] **Standard 1.2.3** of the Australia New Zealand Food Standards Code is varied by omitting from the Editorial note following clause 2 –

Standard 2.5.1. – ‘dried milks’

*substituting –*

Standard 2.5.1. ‘Dried milks’

[4] **Standard 1.2.5** of the Australia New Zealand Food Standards Code is varied by omitting the first paragraph from the Editorial note following subclause 2(2)

[5] **Standard 1.2.9** of the Australia New Zealand Food Standards Code is varied by omitting the Editorial note following clause 3, substituting –

<p><b>Editorial note:</b></p> <ol style="list-style-type: none"> <li>1. ‘Warning statement is defined in Standard 1.1.1 – Preliminary Provisions – Application, Interpretation and General Prohibitions.</li> <li>2. ‘Small package’ is defined in Standard 1.2.1 – Application of Labelling and Other Information Requirements.</li> </ol>
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[6] **Standard 1.2.10** of the Australia New Zealand Food Standards Code is varied by omitting the second paragraph from the Editorial note following subclause 2(4)

[7] **Standard 1.3.2** of the Australia New Zealand Food Standards Code is varied by inserting the following Editorial note following the Table to clause 3 –

**Editorial note:**

The New Zealand (Mandatory Fortification of Bread with Folic Acid) Food Standard 2007 applies to bread sold in New Zealand. This Standard does not apply to bread sold or prepared for sale in, or imported into Australia.

[8] **Standard 1.5.1** of the Australia New Zealand Food Standards Code is varied by –

[8.1] omitting from the Editorial note following clause 1 –

micro-organisms

substituting –

microorganisms

[8.2] omitting paragraphs 2 and 3 and the bolded text from the Editorial note following clause 3, substituting –

For information purposes only, the exclusive period for the following novel foods listed in column 1 of the Table to clause 3 are as follows:

<b>Novel food</b>	<b>Brand</b>	<b>Commencement date</b>	<b>End date</b>
Tall oil phytosterol Esters	LiveActive®	8 April 2010	8 July 2011

[9] **Standard 2.2.3** of the Australia New Zealand Food Standards Code is varied by omitting the Editorial note following clause 1, substituting –

**Editorial note:**

This Standard does not define specific names for fish. An Australian Fish Names Standard (AS SSA 5300) has been published which provides guidance on standard fish names to be used in Australia.

1. Hard copies of the Australian Fish Names Standard (AS-SSA 5300) are available from Seafood Services Australia at <http://www.seafood.net.au/shop>.
2. A searchable database of Australian Standard Fish Names is available at <http://www.fishnames.com.au>.
3. Approved Scientific, New Zealand Common, Maori, and Foreign Common Names of New Zealand Commercial Fish Species, are available from the New Zealand Food Safety Authority website at <http://www.nzfsa.govt.nz/animalproducts/registers-lists/approved-fish-names/>.

[10] **Standard 2.5.1** of the Australia New Zealand Food Standards Code is varied by omitting the Editorial note preceding the Table of Provisions, substituting –

**Editorial note:**

The Australian processing requirements for milk are contained in Standard 4.2.4.

New Zealand has its own processing requirements for milk and milk products.

[11] **Standard 2.5.2** of the Australia New Zealand Food Standards Code is varied by omitting the Editorial note preceding the Table of Provisions, substituting –

**Editorial note:**

The Australian processing requirements for cream are contained in Standard 4.2.4.

New Zealand has its own processing requirements for cream.

[12] **Standard 2.5.3** of the Australia New Zealand Food Standards Code is varied by omitting the Editorial note preceding the Table of Provisions, substituting –

**Editorial note:**

The Australian processing requirements for fermented milk products are contained in Standard 4.2.4.

New Zealand has its own processing requirements for milk and milk products.

[13] **Standard 2.5.4** of the Australia New Zealand Food Standards Code is varied by omitting the Editorial note preceding the Table of Provisions, substituting –

**Editorial note:**

The Australian processing requirements for cheese are contained in Standard 4.2.4.

New Zealand has its own processing requirements for milk and milk products.

[14] **Standard 2.5.5** of the Australia New Zealand Food Standards Code is varied by omitting the Editorial note preceding the Table of Provisions, substituting –

**Editorial note:**

The Australian processing requirements for butter are contained in Standard 4.2.4.

New Zealand has its own processing requirements for milk and milk products.

[15] **Standard 2.5.6** of the Australia New Zealand Food Standards Code is varied by omitting the Editorial note preceding the Table of Provisions, substituting –

**Editorial note:**

The Australian processing requirements for ice cream are contained in Standard 4.2.4.

New Zealand has its own processing requirements for milk and milk products.

[16] **Standard 2.5.7** of the Australia New Zealand Food Standards Code is varied by omitting the Editorial note preceding the Table of Provisions, substituting –

**Editorial note:**

The Australian processing requirements for dried, evaporated and condensed milks are contained in Standard 4.2.4.

New Zealand has its own processing requirements for milk and milk products.

[17] **Standard 2.7.4** of the *Australia New Zealand Food Standards Code* is varied by omitting the Editorial note preceding the Table of Provisions, substituting –

**Editorial note:**

The *Australian Wine and Brandy Corporation Act 1980* and the Regulations made under that Act should be consulted. The Act and the Regulations contain provisions which, for example, regulate –

- (a) the use of geographical indications for wine, sparkling wine and fortified wine;
- (b) limited derogations from the requirements in this Standard for wine, sparkling wine and fortified wine for export;
- (c) blending rules for wine, sparkling wine and fortified wine; and
- (d) the compositional and other requirements for wine, sparkling wine and fortified wine imported into Australia from countries with which Australia has a wine trading agreement prescribed by the Act.

For wines produced in New Zealand, the *Wine Act 2003*, and the Regulations, Specifications and Notices made under that Act, should also be consulted. These contain provisions that regulate the making, supply and export of wine in New Zealand.

The New Zealand *Geographical Indications (Wines and Spirits) Registration Act 2006* applies to geographical indications in relation to wine. The Act will commence on a date to be proclaimed by the Governor-General of New Zealand.

[18] **Standard 2.9.1** of the *Australia New Zealand Food Standards Code* is varied by omitting the Editorial note following the Table to clause 23, substituting –

**Editorial note:**

Standard 1.3.4 contains specifications for dried marine microalgae (*Schizochytrium sp.*) rich in docosahexaenoic acid (DHA), oil derived from marine microalgae (*Schizochytrium sp.*) rich in docosahexaenoic acid (DHA), oil derived from the algae *Cryptocodinium cohnii* rich in docosahexaenoic acid (DHA), oil derived from the fungus *Mortierella alpina* rich in arachidonic acid (ARA), and oil derived from marine microalgae (*Ulkenia sp.*) rich in docosahexaenoic acid (DHA).

[19] **Standard 3.3.1** of the *Australia New Zealand Food Standards Code* is varied by omitting from the Editorial note following subclause 1(2) –

micro-organisms

substituting –

microorganisms

[20] **Standard 4.2.4** of the Australia New Zealand Food Standards Code is varied by omitting and/ or from the Editorial note following subclause 15(5), substituting or