Attachment B

Draft Explanatory Statement – Proposal P1025

Code Revision

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1. Authority

Section 13 of the *Food Standards Australia New Zealand Act 1991* (the FSANZ Act) provides that the functions of Food Standards Australia New Zealand (the Authority) include the development of standards and variations of standards for inclusion in the *Australia New Zealand Food Standards Code* (the Code).

Division 2 of Part 3 of the FSANZ Act specifies that the Authority may prepare a Proposal for the development or variation of food regulatory measures, including standards. This Division also stipulates the procedure for considering a Proposal for the development or variation of food regulatory measures.

2. Documents incorporated by reference

The draft food regulatory measure incorporates a number of documents by reference.

3. Consultation

In accordance with the procedure in Division X of Part X of the FSANZ Act, the Authority's consideration of Proposal P1025 will include two rounds of public consultation following an assessment and the preparation of a draft Standard and associated reports. Because this Proposal is about revision of the entire Code a draft food regulatory measure will be included in this first round consultation.

A Regulation Impact Statement was not required because the proposed variations to the Code are likely to have a minor impact on business and individuals.

4. Statement of compatibility with human rights

This instrument is exempt from the requirements for a statement of compatibility with human rights as it is a non-disallowable instrument.

5. Variations

Chapter 1—General Food Standards

Part 1—Preliminary

Division 1—Status of Code

New section 1.01—Name
This section establishes that the instrument is the *Australia New Zealand Food Standards Code* (the Code). In Australia, '*Australia New Zealand Food Standards Code*' is a defined term in the *Food Standards Australia New Zealand Act 1991*.

In New Zealand, the Code is given effect through the making of a food standard under section 11C of the *Food Act 1981*.

Throughout the Code, editorial notes indicate if a provision does not apply in either Australia or New Zealand. In addition, section 1.14 sets out the application of the Code in Australia and New Zealand.

New section 1.02—Commencement
New section 1.02 provides that most of the Code commences on [to be determined].

New section 1.03—Overview
This section outlines the structure of the Code. Chapter 1 contains preliminary provisions and provisions that apply to all foods. Chapter 2 contains provisions that apply only to certain foods. Chapter 3 provides food hygiene standards for Australia and Chapter 4 provides primary production and processing standards for Australia. Chapter 5 provides revocation and transitional provisions. Schedules follow Chapter 5.

Division 2—Interpretation

New section 1.04—Application of interpretation legislation
This section provides that the general interpretation laws of Australia and New Zealand will apply, as appropriate, to the Code. Within Australia, this means that a prosecution for an offence would be conducted under state or territory law (including the state or territory interpretation law) but the Code itself would be interpreted consistently by all state and territory courts, applying the Commonwealth law.

New section 1.05—References to other instruments
New paragraph 1.05(1)(a) provides that any reference in the Code to an Act, including the legislation of a State, Territory or New Zealand, includes a reference to subordinate legislation made under that Act. This provision is new.

New paragraph 1.05(1)(b) provides a mechanism for making reference in the Code to the United States Code of Federal Regulations. The subsection repeats the content of clause 16 of Standard 1.1.1.

New subsection 1.05(2) provides that guidelines issued by FSANZ to assist in the interpretation of the Code are not legally binding. This repeats subclause 5(1) of Standard 1.1.1 of the current Code.

New section 1.06—Definitions
This section provides definitions for the Code, or signposts to those definitions. A few definitions, that have an application only in a small section of the Code, are set out in later provisions.

The section addresses an issue raised in the legislative audit about the placement of definitions throughout the Code. New section 1.06 places all definitions that have a Code-wide application in the one place, where they can be located conveniently. Definitions that have specific relevance in a division of the Code are placed within that Division. In most cases a signpost to the relevant definition is in new section 1.06. However, some definitions that have only a local function are not signposted.

Definitions that currently provide standards of identity for foods, which were previously in Standard 1.1.2 or in Chapter 2, are now in new section 1.06 (either as a stand-alone definition or as a signpost to a definition that is expressed later in the Code). The compositional elements of those definitions are to be stated separately. The separation of definitions and compositional elements is a response to concerns expressed in consultation that the form of drafting adopted in the current Code is out-dated. Also, it is said that the current drafting style creates difficulty for enforcement agencies because the inclusion of both identifying and compositional elements in the definition means that a food product that does not comply with the compositional element cannot be considered as a food product of the type identified.

The current drafting style relies on clause 14 of Standard 1.1.1, which provides that when a definition of food includes a compositional element the definition is taken to be a standard for the composition of that food. New section 1.24 provides that a provision of the Code that states that food that is sold with a representation that it is a specified food must comply with any compositional requirements for that type of food. This style of drafting makes the nature of the requirement clearer.

New section 1.07—Meaning of RDI and ESADDI

This new section describes how the recommended dietary intake or the estimated safe and adequate daily intake levels of vitamins and minerals are determined and how certain vitamins and minerals are to be calculated.

New section 1.08—Meaning of medical institution

New section 1.08 provides a definition of medical institution. This provision restates the content of clause 8 of Standard 1.2.1.

New section 1.09—Phytosterols, phytostanols and their esters

New section 1.09 repeats the content of clause 15 of Standard 1.1.1.

New section 1.10—Units of measurement

New section 1.10 repeats, in different form, the content of clauses 6 and 8 of Standard 1.1.1. The clause provides the meaning of symbols used in the Code and provides that the relevant Australian or New Zealand measurement legislation or international convention will apply if a symbol is not in the table. The symbols and their meaning are listed in Schedule 2.

New section 1.11—Meaning of average quantity

New section 1.11 repeats the content, but not the format, of the definition of average quantity in clause 2 of Standard 1.1.1. The clause provides that an average quantity can be determined by the manufacturer's analysis of the food, analysis of the ingredients in a food product or calculation from generally accepted data. An average should reflect the best estimate having regard to seasonal variance or other factors that could reasonably be a cause of lot variance.

New section 1.12—Compliance with provisions relating to warning statements and other statements

New section 1.12 has a similar effect as clause 12 of Standard 1.1.1. It provides that where a provision of the Code requires a statement or information to be provided in a particular form of words, for example an advisory statement, a different form of words can be used if the intent is retained. However, warning statements must be expressed in the words set out in the Code.

Division 3—Application of Code and effect of variations to Code

New section 1.13—Application of Code

New section 1.13 restates the application provision that is now in subclauses 1(1) and (5) of Standard 1.1.1. The Code applies to food products that are sold in, prepared for sale in or imported into Australia or New Zealand.

New subsections 1.13(2) and (3), respectively, set out the provisions that do not apply in New Zealand or Australia. These provisions provide explanatory material that is not stated expressly in the current Code in an operative provision.

New subsection 1.13(4) repeats the content of subclause 1(5) of Standard 1.1.1 concerning wine that was bottled prior to 20 December 2002.

New section 1.14—Effect of variations to Code

New section 1.14 restates the provisions in current subclause 1(2) of Standard 1.1.1. The clause provides a stock-in-trade protection for food products that comply with a provision of the Code prior to it being varied but would not comply after the variation. Those food products are deemed to be compliant for 12 months after the date of variation. An effect of this provision is that there will be a 12 month transition period for the new Code.

The new drafting makes it clear, in subsection 1.14(2), that compliance can relate to a compositional standard, a labelling standard or a packaging standard.

Part 2—Basic concepts and basic requirements

Division 1—Basic concepts

New section 1.15—Basic concepts—food

New section 1.15 provides that the definition of food in the relevant application Act will apply when that word is to be interpreted in the Code. Each of the New Zealand, state and territory application Acts provides a definition of food that is based on the definition provided in the model food provisions. There are minor differences in the definitions provided in the application Acts.

The definition includes, broadly, any substance that is used or represented as being fit for human consumption, ingredients, additives, processing aids, chewing gum or substances declared to be food. Subsequent provisions of the Code set out how ingredients, additives and processing aids can be used in food products.

New section 1.16—Basic concepts—food product

New section 1.16 provides a definition of food product that is essential for many of the provisions of the Code. In particular, it is relevant to the provisions of the Code that establish requirements for food that is for sale. A food product is a food that is sold, or intended to be sold, to a consumer on the basis that it is fit for human consumption either in the form that it is sold or after preparation using a basic or traditional process; or is sold, or intended to be sold, to another person on the basis that it is suitable for sale to a consumer for consumption by that consumer e.g. packaged foods.

The concept of food product is central in the Code because most of the provisions of Chapter 1 and Chapter 2 that establish requirements relating to food apply to food products and do not apply at an earlier stage of food production. Those provisions that do apply at a different stage are clearly identified. This is made clear in new section 1.14, which repeats the current provision, in Standard 1.1.1, that applies the Code to food that is for sale or is imported.

New section 1.17—Basic concepts—ingredient *and* compound ingredient

This clause provides a new definition of ingredient that has effect for the labelling requirements. The new, broader definition, which is more detailed than the current definition in clause 1 of Standard 1.2.4, makes it clear that a food that is used in the preparation of another food, but is not present in the final food, can be an ingredient. Substances used as food additives and processing aids are included in the revised definition of ingredient.

New section 1.18—Basic concepts—component

This section provides a definition of *component*.

The definition of component restates the definition in the current Code—in Standard 1.1.1 clause 2. The definition provides that a component is a constituent part of a food.

New section 1.19—Basic concepts—used as a nutritive substance

This section defines *used as a nutritive substance* in similar terms to the current definition of nutritive substance in clause 2 of Standard 1.1.1. The definition focusses attention on the purpose of addition of the substance to a food, ie to achieve a nutritional purpose.

The substances that are subject to the provision are substances that are identified in the Code as a substance that may be used as a nutritive substance[1] or substances that are extracted, refined or synthesised and are not normal foods or ingredients[2]. The provisions in new paragraph 1.19(2)(b) restates the descriptive part of the current definition of nutritive substance and operate to make it clear that substances that are basic foodstuffs are not regulated as nutritive substances.

This definition operates with new section 1.21 to prohibit the addition of substances that are not normal foods or ingredients, including vitamins and minerals, for a nutritional purpose, unless there is a specific permission in the Code.

New section 1.20—Basic concepts—sell

New section 1.20 provides that the definition of sell in each of the application Acts is to apply in the Code. For example, if enforcement action is taken in relation to a sale of food in New South Wales, the New South Wales application Act will apply.

The definition of sell in the model food provisions is broad and includes supply or having in possession with an intention to sell.

The definition of sell is critical for the enforcement of the Code as most offence provisions rely on a sale or intention to sell as an element of the offence.

[1] e.g. Schedule S30.04

[2] This is a very broad range of substances. The current definition makes it clear that the range of substances that might be used for a nutritive purpose includes vitamins, minerals, amino acids, electrolytes and nucleotides. An example of the substances that are within the scope of this arm of the definition is the list of substances in Schedules S30.19 and S30.20.

Division 2—Basic requirements

Note on enforcement of the Code
A lengthy note on the enforcement of the Code in Australia and New Zealand is set out at the beginning of this Part. The Code is enforced by laws made by the parliaments of Australia, New Zealand and the states and territories. It is a common element of the New Zealand and state and territory legislation that it is an offence to sell food that does not comply with a requirement in the Code.

Other offences are established in relation to the making of false or misleading statements about food or failing to comply with a requirement of the Code that is imposed on a person.

The note is not a legally binding element of the Code or a source of legal advice.

Division 2 sets out the basic requirements that must be complied with by suppliers, importers, and manufacturers or preparers of food products.

New section 1.21—Requirements relating to food product on sale
New section 1.21 sets out the basic compositional, packaging, labelling and information provision requirements for the Code.

New subsection 1.21(1) provides that the general requirements apply to foods for sale, which are described as food products.

Compositional requirements
New subsection 1.21(2) restates the permission, in subclause 10(3) of Standard 1.1.1, for the addition of one food to another food, unless there is a specific prohibition. The prohibitions are set out in the same section. The permission is restated as a compositional provision for food products.

New subsection 1.21(3) establishes a requirement that a food product that is for sale must not be, or contain as an ingredient, a substance that is listed in the table to the subsection, unless expressly permitted. The substances listed are, in the table to subsection 1.22(3), prohibited or restricted plants or fungi, coca bush, novel foods offered for retail sale, agvet chemicals, foods produced using gene technology, irradiated foods, and kava or a substance derived from kava.

New subsection 1.21(4) establishes a requirement that a food product that is for sale must not be, or contain as an ingredient, a substance that is listed in the table to the subsection, unless expressly permitted. In the table to subsection 1.22(4), substances that are used as food additives, processing aids or nutritive substances are listed.

Vitamins and minerals may be used as nutritive substances or food additives. The general prohibition on the addition of vitamins and minerals that is now in clause 2 of Standard 1.3.2 is now stated as an element of the prohibition on using substances as nutritive substances or as food additives in new subsection 1.21(3). The permissions and conditions for vitamins and minerals are to be found in the Divisions identified in the table to subsection 1.21(3), or elsewhere in the Code.

New subsection 1.21(5) provides that the prohibition on addition or use does not apply (unless the Code provides otherwise) to naturally occurring substances. Other provisions of the Code require declaration of some naturally occurring nutritive substances.

New subsection 1.21(6) states the requirement that a food product must comply with any provision of the Code relating to composition or the presence of substances in a food of that kind.

Packaging requirements, labelling requirements and information provision requirements
New subsections 1.21(7)-(9) state the requirement that a food product must comply with any provision of the Code relating to packaging, labelling or information provision.

New section 1.22—Requirements relating to food product on importation
This new section establishes requirements for imported food. The requirements may be enforced through the provisions of the Commonwealth Imported Food Control Act or the application Acts. The section applies to a food product that is intended to be sold in the form, or packaging, that it is imported.

A food product imported in the form or package intended for sale must comply with section 1.21. An imported food product that is intended to be sold with the packaging or labelling in which it is imported must comply with any relevant compositional, packaging and labelling standards, at the time of importation.

New section 1.23—Operation of compositional requirements
New section 1.23 describes how compositional requirements in the Code work.

The standard form of a compositional requirement is that a food product may not be sold on the basis of a representation that it is a named food[3] unless it satisfies the compositional requirement for that food. The use of a food name on a food product is such a representation unless the context is clearly different. For example, ginger beer is not beer.

New subsection 1.23(3) makes it clear that a compositional requirement in Chapter 2 does not override any explicit permission to use a substance as a food additive, nutritive substance or processing aid in that food.

New subsection 1.23(4) repeats the content of subclause 10(1) of Standard 1.1.1, which provides that a compositional permission to add 'other foods' is not a permission to use a substance as a food additive, nutritive substance or processing aid in that food if that use is not explicitly permitted.

New subsection 1.23(5) repeats the content of subclause 10(4) of Standard 1.1.1.

New section 1.24—Other requirements relating to food
New section 1.24 provides that if a provision of the Code imposes a requirement, for the preparation of food or for record-keeping, that requirement must be complied with. This provision establishes a requirement that will support enforcement of the food hygiene standards in Chapter 3 and any record-keeping requirements, such as those relating to irradiated food.

New section 1.25—Identity and purity
New section 1.25 sets out the operative requirements of Standard 1.3.4. Specifications for substances are set out in Schedule 3.

Part 3—Labelling and other information requirements

Division 1—Requirements to have labels or otherwise provide information
Subdivision A—Introductory

New section 1.26—Outline of Division
This Division sets out when a food product that is being sold is required to bear a label or have other information provided with it.

[3] Set out in inverted commas in the relevant provisions e.g. 'bread' in subsection 2.01(1)

The Division also sets out the information that is to be provided, either on a label or in associated information.

Subdivision B sets out the labelling and information requirements for a food product that is for retail sale.

Subdivision C sets out the labelling and information requirements for a food product that is sold to caterers and Subdivision D sets out the labelling and information requirements for all other sales of food products or intra-company transfers.

New section 1.27—Meaning of label, labelling and bear a label
This section provides definitions for label, labelling and bear a label. The content of the definition of label in clause 2 of Standard 1.1.1 is restated and the other definitions are provided to give better context for the use of those terms within the Code.

New section 1.28—meaning of catering sale
This section defines catering sale and restates the definition of food for catering purposes in clause 1 of Standard 1.2.1. The definition of catering sale is relevant for Subdivision C Division 1 Part 4 of Chapter 1, which sets out the labelling requirements for food products sold to caterers, and Division 2 Part 2 of Chapter 2, which establishes a standard for the sale of eggs for retail and catering purposes.

A catering sale is a sale of food product to catering establishments, restaurants, canteens, schools, hospitals and other institutions where food product is prepared or offered for immediate consumption.

Subdivision B—Retail sales of food products

New section 1.29—When this Subdivision applies
New section 1.29 provides that Subdivision B applies to retail sales of food products and to sales of food products that are not retail sales but are sales that are made on the basis that the food product is ready for retail sale.

New section 1.30—Outline of Subdivision
This new section provides an outline of Subdivision B relating to retail sales.

New section 1.31—When the food product must bear a label
New section 1.31 sets out when a label is required on food products that are for retail sale.

A label is not required if a food product is not in a package. However, information may have to be provided by another means.

If a food product is in a package it must usually be labelled. The exceptions are if the food product is:

- made and packaged on the premises where it is sold;
- packaged in the presence of the purchaser;
- whole or cut fresh fruit or vegetables (other than seed sprouts, or similar) sold in a clear package;
- delivered packaged and ready for consumption at the express order of a purchaser (e.g. take-away pizza), except in a vending machine;
- sold at a fund-raising event; or
- sold in an assisted service display cabinet.

If a food product has more than one layer of packaging, and is required to bear a label, the food product need have only one label. However, if a food product is sold in individual portion packs not designed for individual sale and with a package surface area greater than 30cm2, the individual portion pack and the outer package must each bear a label.

The obligation to label food for retail sale and relevant exemptions are currently in subclause 2(1) of Standard 1.2.1.

New section 1.32—Australia only–country of origin labelling requirement

New section 1.32 sets out the basic requirement to provide country of origin labelling for packaged and unpackaged food products for retail sale in Australia. Details of the information that is to be provided are in sections 1.96 (unpackaged food products), 1.97 (packaged fresh fruit and vegetables) and 1.98 (other packaged food products).

The country of origin labelling requirement is currently stated in paragraph 2(2)(g) of Standard 1.2.1.

New section 1.33—Information required on general label

New section 1.33 sets out the basic labelling requirement for food products that are required to bear a label. This section provides a listing of all of the provisions of the Code that set out more detailed labelling requirements in relation to particular aspects of labelling.

Subsection 1.33(1) sets out the basic requirement that a food product for retail sale that is required to carry a label must have any information that the Code requires to be on a label. The provisions that require information to be provided on a label are listed in this subsection. They are currently listed in subclause 2(2) of Standard 1.2.1 and a range of other provisions in the Code.

Subsections 1.33(2)-(4) set out exceptions to the basic labelling requirement.

Subsection 1.33(2) provides special arrangements for food products that are sold for retail sale in a hamper. These arrangements are currently set out in subclause 2(4) of Standard 1.2.1 and the editorial note to that subclause. When food product is sold for retail sale in a hamper, any food product in the hamper that is in a package must bear a label that provides all of the information required by the Code and any food product that is not in a package must be accompanied by documentation setting out the information required by the Code. This requirement exists even though the food product might be exempt from the labelling requirement if not in a hamper e.g. if the sale is for a fund-raising activity.

Subsection 1.33(3) sets out the requirement that is currently in paragraph 2(1)(b) of Standard 1.2.1, that if a food product is in an individual portion pack and required to bear a label only the warning or advisory information required by Division 3 of this Part must be provided. The outer package will be subject to the general requirement that a food product in a package must be labelled.

Subsection 1.33(4) repeats the requirement in subclause 3(2) of current Standard 1.2.2 that the name and business address of the supplier of the food products sold from a vending machine must be displayed clearly and prominently on the vending machine.

New section 1.34—Information requirements for food product that does not need to bear a label

New section 1.34 sets out the basic requirements to provide information when a label is not required.

Different requirements apply to different categories of information. Depending on the type of information, the information is required to be provided in one of the following ways:

- accompanying or displayed in connection with the sale of the food product
- accompanying the food product
- displayed in connection with the sale of the food product
- provided to the purchaser
- accompanying or displayed in connection with the food product or provided to the purchaser on request

These requirements are currently set out in isolated provisions of the Code.

Subdivision C—Sales of food products to caterers

New section 1.35—When this Subdivision applies
New section 1.35 provides that Subdivision C relates to catering sales.

Subdivision C does not apply to retail sales.

New section 1.36—Outline of Subdivision
This new section provides an outline of Subdivision C relating to catering sales.

New section 1.37—When the food product must bear a label
This section sets out the basic labelling requirement for a food product that is sold to a caterer. This section sets out part of the requirement that is currently in clause 5 of Standard 1.2.1, other than the country of original labelling requirement. The other part of clause 5, setting out the information to be provided, is in section 1.41.

New section 1.38—When information must be provided with the food product
New section 1.38 sets out the basic requirement to provide information with a food product for catering sale if the food product is not required to bear a label. This requirement is now in subclause 6(3) of Standard 1.2.1.

New section 1.39—Australia only–country of origin labelling requirement
New section 1.39 sets out the basic requirement to provide country of origin labelling for packaged and unpackaged food products that are for catering sales. Details of the information that is to be provided is in sections 1.96 (unpackaged food products), 1.97 (packaged fresh fruit and vegetables) and 1.98 (other packaged food products). This section repeats the effect of paragraph 5(1)(e) of Standard 1.2.1.

New section 1.40—Information required to be on a label
This new section sets out the balance of the provisions that are now in clause 5 of Standard 1.2.1. The section sets out the requirement that a label include the information required for food identification, mandatory warning or advisory statements, date marking, directions for use and storage, country of origin marking and to identify food produced using gene technology or irradiated food. Subsection (2) sets out the requirement that is now in paragraphs 5(2)((c) and (d) of Standard 1.2.1 relating to labelling of outer and inner packages of food products sold to caterers etc.

New section 1.41—Other information that must be provided
This new section sets out the requirement that the information that is required on a label for food product sold at retail sale, other than the information required by section 1.41 to be on a label for catering sale or characterising information, can either be provided on a label or in documentation accompanying the catering sale.

New section 1.42—Information that can be requested
This section repeats in amended form the current requirement, in subclause 6(4) of Standard 1.2.1–that a supplier must, if requested by a purchaser or a relevant authority, provide information about a food product that is sold for catering purposes. The supplier is required to provide sufficient information to permit the purchaser to comply with compositional or labelling and declaration requirements in the Code.

Subdivision D—Other sales of food products

New section 1.43—When this Subdivision applies
New section 1.44 provides that Subdivision D applies to sales that are not retail sales, sales to caterers etc or intra-company transfers.

New subsection 1.44(2) provides a definition for *intra-company transfer*.

New section 1.44—Outline of Subdivision
This new section provides an outline of Subdivision D relating to sales other than retail sales, catering sales or intra-company transfers.

New section 1.45—Labelling requirements
New section 1.45 sets out when a label is required in relation to a food product that is sold in circumstances where Subdivision D applies.

A food product that is not for retail sale or for sale to a caterer etc is required by new section 1.45 to bear a label that provides the information about the name of the food, the lot identification and the name and address of the supplier.

New paragraph 1.45(3) provides that a label may be on the package, on the outer layer of multi-layer packaging or visible through a transportation outer.

New section 1.46—When information may be requested
This new section repeats the current requirement, in clause 4 of Standard 1.2.1, that a supplier must, if requested by a purchaser provide information about a food product that is sold for purposes other than retail sale or for catering etc. The supplier is required to provide sufficient information to permit the purchaser to comply with compositional or labelling and declaration requirements in the Code.

Subdivision E—General prohibitions relating to labels

New section 1.47—Prohibition on altering labels
This clause repeats the current general prohibition on altering a label on a food product, and the permission for over-labelling, that is now in clause 11 of Standard 1.1.1. The provision is moved to co-locate it with other labelling provisions and has been revised to improve clarity and function. The effect of the provision is that a label may not be altered before sale, without the approval of a relevant authority, unless the label is replaced by a complying label.

New section 1.48—Application of labelling provisions to advertising
New section 1.48 repeats the current requirement, in clause 13 of Standard 1.1.1, that an advertisement cannot include a statement, information, design or representation that the Code prohibits being on a label.

Subdivision F—Legibility requirements

New section 1.49—Meaning of size of type
New section 1.49 repeats the definition of size of type, currently in clause 1 of Standard 1.2.9. For the Code, type is measured in millimetres from base to top.

New section 1.50—General legibility requirements
New section 1.50 repeats the requirements in clause 2 of Standard 1.2.9 in a modified form. The words, 'unless otherwise expressly permitted by this Code' have been removed, as they are unnecessary. The 4 requirements of legibility, prominence, contrast and English language have been separated out for clarity.

New section 1.51—Legibility requirements for warning statements
New subsection 1.51 repeats the requirement in clause 3 of Standard 1.2.9 that warning statements have a minimum type size. Other provisions about warning statements are listed in the definition of warning statement in section 1.06.

Division 2—Information requirements–food identification

New section 1.52—Name of food
New subsection 1.52(1) repeats the requirements contained in clause 1 of Standard 1.2.2 that a label on a package of food must include either the prescribed name[4] of the food product or a description sufficient to indicate the true nature of the food product. The current provisions are amended slightly to improve clarity and function and to address the requirement that is now in subclause 26(2) of Standard 2.9.1 for certain words to appear as part of the name of infant formula products formulated for premature or low birthweight infants.

New subsection 1.52(2) repeats the current provision in clause 1(3) of Standard 1.2.2 that makes it clear that the definitions of foods in Chapter 2 of the current Code do not prescribe names for those foods. This provision has been extended to cover all food definitions–not only those in Chapter 2.

New section 1.53—Lot identification
New subsection 1.53 repeats a list of exceptions to the requirement to provide lot identification, now in clause 2 of Standard 1.2.2, with some minor revision to improve clarity.

New section 1.54—Name and address of supplier
New subsection 1.54 makes it clear that if the labelling provisions require the name and address of a supplier, the address can be an address in either Australia or New Zealand of a person who is a supplier.

Division 3 – Mandatory warning statements, advisory statements and declarations

New section 1.55—Mandatory advisory statements
New subsection 1.55(1) repeats the substance of clauses 2 and 5 of Standard 1.2.3, to require the label on a food product listed in Column 1 in the table in Schedule 9 to provide the advisory statement that appears in the corresponding row of Column 2.

Subsection 1.55(2) sets out the conditions for an advisory statement that a food product might have a laxative effect.

[4] Prescribed names have been established for honey, fermented comminuted meats, infant formula and follow-on formula, formulated supplementary food, formulated supplementary, food for young children, formulated supplementary sports food, and formulated meal replacement .

New section 1.56—Mandatory warning statement–royal jelly
New section 1.56 replaces clause 3 of Standard 1.2.3, which requires warning statements about royal jelly to be given when royal jelly is presented as a food product or as an ingredient.

New section 1.57—Mandatory declaration of certain substances in food
New section 1.57 repeats the requirements of clause 4 of Standard 1.2.3 that require certain allergens to be notified, either on the label or in related documentation, when the allergens are an ingredient of a food product.

Division 4—Information requirements–statement of ingredients

New section 1.58—Requirement for statement of ingredients
New section 1.58 substantially repeats clause 2 of Standard 1.2.4, which sets out the requirement that the label on most food products must include a statement of ingredients. The provisions in Clause 2 of Standard 1.2.4 have been reordered to improve clarity. New subsection 1.58(2) sets out what is meant by *statement of ingredients*.

New paragraph 1.33(1)(e) sets out the basic requirement that labels on food products for retail sale are to include a statement of ingredients.

New paragraph 1.58(2)(b) sets out in modified form the clarifying statement, in current paragraph 2(a) of Standard 1.2.4, that a separate statement of ingredients is not required if the name of the food product includes all ingredients.

New subsection 1.58(3) repeats the exceptions to the requirement to state ingredients currently listed in paragraphs 2(b), (c) and (d) of Standard 1.2.4 for packaged water, alcoholic beverages and food in small packages.

New section 1.59—Requirement to list all ingredients
New section 1.59 repeats exceptions to the general rule, now in paragraphs 3(a), (b), (c) and (d) of Standard 1.2.4, for ingredients of flavouring substances; volatile ingredients that are not in the final food product; water that has been added to reconstitute ingredients; water that is added in broth, brine or syrup and is declared; water that constitutes less than 5% of the food product, or a substance or food that is used as a processing aid.

New section 1.60—Ingredients to be listed by common, descriptive or generic name
New section 1.60 repeats clause 4 of Standard 1.2.4 which requires that a statement of ingredients must identify each ingredient as required by section 2.09 if the ingredient is offal or by its common or descriptive name or a generic name listed in Schedule 8 in any other case.

New section 1.61—Ingredients to be listed in descending order of ingoing weight
New section 1.61 repeats the requirement, currently in clause 5 of Standard 1.2.4, that ingredients be listed in the order of their ingoing weight. New subsection 1.62(1) states the basic requirement. New subsections 1.61(2) and (3) respectively restate the alternate requirements for listing reconstituted ingredients. New subsection 1.61(4) restates the method for calculating the ingoing weight of added water or a volatile ingredient for the purpose of listing ingredients in order. New subsections 1.61(5) to 1.61(8) restate the method of determining the ingoing weight of compound ingredients–currently in clause 6 of Standard 1.2.4.

New section 1.62—Declaration of alternative ingredients
New section 1.62 repeats the permission, now in clause 7 and subclause 8(8) of Standard 1.2.4, to declare alternative substances used as food additives, as alternatives or substitutes, if the composition of the food product is subject to minor variation.

New section 1.63—Declaration of food additives
New section 1.63 restates the provision, in clause 8 of Standard 1.2.4, which describes how substances used as food additives are to be declared in a statement of ingredients.

New subsection 1.63(1) repeats the general requirement that substances used as food additives should be listed by either the class name followed by the name and serial number of each food additive or the name of the substance. The class names of additives are listed in Schedule 5 and the names and serial numbers of food additives are listed in Schedule 6.

New subsection 1.63(2) repeats the general rule, now in subclause 8(4) of Standard 1.2.4, that if a substance use as a food additive can be classified into more than one class, the most appropriate class name should be used.

New subsection 1.63(3) consolidates current subclause 8(3) and an editorial note to restate the special rule for naming food additives that are enzymes.

New subsection 1.63(4) repeats the content of subclause 8(6) of Standard 1.2.4, which sets out the requirement for listing additives that are used as flavouring substances.

New subsection 1.63(5) repeats the requirement, in subclause 8(7) of Standard 1.2.4, that if certain substances are added to food products as flavouring substances each substance must be named specifically, by its name or serial number, in the statement of ingredients.

New subsection 1.63(6) sets out the special case of caffeine, which must be declared as caffeine and cannot be declared generically as flavouring.

New section 1.64—Declaration of vitamins and minerals
New section 1.64 repeats a permission, now in clause 9 of Standard 1.2.4, to declare vitamins or minerals in the ingredient list under an appropriate class name.

Division 5—Date marking of food products

New section 1.65—Definitions
Definitions that are specific to this Division are provided in new section 1.65. The definitions provided are for *baked-for date*, *baked-on date*, *best-before date* and *use-by date*.

New section 1.66—Food products must be date marked on labels
New subsection 1.66(1) repeats the requirements:

- in subclause 2(1) of Standard 1.2.5, that a packaged food product must include on the label either the use-by date or, if a use-by date is not appropriate, a best-before date; and
- in subclause 2(3) of Standard 1.2.5, that bread that has a shelf-life less than 7 days may provide a baked-on date or a baked-for date instead of a best-before date.

New subsection 1.66(2) repeats the provisions, now in paragraphs 2(1)(c) and (d)(i), that exempt:

- food products for which the best-before date is greater than 2 years from the date of production; and

- individual portions of ice cream or ice confection

from the requirement to bear a date marking.

The current exemption in paragraph 2(1)(d)(ii), for food in small packages, is restated in new subsection 1.66(3).

New section 1.67—Prohibition on sale of food after its use-by-date
New section 1.67 repeats clause 3 of Standard 1.2.5, which prohibits the sale of food after its use-by date. The provision is revised to provide a clearer basis for a prosecution for selling food after the use-by date.

New section 1.68—Required wording and form for dates for labels
New section 1.68 describes the way that date marking is to be set out on a package or label.

The new section repeats the provisions now in clauses 4, 5 and 7 of Standard 1.2.5.
A label may also contain a manufacturer's code or packed-on date, but the provision of such a marking does not avoid the requirement to provide date marking.

Division 6—Directions for use and storage

New section 1.69—Directions for use, and statement of storage conditions
The basic requirement to state directions for use and storage conditions is in paragraph 1.33(1)(g).

New section 1.69 repeats clause 6 of Standard 1.2.5, which requires the label on a package of food to include a statement of storage conditions required to ensure the food will keep for a specified period indicated by the use-by date or best-before date, and clause 1 of Standard 1.2.6, in a revised format.

Division 7—Nutrition, health and related claims
Subdivision A—Outline of Division

New section 1.70—Outline
New section 1.70 provides an outline of Division 7. The outline restates the Purpose statement in Standard 1.2.7.

Subdivision B—Definitions that apply to this Division and Division 8

New section 1.71—General definitions that apply to this Division and Division 8
New section 1.71 repeats the definitions of *available carbohydrate, average energy content, biologically active substance, biomarker, claim requiring nutrition information, dietary fibre, endorsement, endorsing body, fat, food group, gluten, fruit, fvnl, general level health claim, glycaemic index, health claim, health effect, high level health claim, meets the NPSC, monounsaturated fatty acids, polyunsaturated fatty acids, nutrient profiling, nutrition content claim, property of food, reference food, saturated fatty acids, serious disease, special purpose food, sugars, trans fatty acids* and *vegetable* that currently appear in Standards 1.2.7 and 1.2.8. These definitions apply to both Division 7 and Division 8, which substantially repeat the content of Standards 1.2.7 and 1.2.8.

New section 1.72—meaning of nutrition content claim
This new section repeats the definition of *nutrition content claim* that is in clause 2 of Standard 1.2.7 and the provisions in subclauses 19(2)-(4) of Standard 1.2.8. The provision has been redrafted to avoid a need to define voluntary item and mandatory item: now in subclause 19(1).

Subdivision C—Claims framework and general principles

New section 1.73—Nutrition content claims or health claims not to be made about certain foods
New section 1.73 restates the content of clause 3 of Standard 1.2.7

New section 1.74—Division does not apply to certain foods
This new section repeats clause 4 of standard 1.2.7.

New section 1.75—Division does not apply to certain claims or declarations
This new section repeats clause 5 of standard 1.2.7.

New section 1.76—Form of food to which provisions of this Division apply
This new section repeats clause 6 of standard 1.2.7.

New section 1.77—Claims not to be therapeutic in nature
This new section repeats clause 7 of standard 1.2.7.

New section 1.78—Claims not to compare vitamin or mineral content
This new section repeats clause 8 of standard 1.2.7.

New section 1.79—Division does not prescribe words
This new section repeats clause 9 of standard 1.2.7. The content of subclause 9(2) is now stated in subsection 1.12(2).

Subdivision D—Requirements for nutrition content claims

New section 1.80—P**r**esentation of nutrition content claims
This new section repeats clause 10 of standard 1.2.7.

New section 1.81—Nutrition content claims about properties of food in section S4.01 in Schedule 4
This new section repeats clause 11 of standard 1.2.7.

New section 1.82—Nutrition content claims about properties of food in section S4.01 in Schedule 4
This new section repeats clause 12 of standard 1.2.7.

New section 1.83—Nutrition content claims about choline, fluoride or folic acid
This new section repeats clause 13 of standard 1.2.7.

New section 1.84—Nutrition content claims must not imply slimming effects
This new section repeats clause 14 of standard 1.2.7.

New section 1.85—Comparative claims
This new section restates clause 15 of standard 1.2.7. The order of provisions has been varied to conform to modern drafting styles.

Subdivision E—Requirements for health claims

New section 1.86—Application or proposal to vary Schedule 3 taken to be a high level health claims variation
This new section repeats clause 16 of standard 1.2.7.

New section 1.87—Conditions for making health claims
This new section restates clause 17 of standard 1.2.7. The provision has been re-ordered.

New section 1.88—Requirement when making a general level health claim under paragraph 1.87(3)(b)
This new section repeats clause 18 of standard 1.2.7.

New section 1.89—How health claims are to be made
This new section repeats clause 19 of standard 1.2.7.

New section 1.90—Split health claims variation
This new section repeats clause 20 of standard 1.2.7.

New section 1.91—Statements for claims about phytosterols, phytostanols and their esters
This new section repeats clause 21 of standard 1.2.7.

Subdivision F—Endorsements

New section 1.92—Endorsing bodies
This new section repeats clause 22 of standard 1.2.7.

New section 1.93—Criteria for endorsements
This new section repeats clause 23 of standard 1.2.7.

Subdivision G—Additional labelling of food required to meet the NPSC

New section 1.94—Method for calculating a nutrient profiling score
This new section repeats clause 24 of standard 1.2.7.

New section 1.95—Labelling of food required to meet the NPSC
This new section repeats clause 25 of standard 1.2.7.

New section 1.96—Labelling exemptions for certain foods
This new section repeats clause 26 of standard 1.2.7.

Division 8—Nutrition information requirements
Subdivision A—Purpose and interpretation

This Division has three subdivisions. The first provides definitions for the Division. The second sets out the requirements for nutrition information panels and the third sets out conditions for making some nutrition content claims.

New section 1.97—Purpose
New section 1.97 repeats the first part of the purpose statement for Standard 1.2.8.

New section 1.98—Application of this Division
New section 1.98 restates the content of clause 1A of Standard 1.2.8

New section 1.99—Interpretation of Division
New section 1.99 provides that the definitions that are set out in new section 1.71 also apply to this Division.

Subdivision B—Nutrition information panels

New section 1.100—When nutrition information panel is not required
The basic requirement to provide a nutrition information panel on the label on a food product for retail sale is in paragraph 1.34(1)(h).

New section 1.100 restates that part of clause 3 of Standard 1.2.8 that lists when a nutrition information panel is not required, in a revised format. The purpose of the restatement is to provide a clearer statement of the exceptions.

New section 1.101—What must be on nutrition information panel
New subsection 1.101(1) provides that a nutrition information panel must contain certain information. This repeats the first part of the requirement currently stated in subclause 5(1) of Standard 1.2.8.

New subsection 1.101(2) provides that a nutrition information panel is to be set out in the format described in section S12.01 in Schedule 12. This repeats the second part of the requirement currently stated in subclause 5(1) of Standard 1.2.8.

New subsection 1.101(3) repeats the additional requirements, currently in subclause 5(4) of Standard 1.2.8, which sets out what must be in a nutrition information panel if a nutrition claim is made in relation to certain fatty acids.

New subsection 1.101(4) repeats the additional requirements, currently in subclause 5(5) of Standard 1.2.8, which set out what must be in a nutrition information panel if a nutrition claim is made in relation to fibre, monosaccharides or disaccharides.

New subsection 1.101(5) repeats the provision in subclause 5(5A) of Standard 1.2.8 requiring zero (0) to be used in a nutrition information panel to indicate the absence of dietary fibre.

New subsection 1.101(6) restates subclauses 5(1A) and (1B) of Standard 1.2.8, which provide a permission to state the minimum and maximum quantity of fatty acids in a nutrition information panel if a nutrition content claim has been made.

New subsections 1.101(7) and (8) restate the content of current subclauses 5(6) and (6A) of Standard 1.2.8, which provide that if carbohydrate has been expressed as carbohydrate by difference the unavailable carbohydrate, not including dietary fibre, must be declared separately.

New subsection 1.101(9) restates subclauses 5(6B) and (6C) of Standard 1.2.8 respectively. The provision requires the nutrition information panel to declare the substances listed in subsection S11.03) in Schedule 11 if they are present, separately or in aggregate, at more than 5g/100g and one of two alternate calculation events has occurred.

New subsection 1.101(10) restates subclause 6(5) of Standard 1.2.8. The provision sets out how to declare phytosterols, phytostanols and their esters in a nutrition information panel consistently with the advisory statements that are required by subsection 1.56(1).

New section 1.102—How to express particular matters in nutrition information panel
This section sets out how information is to be provided in a nutrition information panel. The requirements are currently set out in clauses 5 and 6 of Standard 1.2.8.

New subsection 1.102(1) repeats the content of subclause 5(2) of Standard 1.2.8, which requires clear statements as to whether amounts are average, minimum or maximum amounts.

New subsection 1.102(2) repeats the content of subclause 5(3) and (3A) of Standard 1.2.8, which permits words such as slice, pack or package to replace 'serving' and 'Carbohydrate, total' to replace 'Carbohydrate' in a nutrition information panel.

New subsection 1.102(3) restates the requirement in subclause 6(1) of Standard 1.2.8 that average energy content and average, minimum or maximum quantities of biologically active substances and nutrients should be expressed to no more than 3 significant figures.

New subsections 1.102(4) to (6) restate the content of current subclauses 6(2) to (4) of Standard 1.2.8. These provisions enable low average quantities to be expressed in simple terms.

New subsection 1.102(7) repeats the content of subclause 5(8) of Standard 1.2.8.
New sub-section 1.102(8) repeats the 'declared as' component of the fatty acid definitions in clause 1 of Standard 1.2.8.

New section 1.103—Percentage daily intake information
New section 1.103 sets out information that can be included in a nutrition information panel, but is not mandatory. The information relates to percentage daily intake of nutrients. The permission is currently in clause 7 of Standard 1.2.8.

New subsection 1.103(3) sets out the method of determining percentage daily intake—currently in subclause 7(3) of Standard 1.2.8.

The optional format for a nutrition information panel for use when percentage daily intakes are provided is given as an example at section S12.03 in Schedule 12.

New section 1.104—Percentage recommended dietary intake information
New section 1.104 repeats the content of clause 7A of Standard 1.2.8.

New section 1.105—Information referred to in sections 1.103 and 1.104 may be presented outside nutrition information panel
New section 1.106 repeats the content of clause 7B of Standard 1.2.8.

New section 1.106—Requirement for dehydrated or concentrated food

New section 1.107—Food intended to be drained before consumption

New section 1.108—Fo**o**d intended to be prepared or consumed with other food
The requirements that are now set out in clauses 9 to 11A of Standard 1.2.8, for food in dehydrated or concentrated form, food intended to be drained before consumption and food intended to be prepared or consumed with other food are set out in new subsections 1.106 to 1.108.

New section 1.109—Requirement for food product in small packages
New section 1.109 sets out the information that must be provided if a nutrition claim is made in relation to a food product in a small package. This repeats the content of clauses 8 and 8A of Standard 1.2.8.

Division 9—Characterising ingredients and components of food

New Division 9 repeats the content of Standard 1.2.10, which sets out the requirement to declare characterising components and characterising ingredients.

New section 1.110—Definitions
New subsections 1.110(1) repeats the definitions of characterising component and the positive elements of the definition of characterising ingredient that are now in clause 1 of Standard 1.2.10.

New subsection 1.110(2) repeats the provisions in paragraphs (1)(d) to (g) of the definition of characterising ingredient in Standard 1.2.10, which describe ingredients that are not characterising ingredients.

New section 1.111—Requirement to declare characterising ingredients and components
The basic requirement to declare characterising components and characterising ingredients on food products for retail sale is set out in paragraph 1.33(1)(k).

New subsection 1.111(1) establishes a requirement that the proportion of characterising components and characterising ingredients is to be calculated in accordance with section 1.112 to 1.115 and to be expressed in accordance with section 1.116. This is currently stated in subclause 2(1) of Standard 1.2.10.

New subsection 1.111(2) repeats the content of subclause 2(2) of Standard 1.2.10.

New subsection 1.111(3) repeats the content of subclause 2(3) of Standard 1.2.10. The list of food products for which information about characterising ingredients or characterising components is not required is amended by removing the references in the current Code to food products that are not required to bear a label.

New section 1.112—Calculating proportion of characterising ingredients
New subsection 1.112(1) replaces the description for calculating the proportion of characterising ingredients by ingoing weight that is currently in subclause 3(1) of Standard 1.2.10.

New subsection 1.112(2) repeats the content of subclause 3(2) of Standard 1.2.10.

New subsection 1.112(3) repeats the content of subclause 3(3) of Standard 1.2.10, which sets the requirements for determining the ingoing weight for a concentrated or dehydrated ingredient or component is reconstituted during manufacture.

New subsection 1.112(4) repeats the requirements, for determining the ingoing weight of an ingredient or component that requires reconstitution prior to consumption, that are currently in subclause 3(4) of Standard 1.2.10.

New section 1.113—Calculating proportion of characterising ingredients where moisture loss occurs
New section 1.113 repeats clause 4 of Standard 1.2.10.

New section 1.114—Calculating proportion of characterising ingredient where proportion is declared in nutrition information panel
New section 1.114 repeats clause 4A of Standard 1.2.10, which provides that where a proportion of a characterising ingredient is declared in a nutrition information panel, the amount declared must be the average quantity of the characterising ingredient or category of ingredients present in the final food.

New section 1.115—Method of calculating proportion of characterising components
New section 1.115 repeats clauses 6 of Standard 1.2.10. The effect of subclauses 6(1) and (3) is restated in new subsection 1.93(1). New subsections 1.93(2) and (3) repeat the content of subclauses 6(2) and (4) respectively.

New section 1.116—Declaration of characterising ingredients and components
New section 1.116 restates the content of clauses 5 and 7 of Standard 1.2.10, which provide for the declaration of characterising ingredients and components.

Division 10—Country of origin labelling requirements

Division 10 sets out the country of origin labelling requirements that are now set out in Standard 1.2.11. This Division applies only in Australia.

New section 1.117—Interaction with other Divisions
This new section repeats subclause 1(2) of Standard 1.2.11, which provides that the country of origin requirements standard, set out in Part 4, does not affect the operation of the geographical indications standard that is currently set out in Division 5 of Part 7 of Chapter 2.

New section 118—Labelling requirements—unpackaged food
New section 1.118 restates the current provisions of clause 2(2) of Standard 1.2.11 relating to unpackaged food products.

The basic requirement to provide country of origin labelling is in paragraph 1.32. Subsections 1.118(1) and (2) set out, respectively, the food products for which labelling is required and exceptions. Subsection 1.118(3) describes the information that is to be provided and subsection 1.118(4) sets out the size of type that must be used when providing country of origin information, repeating the content of subclause 2(3) of Standard 1.2.11.

New Section 1.119—Labelling requirement–Packaged fresh fruit and vegetables
New section 1.119 restates the current provisions of subclause 2(2) of Standard 1.2.11 relating to packaged fresh fruit and vegetables.

New section 1.120—Labelling requirement—packaged food products other than fresh fruit and vegetables
New section 1.120 repeats the requirements that are now in subclause 2(1) of Standard 1.2.11.

Part 4—Substances added to or present in food products

Division 1—Outline of Part

New section 1.121—Outline
This Part restates provisions that are now in Parts 1.3 and 1.4 of the current Code. The Part establishes standards for the addition of vitamins and minerals and substances that are used as food additives or processing aids; the presence in foods and food products of contaminants and natural toxicants, agricultural and veterinary chemicals and microbiological organisms; novel foods; and foods produced using gene technology.

Division 2—Food additives

This Division repeats substantially the content of Standard 1.3.1.

The content of clause 9 of the Standard is repeated at section S15.03 in Schedule 15.

New section 1.122—Interpretation

New section 1.122 provides a definition of *used as a food additive*. In the current Code a form of definition food additive is provided in the purpose statement for Standard 1.3.1, but that statement is not part of the legal framework of the Code. For the purposes of the current Code a food additive is considered to be any substance that is not normally consumed as a food or an ingredient that is added to a food to perform one or more of a range of designated technological purposes. New subsection 1.122(1) formalises that definition as a substantive part of the Code.

New subsection 1.122(2) provides that the substances that are regulated by this Division are the substances listed in Schedules 15 and 16 and any other substance that is not normally consumed as a food or ingredient.

New subsection 1.122(3) provides definitions that simplify the presentation of the Schedules.

New section 1.123—When food additives may be used as ingredients in foods

New section 1.123 sets out the conditions under which substances can be used as food additives.

The term technological purpose is adopted instead of technological function, consistent with international usage. A technological purpose can be performed by a food additive or a processing aid. The distinction lies in whether that technological purpose is performed in the processed food product.

In addition, the range of technological purposes that might be achieved by a processing aid is not limited to those mentioned in Schedule 14, although there is some correspondence.

New subsection 1.123(1) restates the content of subclause 3(1) of Standard 1.3.1. The provision permits the addition of substances listed in Schedule 15 as ingredients of food products if the addition is permitted in Schedule 15 for the type of food; the use complies with any restriction that is imposed in Schedule 15; and no more of the substance is used than is necessary to achieve that purpose under conditions of GMP.

The provision provides the permission for adding substances for use as food additives that is required to negate the general prohibition that is in in item 1 of the table to new subsection 1.21(3).

New section 1.123(2) repeats the content of current clause 7, which provides that if a substance used as a food additive is in a food product as a result of carry-over from use in a raw material or an ingredient the level of the substance must be no greater than would be introduced by the use of the raw material or ingredient under proper technological conditions and good manufacturing practice.

New section 1.124—Maximum permitted levels of food additives in foods

New section 1.124 sets out the basic requirements for maximum levels of food additives in food products.

New subsection 1.124(1) repeats the requirement in subclause 3(2) of Standard 1.3.1.

New subsection 1.124(2) repeats the requirement currently in subclause 3(1)(a) of Standard 1.3.1 that a food additive used as an ingredient must comply with any limitation that is set out in the schedule of food additives—Schedule 12.

New subsection 1.124(3) repeats the requirement currently in subclause 3(4) of Standard 1.3.1 that colours may not exceed a combined maximum limit in food products.

New subsection 1.124(4) repeats the content of current subclause 5(1), which requires that if a food product is sold with the expectation that it will be prepared according to instructions before consumption the maximum level of food additives is to be determined after preparation.

New subsection 1.124(5) repeats the content of current clause 8 of Standard 1.3.1, which permits the use of a food additive in an ingredient of a food product if the food additive is permitted in the food product and the level of the food additive in the food product does not exceed the maximum limit specified in Schedule 12.

New subsection 1.124(6) repeats the content of subclause 5(2) of Standard 1.3.1, which sets out how certain additives are to be calculated.

New subsection 1.124(7) repeats the content of subclause 5(3) of Standard 1.3.1, which sets out a method for calculating steviol equivalent levels.

New section 1.125—Limitation on use of intense sweeteners
New section 1.125 repeats the limitation on the use of intense sweeteners that is currently in clause 4 of Standard 1.3.1.

New section 1.126—Food additives performing the same purpose
This new section repeats the content of clause 6 of Standard 1.3.1, which provides a method for calculating the proportion of food additives that can be used when more than one is used to perform the same technological purpose.

Division 3—Vitamins and Minerals

New section 1.127—Meaning of reference quantity
New section 1.127 repeats the definition of *reference quantity* that is currently in clause 1 of Standard 1.3.2.The concepts of claimable food and primary food are no longer required.

New section 1.128—Listed vitamins and minerals may be used as ingredients of foods
This new section repeats the permission, in clause 2 of Standard 1.3.2, for vitamins or minerals to be added to a food product in accordance with any conditions that are set out in the Division. The permission provides a set of exceptions to the prohibition on adding non-permitted substances to a food product, currently in clause 2 of the Standard, that is now in section 1.21.

New section 1.129—Claims in relation to the vitamin and mineral content of foods
This new section, which repeats the content of clause 4 of Standard 1.3.2, imposes a limit on the amount of vitamin or mineral that can be claimed to be in a food product that is listed in section S17.03 in Schedule 17.

New section 1.130—Calculation of maximum quantity of a vitamin or mineral which may be claimed in a reference quantity of food
New section 1.130 repeats the content of clause 8 of Standard 1.3.2, which provides a method of calculating the maximum quantity of a vitamin or mineral that can be claimed in a food product. An example calculation that was in an editorial note has been omitted. That example is:

Vitamin C claim for an apple and blackcurrant fruit drink (42% juice, apple 40%, blackcurrant 2%) in a reference quantity of 200 mL:

(a) Apple juice: 120 mg (maximum claim) x 40/100 (proportion of juice in final product) = 48 mg
Blackcurrant juice: 500 mg (maximum claim) x 2/100 (proportion of juice in final product) = 10 mg
(b) 48 mg + 10 mg = 58 mg
(c) Maximum claim for the apple and blackcurrant fruit drink is 60 mg (result rounded to nearest multiple of 5 mg)

Division 4—Processing aids
Subdivision A—Interpretation

New section 1.132—Meaning of used as a processing aid
This new section provides a definition that describes what a reference to a substance or a food that is *used as a processing aid* means.

The definitions for *dairy ingredient, EC number* and *maximum permitted level* that are currently in Standard 1.3.3 have not been repeated. They are unnecessary in the new Code.

New subsection 1.132 provides in subsection 1.132(1) that a reference to a substance used as a processing aid is to a substance listed in Schedule 18 or an additive permitted at GMP (that is, a substance listed in section S16.01 in Schedule 16) that is used to perform a technological purpose in processing but does not perform a technological purpose that is mentioned in Schedule 14 in the processed food.

New subsection 1.132 provides in subsection 1.132(2) that a reference to a food used as a processing aid is to a food that is used to perform a technological purpose in processing but does not perform a technological purpose that is mentioned in Schedule 14 in the processed food, but only to so much of the food as is necessary to perform the technological purpose.

The drafting avoids a potential circularity arising from the broad definition of food in the application Acts.

New section 1.132—Permission to use substance as processing aid
This new section sets out the permission for the use of substances as processing aids. Substances may be used as processing aids during production if they perform a technological purpose during production, but not after processing, and are used only at the level required by GMP or a stated maximum level.

Subdivision B—Processing aids that can be used with any food

New section 1.133—Generally permitted processing aids for all foods
New section 1.133 sets out the basic condition for use of processing aids that can be used for any technological purpose. The section repeats the content of clause 3 of Standard 1.3.3. Foods, any additive permitted at GMP and the substances listed in section S18.01 in Schedule 18 can be used as generally permitted processing aids.

The condition for use is that a generally permitted processing aid may be used only at the level necessary to achieve a technological purpose in the processing of the food.

New section 1.134—Processing aids for certain purposes for all foods
New section 1.134 repeats the provisions now in clauses 4 to 10 of Standard 1.3.3, which list the substances that may be used as processing aids for the technological purposes of anti-foam agent, catalyst, decolourant, clarifying, filtration or absorbent agent, desiccating preparation, ion exchange agent, lubricant, release or anti-stick agent or carrier, solvent or diluent.

New section 1.135—Enzymes
New section 1.135 repeats the content of clauses 15 to 17 of Standard 1.3.3.

New section 1.136—Microbial nutrients and microbial nutrient adjunct
New section 1.136 repeats the content of clause 18 of Standard 1.3.3.

Subdivision C—Processing aids that can be used with specified foods

New section 1.137—Processing aids for water
New section 1.137 repeats the content of clause 11 of Standard 1.3.3.

New section 1.138—Bleaching, washing and peeling agents–various foods
New section 1.138 repeats the content of clause 12 of Standard 1.3.3.

New section 1.139—Extraction agents–various foods
New section 1.139 repeats the content of clause 13 of Standard 1.3.3.

New section 1.140—Processing aids that perform miscellaneous functions
New section 1.140 repeats the content of clause 14 of Standard 1.3.3.

New section 1.141—Microbial control agent–dimethyl dicarbonate
New section 1.141 repeats the content of clause 19 of Standard 1.3.3.

Division 5—Contaminants and natural toxicants

New section 1.142—Maximum levels of contaminants and natural toxicants in food
New subsection1.142(1) creates a requirement that is not stated explicitly in the current Standard that a food product must not contain a level of a contaminant mentioned in sections S19.03, S19.04, S19.05 or S19.06 in Schedule 19 that is greater than the corresponding level listed in that Schedule. This provision restates in clearer language the inference that is now contained in the definition of *maximum level*.

New subsection 1.142(2) sets out the requirement that the level of mercury in fish must comply with maximum limits that are set out in section S19.07 in Schedule 19.
New subsection 1.142(3) restates the provisions that are now in subclauses 1(6), 2(3), 3(3), 4(3) and 5(3) of Standard 1.4.1 for the calculation of maximum levels in mixed foods. The revised provision refers to ingredients rather than mixed foods.

Division 6—Agvet chemicals

This Division substantially repeats the content of Standard 1.4.2. That Standard is called Maximum Residue Limits. The Division is renamed to more accurately describe the purpose, which is not to establish limits for safety purposes but to establish the maximum levels of the residues of agricultural and veterinary chemicals that are permitted in food after a consideration of good agricultural practice and an assessment of the potential for harm to public health and safety at that level.

The specification of maximum residue limits for agricultural and veterinary chemicals is not included in the Australia New Zealand Food Standards System. New Zealand has established its own standard.

New section 1.143—Purpose of Division

New section 1.143 provides that the objective of the Division is to establish the maximum residue levels of agricultural or veterinary chemicals in food products, when used at the minimum effective level and using Good Agricultural Practice (GAP) and after an assessment of the potential risk to public health and safety at that level.

New section 1.144—Interpretation

New subsection 1.144(1) provides a new definition of *agvet chemical*. This definition replaces the definition of chemical. *Agvet chemical* has the same meaning as in the Commonwealth *Agricultural and Veterinary Chemicals Code Act 1994*.

New subsection 1.144(2) restates the provision in subclause 4(1) of Standard 1.4.2 that specifies the portion of a food that is relevant for testing residue levels. Schedule 22 contains the list that is currently in Schedule 4 to Standard 1.4.2.

New subsection 1.144(3) restates subclause 4(2) of Standard 1.4.2, which provides that the maximum residue limit is to be applied to processed and unprocessed forms of a food unless a specific maximum residue limit is designated for the processed food.

New subsection 144(4) is a new provision that is to clarify that, for the purposes of Division 6 (*Agvet chemicals*), a reference to a food or food product is a reference to a food or food product described in Schedule 22.

New section 1.145—Maximum residue limit of agvet chemicals in foods

New section 1.145 repeats the definition of *maximum residue limit* and the content of subclauses 2(2) and (3) of Standard 1.4.2, which provide that a food must not contain a detectable residue of an agvet chemical unless the residue is expressly permitted by Division 6. Maximum residue limits are listed in Schedule 20.

New subsection 1.145(2) provides that a food may contain a residue that is listed in Schedule 20.

New subsection 1.145(3) provides a method for calculating the level of a chemical in a food.

New subsection 1.145(4) provides that the level calculated by subsection 1.145(3) shall not exceed the level listed in Schedule 20. This new provision repeats the effect of the current definition of maximum residue limit and subclause 1(7) of Standard 1.4.2.

New subsection 1.145(5) repeats the content of subclause 4(4) of Standard 1.4.2, which provides a mechanism to determine maximum residue limits for foods with more than one ingredient.

New section 1.146—Extraneous residue limits

This new section restates the definition of *extraneous residue limit* and the content of clause 3 of Standard 1.4.2, which establishes maximum limits for agricultural and veterinary chemicals in food products, where the residue may only arise from environmental sources.

New subsection 1.146(2) provides that a food product may contain a residue that is listed in Schedule 20.

New subsection 1.146(3) provides that an extraneous presence can only arise from environmental sources and not from direct or indirect application of an agvet chemical.

New subclauses 1.146(4), (5) and (6) mirror the provisions for maximum residue limits for calculating and applying levels.

Division 7—Prohibited and restricted plants and fungi

New section 1.147—Interpretation
This new section provides definitions for *coca bush*, *prohibited plant or fungus* and *restricted plant or fungus*.

New section 1.148—Exception to prohibition relating to prohibited plants and fungi
This new section works with section 1.21 to restate the content of clause 1 of Standard 1.4.4, which provides that the prohibited plants and fungi that are listed in the Schedule cannot be a food product or added intentionally to a food product as an ingredient.

The basic prohibition on the addition of prohibited plants and fungi is now in section 1.21. New section 1.148 restates the exception for unintentional sale or use as an ingredient of prohibited plants and fungi.

New section 1.149—Exception to prohibition relating to restricted plants and fungi
New section 1.149 repeats the content of clause 2 of Standard 1.4.4, which restricts the level of toxicants that are permitted in certain foods as a result of the addition of additives for flavouring. The relevant conditions are set out in section 1.142 and section S19.05 in Schedule 19.

New section 1.150—Exception relating to coca bush

New section 1.150 restates the restriction, that coca bush may only be used as an ingredient if the cocaine has been removed, that is set out in subclause 1(2) of Standard 1.4.4.

Division 8—Novel foods

This Division repeats the content of Standard 1.5.1. The Division operates to require pre-approval of non-traditional foods or ingredients that do not have a history of safe use as foods or ingredients and, accordingly, require a safety assessment.

New section 1.151—Definitions
This section repeats the definitions of non-traditional food and novel food that are now in clause 1 of Standard 1.5.1. The definition of novel food is modified to improve readability.

New section 1.152—Sale of novel foods
New section 1.152 repeats the content of clause 2 of Standard 1.5.1. The list of approved novel foods is now in section S25.01 in Schedule 25.

New section 1.153—Exclusive use of novel foods
New section 1.153 repeats the content of clause 3 of Standard 1.5.1.

Division 9—Food produced using gene technology

New section 1.154—Definitions
In this new section the current definitions of *altered characteristics*, *food produced using gene technology* and *gene technology* are repeated.

New section 1.155—When food produced using gene technology is permitted for sale
This new section restates the provision, now in clauses 2 and 7 of Standard 1.5.2, which provides that food produced using gene technology cannot be used in a food product unless the food is listed in Schedule 26 and complies with any conditions that are imposed or is a food additive or processing aid that is permitted for use. The conditions of approval are set out in Schedule 26.

New section 1.156—Requirement to label food product as genetically modified
This new section restates, with modification, the content of parts of clauses 1 and 4 and clauses 5 and 7 of Standard 1.5.2—consolidating the labelling requirement in one provision. The provision sets out the requirements for labelling a food product that contains a food produced using gene technology.

The definition of *genetically modified food*, in the current Code, is not required in the redraft.

The basic requirements to label a food product or to display information to indicate that a food product for retail sale is a food produced using gene technology are in paragraphs 1.33(1)(l) and 1.34(5)(a), respectively.

The labelling requirements apply to food products that consist of or contain a food produced using gene technology that contains either DNA that has been modified using gene technology, a protein encoded from such DNA or has altered characteristics: refer new subsection 1.156(1).

The labelling requirement does not apply to a food product if:

- the food product does not have altered characteristics and has been refined with the effect that any DNA that has been modified using gene technology or protein encoded from such DNA has been removed
- a food additive or processing aid that is a food produced using gene technology leaves no DNA that has been modified using gene technology or protein encoded from such DNA in the food product
- the food produced using gene technology is a flavouring that is in the food product at a concentration of less than 1g of flavouring for each kilogram of food product
- the food produced using gene technology is not intentionally present in the food product and is present at a rate of no more than 10 g for each kilogram of food product; or
- the food product is for immediate consumption and is prepared and sold by a food business.

The information that is to be provided is the statement ‘genetically modified’ followed by the name of the food produced using gene technology; refer subsection 1.157(3). If the food produced using gene technology is an ingredient the statement may be in a statement of ingredients: refer subsection 1.156(4).

Subsection 1.156(5) repeats the content of clause 6 of Standard 1.5.2.
New subsection 1.156(6) provides the definitions of *novel DNA* and *novel protein*, for new section 1.156.

Division 10—Microbiological limits for food

New section 1.157—Interpretation
New section 1.157 repeats the definition of SPC that is currently in clause 1 of Standard 1.6.1. The other definitions in clause 1 are no longer required.

New section 1.158—Maximum microbiological levels in foods
New section 1.158 combines the provisions currently in clauses 1 and 5 of Standard 1.6.1.The section provides that a food product that is listed in Schedule 27 must not contain a microorganism that is listed in the corresponding row of the Schedule if sampling reveals an activity level that is greater than provided in the Schedule.

New section 1.159—Assessment of microbiological levels
New section 1.159 repeats the content of clauses 3 and 4 of Standard 1.6.1, which provide the sampling methodology and prescribed methods of analysis.

Part 5—Processing requirements

Division 1—Irradiation of food
Subdivision A—Preliminary

New section 1.160—Definitions
New section 1.160 repeats the definition of *irradiation* that is now in clause 1 of Standard 1.5.3. It has not been necessary to repeat the definition of re-irradiation. The content of that definition is now stated as a clear permission in new section 1.166.

Subdivision B—Irradiation of food

New section 1.161—Irradiation of fruit and vegetables
New subsection 1.161 repeats the content of clause 4 of Standard 1.5.3 as it applies to a range of fruit and vegetables. Some of this information was previously provided in the table to clause 4.

New section 1.162—Irradiation of herbs and spices
New subsection 1.162 repeats the content of clause 4 of Standard 1.5.3 as it applies to herbs and spices. Some of this information was previously provided in the table to clause 4.

New section 1.163—Irradiation of herbal infusions
New subsection 1.163 repeats the content of clause 4 of Standard 1.5.3 as it applies to herbal infusions. Some of this information was previously provided in the table to clause 4.

New section 1.164—Re-irradiation of food
New section 1.164 restates the content of clause 5 of Standard 1.5.3.

New section 1.165—What sources of radiation may be used?
New section 1.165 repeats the content of clause 3 of Standard 1.5.3.

Subdivision C—Record-keeping for and labelling of irradiated food

New section 1.166—Record-keeping for and labelling of irradiated food
New section 1.166 repeats the content of clause 7 of Standard 1.5.3.

New section 1.167—Labelling and other information–retail and catering
New section 1.167 repeats the content of part of clause 6 of Standard 1.5.3. This section sets out the content of the labelling required by sections 1.34(1)(m) and 1.41(1)(g).

Division 2—Processing requirements

Division 2 of Part 6 applies in Australia only.

New section 1.168—Crocodile meat
New section 1.168 repeats the content of clause 6 of Standard 1.6.2.

New section 1.169—Game meat
New section 1.169 repeats the content of clause 7 of Standard 1.6.2.

New section 1.170—Fermented comminuted processed meat
New section 1.170 repeats the content of clause 8 of Standard 1.6.2.

Division 3—Articles and materials in contact with food

New section 1.171—Materials in contact with food products
This new section repeats the content of clause 2 of Standard 1.4.3. The definition of articles and materials that is now in clause 1 of Standard 1.4.3 is restated as a note to the section.

Chapter 2—Food standards

Chapter 2 establishes:

- prescribed standards for the purposes of the false description of foods provisions of the application Acts [5], and
- compositional requirements that are relevant for both the Code[6] and the false description of foods provisions of the application Acts.

Definitions are provided in a Chapter 2 standard—also referred to as a commodity standard—if they can be justified on the grounds of protecting public health and safety, preventing misleading practices or facilitating market access.

Definitions may be included in a Chapter 2 standard to define the scope of the standard and to assist enforcement officers in their assessment of the provisions of the standard, to avoid confusion. When specific definitions are not included in a Chapter 2 standard, enforcement officers and manufacturers may refer to dictionaries for clarification.

Compositional requirements are stated when it is necessary that a food that is sold on the basis that it is a defined food have a particular composition.

Part 1—Cereals

New Part 1 of Chapter 2 repeats the provisions that are now in Standard 2.1.1.

New section 2.01—Compositional requirements for bread
New section 2.01 restates the compositional requirements for bread. Subsection 2.01(1) repeats the definition of bread that is currently in clause 1 of Standard 2.1.1. Subsection 2.01(2) makes it clear that the requirement of the bread standard is to impose a requirement that a food that is represented for sale as bread must be bread, as defined, or bread with the addition of other ingredients. The latter provision has the same effect as clause 2 of Standard 2.1.1, which provides that bread may contain other foods. The effect of the provision is that bread can continue to be described as bread if it contains other foods.

New section 2.02—Compositional requirements for wholemeal and wholegrain products
This new section restates the content of clause 1 of Standard 2.1.1 relating to wholemeal and wholegrain products. Subsection 2.01(1) repeats the definitions of wholemeal and wholegrain that are currently in clause 1 of Standard 2.1.1. Subsection 2.02(2) makes it clear that the requirement of the standard is to impose a requirement that a food that is represented for sale as wholemeal or wholegrain must be wholemeal or wholegrain, as defined.

[5] Section 18 of the model food provisions
[6] Section 17 of the model food provisions

New section 2.03—Application of sections 2.04 and 2.05
This new section sets out the way that the following provisions concerning fortification of bread are to be applied.

New section 2.04—Requirements for folic acid and thiamin in bread—Australia only
This section sets out the requirement, currently in clause 4 of Standard 2.1.1 that suppliers of wheat flour that is sold for making bread in Australia must contain minimum amounts of folic acid and thiamine. The definition of *wheat flour* that is currently in clause 1 of Standard 2.1.1 is moved to this section.

New section 2.05—Requirement for iodised salt in bread
This section sets out the requirement, currently in clause 5 of Standard 2.1.1, that iodised salt must be used whenever salt is used in making bread.

Part 2—Meat, eggs and fish

Division 1—Meat and meat products
Subdivision A—Interpretation

New section 2.06—Definitions
New section 2.06 repeats, with minor variation, the content of the definitions in Standard 2.2.1. The definition of *meat* is redrafted to avoid the 'means…but does not include…unless…' structure of the current definition.

Subdivision B—Composition

New section 2.07—Composition requirement for sausage
New subsection 2.07(1) makes it clear that the requirement of the standard is to impose a requirement that a food that is represented for sale as *sausage* must be sausage, as defined, and meet the stated compositional requirements.
New subsection 2.07(2) restates the definition for *sausage* that is currently set out in clause 1 of Standard 2.2.1

New section 2.08—Compositional requirement for meat pies
New subsection 2.08(1) makes it clear that the requirement of the standard is that a food that is represented for sale as a meat pie must be a meat pie, as defined, and meet the stated compositional requirements.

New subsection 2.08(2) restates the definition and the compositional requirements for *meat pie* that are currently set out in clause 1 of Standard 2.2.1.

Subdivision C—Information requirements

New section 2.09—Statement indicating the presence of offal
New section 2.09 repeats the requirement in clause 4 of Standard 2.2.1 that the presence of offal in a food product must be declared either on the label, if a label is required, or in a display associated with the product for sale.

New section 2.10—Proportion of fat in minced meat
This new section repeats the content of clause 5 of Standard 2.2.1, which requires the fat content of minced meat to be declared, in grams of fat per 100 grams of minced meat, either on the label, if a label is required, or in a display associated with the product for sale.

New section 2.11—Information about raw meat joined or formed into the semblance of a cut of meat

New section 2.11 repeats the content of current clause 6 of Standard 2.2.1, which requires a declaration if meat has been formed or joined using a cold binding system and cooking instructions that provide advice about how to achieve microbiological safety in the cooked product. The declaration and instructions must be provided either on the label, if a label is required, or in a display associated with the product for sale.

New section 2.12—Labelling of fermented comminuted processed meat

New clause 2.12 repeats the content of current clause 8 of Standard 2.2.1, which sets out the labelling requirements for fermented comminuted processed meats.

New section 2.13—Labelling of fermented comminuted processed meat

New clause 2.13 repeats the content of current clause 9 of Standard 2.2.1, which sets out the labelling requirements for fermented comminuted manufactured meats.

New section 2.14—Fermented comminuted meat—unpackaged

This section repeats the content of clause 10 of Standard 2.2.1, which sets out the labelling requirement for unpackaged fermented comminuted meats. The requirement is that the prescribed name must be displayed near the meat. The words ‘not heat treated’ can be omitted from the display if the meat is not heat treated.

Subdivision D—Sourcing requirements

New section 2.15—Bovine meat and meat products must be derived from animals free from bovine spongiform encephalopathy

This new section repeats the requirement in current clause 11 of Standard 2.2.1 that, subject to the limited exceptions noted in subsection (2), bovine meat and ingredients derived from bovines must be derived from BSE-free animals.

Division 2—Egg and egg products

Division 2 applies in Australia only. Division 2 (currently Standard 2.2.2) deals with retail and catering sales of eggs.

Standard 4.2.5 establishes processing standards for egg production and processing prior to sale.

New section 2.16—Application of Division

New section 2.16 makes it clear that the Division applies to retail and catering sales of eggs.

New section 2.17—Sale or supply of unacceptable eggs

This section repeats the requirement in clause 2 of Standard 2.2.2 that an unacceptable egg must not be sold or supplied for catering purposes or retail sale.

Subsection 2.17(2) provides a link to the definition of *unacceptable egg* in Standard 4.2.5, and the subordinate definitions of *cracked egg* and *dirty egg*.

New section 2.18—Traceability

This section repeats the requirement in clause 3 of Standard 2.2.2 that requires eggs that are for retail sale or sale for catering purposes to be individually marked with the producers’ or processors’ unique identification.

Division 3—Fish and fish products

Division 4 repeats the content of current Standard 2.2.3.

New section 2.19—Meaning of fish
This new section repeats the definition of *fish* that is in current clause 1 of Standard 2.2.3.

New section 2.20—Labelling etc of formed or joined fish
This section repeats the requirement in clause 2 of Standard 2.2.3 that requires a declaration if fish has been formed or joined using a cold binding system and cooking instructions that provide advice about how to achieve microbiological safety in the cooked product. The declaration and instructions must be provided either on the label, if a label is required, or in a display associated with the product for sale.

Part 3—Fruits and vegetables

Division 1—Fruit and vegetables

New section 2.21—Meaning of fruit and vegetables
New section 2.21 repeats the definitions of fruit and vegetables and surface treated fruit and vegetables that are now in clause 1 of Standard 2.3.1.

New section 2.22—Compositional requirement for fruit and vegetables in brine, etc
This section restates the requirement, now in clause 2 of Standard 2.3.1, that fruit and vegetables in brine, oil, vinegar or water, other than commercially canned fruit and vegetables, must not have a pH greater than 4.6.

The provision has been redrafted to separate the two elements of the requirement.

Division 2—Jam

New section 2.23—Compositional requirement for jam
This section, in subsection 2.23(1), sets out the requirement that a food product that is sold as jam must be jam, as defined and comply with the compositional requirements that are now in clause 2 of Standard 2.3.2 that:

- if the name of a fruit appears on the label of a package of jam, the jam must contain at least 40% that fruit, or fruits; and
- jams must contain at least 65% water soluble solids.

The definition of jam that is now in clause 1 of Standard 2.3.2, is restated in new subsection 2.23(2).

Part 4—Edible oils

Part 4 repeats the content of Standards 2.4.1 and 2.4.2.

Division 1—Edible Oils

New section 2.24—Compositional requirement for edible oils
New section 2.24(1) repeats the requirements that are now in clause 2 of Standard 2.4.1 that permit edible oils to contain incidental amounts of free fatty acids, unsaponifiable constituents and other lipids including naturally occurring gums, waxes and phosphatides and makes clear the requirement that a food product that is represented for sale as an edible oil must be edible oil, as defined, and meet the stated compositional requirements.

This section repeats, in subsection 2.24(2), the definition of edible oil that is now in clause 1 of Standard 2.4.1.

New section 2.25—Process declaration for edible oils
This new section repeats the requirement in clause 3 of Standard 2.4.1 to declare a process that has been used (eg, esterification or hydrogenation), in the production of an edible oil, to alter the fatty acid composition of the oil. That requirement is also set out in clause 10 of Standard 1.2.4. The requirement has not been restated in Chapter 1.

Division 2—Edible oil spreads

New section 2.26— Compositional requirements for edible oil spreads and margarine
New subsection 2.26(1) repeats the provisions that are now in clause 2 of Standard 2.4.2 that permit edible oil spreads to contain water, edible proteins, salt, lactic acid producing microorganisms, flavour producing organisms, milk products and no more than 82 g/kg total plant sterol equivalents.

New subsection 2.26(3) repeats the requirements that are now in clause 2 of Standard 2.4.2 that permit margarine, as an edible oil spread, to contain water, edible proteins, salt, lactic acid producing microorganisms, flavour producing organisms, milk products and no more than 82g/kg total plant sterol equivalents and the additional requirement in clause 1 that margarine contain no less than 80% edible oils.

New subsections 2.26(2) and (4) repeat the provision in subclause 2(3) concerning the fortification of table margarine and margarine with vitamin D and make clear the requirement that a food product that is represented for sale as an edible oils spread or as margarine must be an edible oil spread or margarine, as defined, and meet the stated compositional requirements.

New subsection 2.26(5) repeats the exception of the vitamin D fortification provision for New Zealand that is now in subclause 2(2).

New subsection 2.26(6) provides a definition for *edible oil spread*.

Part 5—Dairy products

Part 5 sets out the requirements for dairy products that are for retail sale or catering sales. For Australia, the processing requirements for dairy products are set out in Chapter 4.

Division 1—Milk

The requirement, now in clause 4 of Standard 2.5.1, that milk sold in Australia must be processed in accordance with the processing standards that are set out in Chapter 4 is not repeated in this Division as it merely duplicates a requirement.

New section 2.27—Meaning of milk
New subsection 2.27(1) sets out the requirement that a food product that is sold as milk must be milk, as defined in subsection (2).

New subsection 2.27(2) sets out the definition for *milk* that is currently in clause 1 of Standard 2.5.1.

New section 2.28—Compositional requirements for cow's milk
New section 2.28 repeats the content of clause 2 of Standard 2.5.1, which sets out the compositional requirement for cow's milk that is for retail sale.

New subsection 2.28(2) sets out the requirement that a food product that is sold at retail as cow's milk must be milk, as defined, and comply with the compositional requirements set out in the subsection. Those requirements are currently set out in the table to subclause 2(1).

New subsections 2.28(3) and (4) provide that milk components in milk that is for retail sale may be added or removed in order to comply with the compositional requirements in subsection 2.28(2) provided the casein to whey protein ratio is not changed. This provision repeats the existing provision in subclause 2(2) of Standard 2.5.1.

New section 2.29—Composition of skim milk
New subsection 2.29(1) sets out the requirement that a food product that is sold as skim milk must be skim milk, as defined, and comply with the compositional requirements set out in the subsection. Those requirements are currently set out in the table to subclause 3(1) of Standard 2.5.1.

New subsection 2.29(2) repeats the definition of *skim milk* in clause 1 of Standard 2.5.1, which sets out the compositional requirement for cow's milk.

New section 2.30—Addition of phytosterols, phytostanols and their esters to milk
New section 2.30 sets out the permission, currently in clause 5 of Standard 2.5.1, for phytosterols, phytostanols and their esters to be added to milk.

Division 2—Cream

New section 2.31—Compositional requirement for cream
New subsection 2.31(1) repeats the content of clause 2 of Standard 2.5.2, which sets out the compositional requirement for cream and sets out the requirement that a food product that is sold as cream must be cream, as defined, and comply with the compositional requirements set out in the subsection.

New subsection 2.31(2) repeats the content of subclause 292) of Standard 2.5.2, which permits the final composition of cream obtained by separation to be adjusted by the addition of milk or milk products. Adjusted cream must comply with subsection 2.32(1).
New subsection 2.31(3) sets out the definition for cream that is currently in clause 1 of Standard 2.5.2.

Division 3—Fermented milk products

New section 2.32— Compositional requirement for fermented milk products
New subsection 2.32(1) repeats the content of clause 2 of Standard 2.5.3, which sets out the compositional requirement for fermented milk or yoghurt and sets out the requirement that a food product that is sold as fermented milk or yoghurt must be fermented milk or yoghurt, as defined, and comply with the compositional requirements set out in the subsection.

New subsection 2.32(2) repeats the content of clause 2 of Standard 2.5.3 as they apply to fermented milk products that are ingredients of a food product.

New subsection 2.32(3) sets out the definitions for *fermented milk* and *yoghurt* that are currently in clause 1 of Standard 2.5.3.

New section 2.33—Phytosterols, phytostanols and their esters
New section 2.33 sets out the permission, currently in clause 4 of Standard 2.5.3, for phytosterols, phytostanols and their esters to be added to yoghurt.

Division 4—Cheese

New section 2.34—Compositional requirement for cheese
New subsection 2.34(1) repeats the content of clause 2 of Standard 2.5.4, which sets out the compositional requirement for cheese and processed cheese and sets out the requirement that a food product that is sold as cheese or processed cheese must be cheese and processed cheese, as defined, and comply with the compositional requirements set out in the subsection.

New subsection 2.34(2) sets out the definitions for *cheese* and *processed cheese* that are currently in clause 1 of Standard 2.5.4.

New section 2.35—Addition of tall oil phytosterol esters
New section 2.35 sets out the conditions for adding tall oil phytosterols to cheese or processed cheese, currently in clause 3 of Standard 2.5.4.

Division 5—Butter

New section 2.36—Compositional requirement for butter
New subsection 2.36(1) repeats the content of clause 2 of Standard 2.5.5, which sets out the compositional requirement for butter and sets out the requirement that a food product that is sold as butter must be butter, as defined, and comply with the compositional requirements set out in the subsection.

New subsection 2.36(2) sets out the definition for *butter* that is currently in clause 1 of Standard 2.5.5.

Division 6—Ice cream

New section 2.37—Compositional requirement for ice cream
New subsection 2.37(1) repeats the content of clause 2 of Standard 2.5.6, which sets out the compositional requirement for ice cream and sets out the requirement that a food product that is sold as ice cream must be ice cream, as defined, and comply with the compositional requirements set out in the subsection.

New subsection 2.37(2) sets out the definition for *ice cream* that is currently in clause 1 of Standard 2.5.6.

Division 7—Dried milks, evaporated milks and condensed milks

New section 2.38—Compositional requirement for condensed milk
New subsections 2.38(1), (2) and (3) repeat the content of clause 2 of Standard 2.5.7 and the Schedule, which set out the compositional requirement for condensed milk and the requirement that a food product that is sold as condensed milk must be condensed milk, as defined, and comply with the compositional requirements set out in the subsection.

New subsection 2.38(4) sets out the definition for *condensed milk* that is currently in clause 1 of Standard 2.5.7.

New section 2.39—Compositional requirement for dried milk
New subsections 2.39(1), (2) and (3) repeat the content of clause 2 of Standard 2.5.7 and the Schedule, which set out the compositional requirement for dried milk and the requirement that a food product that is sold as dried milk must be dried milk, as defined, and comply with the compositional requirements set out in the subsection.

New subsection 2.39(4) sets out the definition for *dried milk* that is currently in clause 1 of Standard 2.5.7.

New section 2.40—Compositional requirement for evaporated milk
New subsection 2.40(1) repeats the content of clause 2 of Standard 2.5.7, which sets out the compositional requirement for evaporated milk and sets out the requirement that a food product that is sold as evaporated milk must be evaporated milk, as defined, and comply with the compositional requirements set out in the subsection.

New subsection 2.40(2) sets out the definition for *evaporated milk* that is currently in clause 1 of Standard 2.5.7.

Part 6—Non-alcoholic beverages

Division 1—Fruit juice and vegetable juice

New section 2.41—Meaning of juice blend
New section 2.41 provides a revised definition of juice blend. The current definition is in clause 1 of Standard 2.6.1.

New section 2.42— Compositional requirement for fruit juice and vegetable juice
New subsection 2.42(1) repeats part of the content of clause 2 of Standard 2.6.1, which sets out the compositional requirement for fruit juice and sets out the requirement that a food product that is sold as fruit juice or a blend of fruit juices must be fruit juice or a blend of fruit juices, as defined, and comply with the compositional requirements set out in the subsection.

New subsection 2.42(2) repeats part of the content of clause 2 of Standard 2.6.1, which sets out the compositional requirement for vegetable juice and sets out the requirement that a food product that is sold as vegetable juice or a blend of vegetable juices must be vegetable juice or a blend of vegetable juices, as defined, and comply with the compositional requirements set out in the subsection.

New section 2.42 sets out in a revised form, in new subsection (3), the definitions for *fruit juice* and *vegetable juice* that are currently in clause 1 of Standard 2.6.1. The current definition defines the two types of juice in a joint definition. The revision provides a new definition for juice, which operates as a common element of the definitions of fruit juice and vegetable juice respectively. Citrus fruit juices, other than lime juice, may be made only from the endocarp (ie, segments) of the fruit.

New section 2.43—Name and percentage by volume of juices in juice blend
New section 2.43 repeats the content of clause 3 of Standard 2.6.1, which requires the label on blended juices to declare the name and percentage of each juice used in the blend. The requirement does not apply for a blend of orange and either tangelo or mandarin juice in which the percentage of tangelo or mandarin juice is less than 10%. The basic requirement to provide name and percentage information is in paragraph 1.34(1)(t).

Division 2—Non-alcoholic beverages and brewed soft drinks

New section 2.44—Definitions
New section 2.44 sets out the definitions for formulated beverage, mineral water or spring water and non-alcoholic beverage that are currently in clause 1 of Standard 2.6.2.

New section 2.45—Composition of packaged water

New section 2.45 repeats the permission that is in clause 2 of Standard 2.6.2 for packaged water to contain added carbon dioxide and the restriction on the content of packaged water of some natural contaminants, organic matter and minerals.

New section 2.46—Addition of fluoride to packaged water

New section 2.46 restates the content of clause 2A of Standard 2.6.2, which sets out the conditions under which fluoride may be added to packaged water.

New section 2.47—Labelling—composition of packaged water

New section 2.47 repeats the requirements that are now in subclause 2B of Standard 2.6.2 setting out the labelling requirements for packaged water, including the permission for a typical analysis statement.

New section 2.48—Compositional requirement for brewed soft drink

New section 2.48 repeats the compositional requirement—that brewed soft drink must not contain more than 1.15% alcohol by volume—for brewed soft drink that is now in clause 3 of Standard 2.6.2. The definition of brewed soft drink that is in clause 1 is restated, for the purposes of this section. Brewed soft drink is defined in subsection 2.48(2).

New section 2.49—Compositional requirement for fruit drinks

This new section provides a compositional requirement for fruit drink that is currently contained in the definition of fruit drink in clause 1 of Standard 2.6.2 and clause 4 of Standard 2.6.2. Subclause 2.49(1) sets out the basic definition of fruit drink, while subclause (2) sets out the percentage fruit requirement. The definition of fruit drink that is in clause 1 of the current Standard is restated, for the purposes of this section. Fruit drink is defined for the Code in section 1.06, as a food product that complies with the compositional requirements set out in this section.

New section 2.50—Non–alcoholic beverages not to be labelled or presented as alcoholic beverages

New section 2.50 repeats the content of clause 5 of Standard 2.6.2, which prohibits the presentation, express or implicit, of non-alcoholic beverages as beverages that contain alcohol.

New section 2.51—Compositional requirement for electrolyte drinks and electrolyte drink bases

New section 2.51 repeats the content of clause 6 of Standard 2.6.2, which sets out the compositional requirements for electrolyte drink and electrolyte drink base and the permission for electrolyte drink or electrolyte drink base to contain certain substances. The definitions of electrolyte drink and electrolyte drink base that are in clause 1 are restated, for the purposes of this section. Electrolyte drink and electrolyte drink base are defined for the Code in section 1.06, as a food product that complies with the compositional requirements set out in this section.

New section 2.52—Labelling of electrolyte drinks and electrolyte drink bases

This new section repeats the requirement in clause 7 of Standard 2.6.2 that the label on an electrolyte drink or electrolyte drink base must provide information about energy value, total carbohydrate, added minerals and electrolytes and the recommended volume and frequency of consumption.

New section 2.53—Claims in relation to the tonicity of electrolyte drinks

New section 2.53 sets out the conditions under which a claim may be made that an electrolyte drink is isotonic and the labelling requirements if a claim is made that an electrolyte drink is isotonic, hypertonic or hypotonic.

These matters are currently set out in clause 8 of Standard 2.6.2.

New section 2.54—Compositional requirement for formulated beverages
New section 2.54 repeats the compositional requirements for formulated beverages that are now in clause 9 of Standard 2.6.2.

Division 3—Kava

New section 2.55—*Meaning of* kava
New section 2.55 provides definitions of kava and kava root that are consistent with the use of those terms in clause 2 of Standard 2.6.3. The section does not repeat the definition of cold water extraction that is now in clause 1 of Standard 2.6.3, as the definition is not required. Its content is in the following prohibition provision.

New section 2.56—Prohibition
New section 2.56 repeats the prohibition on the sale of kava, or its use as an ingredient, except as a beverage obtained by cold water extraction.

New section 2.57—Labelling of food products containing kava
New section 2.57 repeats the labelling requirements that are now set out in clause 3 of Standard 2.6.3.

Division 4—Formulated caffeinated beverages

New section 2.58—Interpretation
New subsection 2.58(1) restates the definition of *formulated caffeinated beverage* that is now in clause 1 of Standard 2.6.4.

Subsection 2.58(2) restates that a reference to caffeine in Division 4 is a reference to the total quantity of caffeine from all sources.

New section 2.59—Calculation of one day quantity
This new provision restates the content of the editorial note that follows subclause 3(5) of Standard 2.6.4 as an operative provision. The provision sets out how to calculate a one day quantity of a formulated caffeinated beverage. A note observes that the one day quantity is the maximum amount of a formulated caffeinated beverage that should be consumed in a day.

New section 2.60—Composition of formulated caffeinated beverage
New section 2.60 repeats the compositional requirements for formulated caffeinated beverages that are currently set out in clause 2 of Standard 2.6.4. Subsection 2.61(3) restates the current prohibition on mixing formulated caffeinated beverages and alcohol to make it clear that the prohibition relates to food products, that is, to formulated caffeine beverage presented for sale.

New section 2.61—Labelling requirements–formulated caffeinated beverage
New section 2.61 repeats the labelling requirements that are now set out in clause 3 of Standard 2.6.4.

The provision in subclause 3(6) of Standard 2.6.4, which provides that a formulated caffeinated beverage is not a claimable food for the purposes of the vitamin and mineral additives provisions, is now in subsection 1.106(2). Subclause 3(7) does not need to be repeated as the provision is a consequence of the fact that a formulated caffeinated beverage is not a claimable food.

Part 7—Alcoholic Beverages

Division 1—Labelling of alcoholic beverages and food containing alcohol

New section 2.62—*Meaning of* standard drink
New section 2.62 repeats the definition of *standard drink* that is now in clause 1 of Standard 2.7.1.

New section 2.63—Statement of alcohol content
This new section repeats the requirement that is currently in clause 2 of Standard 2.7.1 for labelling the alcohol content of foods, including alcoholic beverages. The provision is restated as a labelling requirement.

New section 2.64—Statement of the number of standard drinks
New section 2.64 repeats the requirement that is currently in clause 3 of Standard 2.7.1 that the label on a package of alcoholic beverage that contains more than 0.5% alcohol by volume must include a statement of the approximate number of standard drinks in the package.

New section 2.65—Restriction on representations of low alcohol
New section 2.65 repeats the prohibition that is in clause 4 of Standard 2.7.1 on representing an alcoholic beverage that contains more than 1.15% alcohol by volume as a low alcohol beverage.

New section 2.66—Restriction on representations of 'non-intoxicating'
New section 2.66 repeats the prohibition that is in clause 5 of Standard 2.7.1 on representing an alcoholic beverage that contains more than 0.5% alcohol by volume as non-intoxicating.

New section 2.67—Restriction on representation as non-alcoholic
New section 2.67 repeats the prohibition that is in clause 6 of Standard 2.7.1 on representing a food that contains any alcohol as a non-alcoholic beverage or confection.

Division 2—Beer

New section 2.68—Compositional requirement for beer
New subsection 2.68(1) repeats part of the content of clause 2 of Standard 2.7.2, which sets out the compositional requirement for beer and sets out the requirement that a food product that is sold as beer, ale, lager, pilsener, porter or stout must be beer, as defined, and comply with the compositional requirements set out in the subsection.

New subsection 2.68(2) repeats the definition of beer that is now in clause 1 of Standard 2.7.2. The definition of *a reference to beer* is not repeated as it serves no purpose.

Division 3—Fruit wine and vegetable wine

New section 2.69—Meaning of fruit wine product and vegetable wine product
New section 2.69 establishes definitions of fruit wine product and vegetable wine product. The definitions restate subclause 1(3) of Standard 2.7.3.

New section 2.70—Compositional requirement for cider, mead, perry, fruit wine and vegetable wine
New subsection 2.70(1) repeats part of the content of clause 1 and clause 2 of Standard 2.7.3, which set out the compositional requirement for fruit wine, vegetable wine and mead and the requirement that a food product that is sold as fruit wine, vegetable wine or mead must be fruit wine, vegetable wine or mead, as defined, and comply with the compositional requirements set out in the subsection.

New subsection 2.70(2) restates the requirement in clause 1 that a food product that is sold as cider or perry must be cider or perry, as defined.

New subsection 2.70(3) establishes definitions for fruit wine and vegetable wine and repeats the definitions of cider, mead and perry that are now in clause 1 of Standard 2.7.3. The definitions of fruit wine and vegetable wine are derived from subclause 1(2) of the Standard.

Division 4—Wine and wine product

New section 2.71—Interpretation
New section 2.71 repeats the definition of wine product that is now in clause 1 of Standard 2.7.4.

New section 2.72—Compositional requirements for wine
New subsection 2.72(1) repeats clause 2 of Standard 2.7.4, which sets out the compositional requirement for wine, and sets out the requirement that a food product that is sold as wine must be wine, as defined, and comply with the compositional requirements set out in the subsection.

New subsection 2.72(2) repeats the definition of wine in clause 1 of Standard 2.7.4.

Division 5—Spirit

New section 2.73—Compositional requirements for brandy, liqueur and spirit
New subsection 2.73(1) repeats the content of clause 3 of Standard 2.7.5, which sets out the compositional requirement for brandy and sets out the requirement that a food product that is sold as brandy must be brandy, as defined, and comply with the compositional requirements set out in the subsection.

New subsection 2.73(2) sets out the requirement that a food product that is sold as liqueur must be liqueur, as defined, and comply with the compositional requirements set out in the subsection.

New subsection 2.73(3) repeats the content of clause 2 of Standard 2.7.5, which sets out the compositional requirement for spirit and sets out the requirement that a food product that is sold as spirit must be spirit, as defined, and comply with the compositional requirements set out in the subsection.

New subsection 2.73(4) repeats the definitions of brandy, liqueur and spirit that are now in clause 1 of Standard 2.7.5. This definition of brandy differs from the definition used in Standard 4.5.1.

New section 2.74—Restriction on use of geographical indications
New section 2.74 repeats:

- the prohibition currently in subclause 4(1) of Standard 2.7.5 on the use of a geographical indication with spirits except when the spirit has been produced in the country or locality indicated; and

- the prohibition currently in subclause 4(2) of Standard 2.7.5 on the use of a geographical indication, when a spirit has been bottled outside the territory in which it was produced, if the concentration of alcohol in the bottled spirit is lower than permitted by the laws of the territory of production or any other factor is likely to mislead consumers about the nature of the product; and

- the definition of geographical indication that is now in clause 1 of Standard 2.7.5.

Part 8—Sugars and honey

Division 1—Sugars

New section 2.75—Meaning of icing and sugars
New section 2.75 repeats the definitions of icing and sugars that are now in clause 1 of Standard 2.8.1. The definition of icing is provided to support specific additive permissions for sorbates and benzoates.

New section 2.76—References to sugar
New section 2.76 repeats the content of clause 2 of Standard 2.8.1, which provides that a reference to sugar in the code is a reference to a limited group of sugars.

New section 2.77—Compositional requirement for white sugar
This new section repeats the compositional requirement, now in clause 3 of Standard 2.8.1, that white sugar contain no less than 99.7% sucrose and sets out the requirement that a food product that is sold as white sugar must comply with that requirement.

The definition of white sugar, now in clause 1 of Standard 2.8.1, is repeated.

New section 2.78—Compositional requirement for icing
New section 2.78 restates the requirement that is implicit in the definition of icing in clause 1 of Standard 2.8.1 that a food product sold as icing must be icing, as defined.

Division 2—Honey

New section 2.79—Compositional requirement for honey
New subsection 2.79(1) repeats the content of clause 2 of Standard 2.8.2, which sets out the compositional requirement for honey and sets out the requirement that a food product that is sold as honey must be honey, as defined, and comply with the compositional requirements set out in the subsection.

New subsection 2.79(2) repeats the definition of honey that is now in clause 1 of Standard 2.8.2.

New section 2.80—Prescribed name
New section 2.80 repeats the provision in clause 3 of Standard 2.8.2 that honey is a prescribed name.

Part 9—Special purpose foods

Division 1—Infant formula products
Subdivision A—Preliminary

New section 2.81—Outline of Division
New section 2.81 provides an outline of Division 1 of Part 9.

New section 2.82—Definitions
New section 2.82 repeats the content of the definitions of *follow-on formula, infant formula, infant formula product, lactose free formula, low lactose formula, medium chain triglycerides, pre-term formula, protein substitute* and *soy-based formula* that are now in clause 1 of Standard 2.9.1. The definition of infant has been moved to section 1.06. The definitions of lactose free formula and low lactose formula, which have an identical meaning, have been separated. The compositional requirements for lactose free or low lactose are in section 2.93.

New section 2.83—Interpretation
New subsection 2.83(1) repeats the content of clause 2 of Standard 2.9.1.

New subsection 2.83(2) repeats the content of clauses 3, 4 and 5 of Standard 2.9.1, which sets out the parameters for calculating energy content, protein content and potential renal solute load in infant formula product.

Subdivision B—General compositional requirements for infant formula products

New section 2.84—Use of nutritive substances
New section 2.84 repeats the content of clause 7 of Standard 2.9.1, which sets out the conditions under which nutritive substances may be added to infant formula products.

New section 2.85—Addition of lactic acid producing microorganisms
This new section 2.85 repeats the permission in clause 9 of Standard 2.9.1 for lactic acid producing microorganisms to be added to infant formula products.

The terms lactic acid producing microorganisms has been used to provide consistency in the Code, replacing lactic acid cultures and lactic acid producing cultures.

New section 2.86—Permitted quantities of added inulin-derived substances and galacto-oligosaccharides
New section 2.86 restates the content of clause 9A of Standard 2.9.1. The provision sets out limits on the amount of inulin-derived substances and galacto-oligosaccharides that may be added to infant formula product.

New section 2.87—Restriction on level of other substances in infant formula
New section 2.87 repeats the content of subclause 6(2) and clauses 8 and 10 of Standard 2.9.1, which set out limits on the amount of gluten, nucleotide 5'-monophosphates and aluminium that can be in infant formula products.

Subdivision C—Infant formula and follow-on formula

New section 2.88—Infant formula and follow-on formula–composition
New section 2.88 restates the content of clause 21 of Standard 2.9.1, which sets out the compositional requirements for infant formula and follow-on formula.

New section 2.89—Infant formula and follow-on formula–protein
New section 2.89 restates the content of clause 22 of Standard 2.9.1, which sets out the protein content requirements for infant formula and follow-on formula.

New section 2.90—Infant formula and follow-on formula–fat
New section 2.90 restates the content of clause 23 of Standard 2.9.1, which sets out the fat requirements for infant formula and follow-on formula.

New section 2.91—Infant formula and follow-on formula—vitamins, minerals and electrolytes
New section 2.91 restates the content of clause 24 of Standard 2.9.1, which sets out the vitamin, mineral and electrolyte requirements for infant formula and follow-on formula.

Subdivision D—Infant formula for special dietary purposes

New section 2.92—Products formulated for premature or low birthweight infants
New section 2.92 restates the content of clauses 25 and 26 of Standard 2.9.1, which require specific labelling of infant formula products that have been formulated for premature or low birthweight infants.

New section 2.93—Products for metabolic, immunological, renal, hepatic or malabsorptive conditions

New section 2.93 restates the content of clauses 27, 28, 29 and 30 of Standard 2.9.1, which require specific labelling of infant formula products for that are formulated for metabolic, immunological, renal, hepatic or malabsorptive conditions.

New section 2.94—Products for special dietary use based on protein substitutes

New section 2.94 repeats the content of clauses 31 and 32 of Standard 2.9.1, which set out the requirements for infant formula products that are based on protein substitutes.

Subdivision E—Labelling and packaging requirements

New section 2.95—Representations of food as infant formula product

New section 2.95 repeats the requirement in clause 11 of Standard 2.9.1 that food can only be represented as infant formula product if it complies with the Division.

New section 2.96—Prescribed names

This new section repeats the content of clause 12 of Standard 2.9.1, which lists infant formula and follow-on formula as prescribed names.

New section 2.97—Requirement for measuring scoop

New section 2.97 restates the requirement in clause 13 of Standard 2.9.1 that a package of infant formula product in powdered form must contain a scoop to enable mixing according to instructions. A scoop is not required for powdered infant formula product in single serve sachets.

New section 2.98—Requirements for warning statements and directions

New section 2.98 restates the content of clause 14 of Standard 2.9.1 which sets out labelling requirements for infant formula products.

New section 2.99—Print and package size

This new section 2.99 repeats the requirements in clause 15 of Standard 2.9.1 for print size on packages of infant formula product.

New section 2.100—Declaration of nutrition information

New section 2.100 sets out the requirements that are now in clause 16 of Standard 2.9.1 for declaring nutrition information on a package of infant formula product.

New section 2.101—Date marking and storage instructions

New section 2.101 repeats the content of clause 17 of Standard 2.9.1. The section provides that a use-by date does not have to be provided on a package of infant formula product. Instead, the label must provide storage instructions for the period after the package is opened. An editorial note that provides that the full range of climatic conditions that exist in Australia and New Zealand may need to be considered when determining valid and appropriate storage instructions has been omitted.

New section 2.102—Statements of protein source *and* dental fluorosis

New section 2.102 restates the content of clauses 18 and 19 of Standard 2.9.1, which require statements about protein source and, in certain circumstances, dental fluorosis on the label of infant formula product.

New section 2.103—Prohibited representations

New section 2.103 repeats the content of clause 20 of Standard 2.9,1, which prohibits a range of representations on packages of infant formula product.

Subdivision G—Guidelines

New section 2.104—Guidelines for infant formula product
New section 2.104, which is not legally binding, provides for guidelines in relation to the maximum amounts of vitamins and minerals in infant formula product. The guidelines now annexed to Standard 2.9.1 are repeated in S27.09 of Schedule 27.

Division 2—Food for infants

New section 2.105—Definitions
New section 2.105 repeats the definitions of cereal-based food, food for infants and fruit-based food that are currently in clause 1 of Standard 2.9.2. The definitions of ESADDI, infant, RDI and sugars that are in clause 1 are now set out in section 1.06. The definition of infant formula product is in section 2.82.

New section 2.106—Food for infants—general compositional requirements
New subsection 2.106(1) repeats the content of subclause 2(1) of Standard 2.9.2. This section repeats the requirement that a food product shall not contain a food additive or nutritive substance unless the addition is permitted by the Code or is naturally present in an ingredient.

New section 2.107—Additional compositional requirements for cereal-based food for infants over the age of 6 months
New section 2.107 repeats the content of subclause 3(1) of Standard 2.9.2.

New section 2.108—Additional compositional requirements for cereal-based food for infants over the age of 4 months
New section 2.108 repeats the content of clause 3(2) of Standard 2.9.2.

New section 2.109—Additional compositional requirements for non-cereal-based food for infants
New section 2.109 repeats the content of clause 4 of Standard 2.9.2.

New section 2.110—Labelling
New section 2.110 repeats the content of clause 5 of Standard 2.9.2.

New section 2.111—Additional labelling requirements relating to specific nutrients and energy information
New section 2.111 repeats the content of clause 6 of Standard 2.9.2.

New section 2.112—Representations
New section 2.112 repeats the content of clause 7 of Standard 2.9.2.

New section 2.113—Claims about vitamins and minerals
New section 2.113 repeats the content of clause 8 of Standard 2.9.2.

New section 2.114—Nutrition information
New section 2.114 repeats the content of clause 9 of Standard 2.9.2.

New section 2.115—Food in dehydrated or concentrated form
New section 2.115 repeats the content of clause 10 of Standard 2.9.2.

New section 2.116—Storage requirements
New section 2.116 repeats the content of clause 11 of Standard 2.9.2.

Division 3—Formulated meal replacement and formulated supplementary foods
Subdivision A—Interpretation

New section 2.117—Interpretation
New section 2.117 repeats the definition of serving that is currently in clause 1 of Standard 2.9.3. This definition is just for this Division. Serving is used elsewhere in the Code without definition, eg. in relation to nutrition information panels.

Subdivision B—Formulated meal replacements

New section 2.118—Meaning of formulated meal replacement
New section 2.118 repeats the definition of formulated meal replacement that is currently in clause 1 of Standard 2.9.3.

New section 2.119—Compositional requirements for formulated meal replacements
New section 2.119 restates clause 2 of Standard 2.9.3.

New section 2.120—L**a**belling of formulated meal replacements
New section 2.120 restates clause 3 of Standard 2.9.3.

Subdivision C—Formulated supplementary foods

New section 2.121—Meaning of formulated supplementary foods
New section 2.121 repeats the definition of formulated supplementary foods that is currently in clause 1 of Standard 2.9.3.

New section 2.122—Compositional requirements for formulated supplementary foods
New section 2.122 restates clause 4 of Standard 2.9.3. The provision corrects an error in the current provision, which operates to apply the maximum quantities set out in column 4 of table 3 of the Schedule to the current Standard to naturally occurring vitamins and minerals. Column 4 maximum quantities are intended to apply only if vitamins or minerals have been added.

New section 2.123—Labelling of formulated supplementary foods
New section 2.123 restates clause 5 of Standard 2.9.3.

Subdivision D—Formulated supplementary foods for young children

New section 2.124—Meaning of formulated supplementary foods for young children
New section 2.124 repeats the definition of formulated supplementary foods for young children that is currently in clause 1 of Standard 2.9.3.

New section 2.125—Compositional requirements for formulated supplementary foods for young children
New section 2.125 restates clauses 6 and 6A of Standard 2.9.3. The provision corrects an error in the current provision, which operates to apply the maximum quantities set out in column 2 of table 3 of the Schedule to the current Standard to naturally occurring vitamins and minerals. Column 2 maximum quantities are intended to apply only if vitamins or minerals have been added.

New section 2.126—Labelling of **f**ormulated supplementary foods
New section 2.126 restates clause 7 of Standard 2.9.3.

Division 4—Formulated supplementary sports foods
Subdivision A—Formulated supplementary sports foods generally

New section 2.127—Definitions
New section 2.127 repeats the definitions of formulated supplementary sports foods and one day quantity that are currently in clause 1 of Standard 2.9.4.

New section 2.128—Composition of formulated supplementary sports foods
New section 2.128 restates clause 2 of Standard 2.9.4. The information that is currently in the tables to that clause is now set out in Schedule 25.

New section 2.129—Labelling information
New section 2.129 restates clause 3 of Standard 2.9.4

New section 2.130—Ingredient claims
New section 2.130 restates clause 4 of Standard 2.9.4

New section 2.131—Vitamin and mineral claims
New section 2.131 restates clause 5 of Standard 2.9.4.

New section 2.132—Prohibition on representations
New section 2.132 restates clause 6 of Standard 2.9.4

Subdivision B—Particular formulated supplementary sports foods

New section 2.133—High carbohydrate supplement
New section 2.133 restates clause 7 of Standard 2.9.4.

New section 2.134—Protein energy supplement
New section 2.134 restates clause 8 of Standard 2.9.4.

New section 2.135—Energy supplement
New section 2.135 restates clause 9 of Standard 2.9.4.

6.9.5 Division 5—Food for special medical purposes
Subdivision A—Preliminary

New section 2.136—Meaning of food for special medical purposes
New section 2.136 repeats the content of clause 1 of Standard 2.9.5.

New section 2.137—Definitions
New section 2.137 repeats the content of clause 2 of Standard 2.9.5.

New section 2.138—Application of other Standards
New section 2.138 repeats the content of clause 3 of Standard 2.9.5.

New section 2.139—Claims must not be therapeutic in nature
New section 2.139 repeats the content of clause 4 of Standard 2.9.5.

Subdivision B—Sale of food for special medical purposes

New section 2.140—Restriction on the persons by whom, and the premises at which, food for special medical purposes may be sold
New section 2.140 repeats the content of clause 5 of Standard 2.9.5.

Subdivision C —Composition

New section 2.141—Permitted form of particular substances
New section 2.141 repeats the content of clause 6 of Standard 2.9.5.

New section 2.142—Compositional requirements for food represented as being suitable for use as a sole source of nutrition
New section 2.142 repeats the content of clause 7 of Standard 2.9.5.

Subdivision D—Labelling

New section 2.143—Labelling and related requirements
New section 2.143 repeats the content of clause 8 of Standard 2.9.5.

New section 2.144—Mandatory labelling information
New section 2.144 restates the content of part of clause 9 and clause 16 of Standard 2.9.5.

New section 2.145—Advisory and warning statements–food for special medical purposes
New section 2.145 restates the content of clauses 10 and 11 of Standard 2.9.5.

New section 2.146—Information relating to ingredients–food for special medical purposes
New section 2.146 repeats the content of clause 12 of Standard 2.9.5.

New section 2.147—Date marking information–food for special medical purposes
New section 2.147 repeats the content of clause 13 of Standard 2.9.5.

New section 2.148—Nutrition information–food for special medical purposes
New section 2.148 restates the content of parts of clause 9 of Standard 2.9.5.

New section 2.149—Claims in relation to lactose content
New section 2.149 restates the content of clause 14 of Standard 2.9.5, as at 28 June 2014.

New section 2.150—Claims in relation to gluten content
New section 2.150 restates the content of clause 15 of Standard 2.9.5.

New section 2.151—Labelling requirement–food for special medical purposes in inner package
New section 2.151 repeats the content of clause 17 of Standard 2.9.5.

New section 2.152—Labelling requirement–food for special medical purposes in transportation outer
New section 2.152 repeats the content of clause 18 of Standard 2.9.5.

Division 6—Transitional standard for special purpose foods (including amino acid modified foods)

Division 6 does not apply in Australia.

New section 2.153—Meaning of *amino acid modified food* and *special purpose food*
New section 2.154—Application
New section 2.155—Composition
New section 2.156—Labelling of special purpose foods
New section 2.157—Labelling of amino acid modified foods
New sections 2.153 to 2.157 repeat Standard 1.1A.6 of the current Code, which provides a standard for special purpose foods that are made in, or imported into, New Zealand.

Part 10—Standards for other foods

Division 1—Vinegar and related products

New section 2.158—Compositional requirement for vinegar and related products
New section 2.158 restates the content of Standard 2.10.1 and the requirement that a food product sold as vinegar or imitation vinegar must be vinegar or imitation vinegar, as defined.

Division 2—Salt and salt products
Subdivision A—Compositional requirements

New section 2.159—Compositional requirement for salt
New section 2.159 restates the content of part of clause 1 and clause 2 of Standard 2.10.2 and sets out the requirement that a food product sold as salt must be salt, as defined, and must meet the compositional requirements for salt.

New section 2.160—Compositional requirement for reduced sodium salt mixtures
New section 2.160 restates the content of part of clause 1 and clauses 3 and 7 of Standard 2.10.2 and sets out the requirement that a food product sold as reduced sodium salt mixture or iodised reduced sodium salt mixture must, as appropriate, be reduced sodium salt mixture or iodised reduced sodium salt mixture, as defined, and must meet the compositional requirements for reduced sodium salt mixture or iodised reduced sodium salt mixture.

New section 2.161—Compositional requirement for salt substitutes
New section 2.161 restates the content of part of clause 1 and clause 4 of Standard 2.10.2 and sets out the requirement that a food product sold as salt substitute must be salt substitute, as defined, and must meet the compositional requirements for salt substitute.

New section 2.162—Compositional requirement for iodised salt
New section 2.162 restates the content of part of clause 1 and clause 6 of Standard 2.10.2 and sets out the requirement that a food product sold as iodised salt must be iodised salt, as defined, and must meet the compositional requirements for iodised salt.

Subdivision B—Labelling requirements

New section 2.163—Labelling requirement for reduced sodium salt mixtures and salt substitutes
New section 2.163 repeats the content of clause 5 of Standard 2.10.2.

Division 3—Chewing gum

New section 2.164—Meaning of releasable calcium to chewing gum
New section 2.164 repeats the definition of releasable calcium that is in clause 1 of Standard 2.10.3.

Analytical methods for calculating releasable constituents from chewing gum are described in the *British Pharmacopeia* and the *European Pharmacopeia*.
New section 2.165—Addition of calcium to chewing gum
New section 2.165 repeats clause 2 of Standard 2.10.3.

New section 2.166—Claims about the presence of calcium in chewing gum
New section 2.166 restates the content of clause 3 of Standard 2.10.3. The definition of calcium claim, now in clause 1, is not required in the restatement.

New section 2.167—Labelling requirements
New section 2.167 repeats the content of clauses 4 and 5 of Standard 2.10.3.

Division 4—Miscellaneous standards for other food products

New section 2.168— Compositional requirements for tea and coffee
New section 2.168 repeats the compositional requirements for teas and coffees that are now set out in Standard 1.1.2.

New section 2.169—Compositional requirement for peanut butter
New section 2.169 repeats the compositional requirement for peanut butter that is now set out in Standard 1.1.2.

New section 2.170—Miscellaneous compositional requirements
New section 2.170 restates the requirements that are now in Standard 1.1.2, as modified by clause 3 of Standard 1.1.1, that certain food products[7] may only be sold as a food product of the type described if the food product complies with the definition of the food product and any compositional requirements that are included in the definition. The definitions for the substances are in section 1.06.

Chapter 3—Food Safety Standards (Australia only)

New section 3.01—Incorporation by reference of other standards
Chapter 3 of the Code has not been revised. It is incorporated in its current form.

Chapter 4—Primary production and processing standards (Australia only)

New section 4.01—Incorporation by reference of other standards
Chapter 4 of the Code has not been revised. It is incorporated in its current form.

Chapter 5—Revocation, transitionals etc

Part 1—Revocation

New section 5.01—Revocation of standards
New section 5.01 revokes the standards in Chapters 1 and 2 of the current Code.

Part 2—Transitional provisions

[not yet drafted]

Schedules

Schedule 1—ESADDIs and RDIs

Schedule 1 combines information that is now set out in the Schedule to Standard 1.1.1– which provides ESADDIs and RDIs for vitamins and minerals for children aged 1 to 3 and for all other purposes–and table 2 to clause 8 of Standard 2.9 2–which sets out ESADDIs and RDIs for food for infants. The information is provided for new section 1.07.

S1.01 sets out ESADDIs and RDIs for vitamins. S1.02 sets out ESADDIs and RDIs for minerals.

[7] Cocoa, chocolate and gelatine

S1.03 and S1.04 provide detail of the methods of calculating retinol and alpha-tocopherol equivalents for vitamin A and vitamin E respectively. This information is currently implied in footnotes to the schedules.

Schedule 2—Units of measurement

Schedule 2 repeats, for new section 1.10, the information that is currently provided in a table in clause 8 of Standard 1.1.1 to define symbols and units of measurement that are used in the Code.

Schedule 3—Identity and purity

Schedule 3 sets out, for new section 1.25, the specifications for substances that are currently set out in the Schedule to Standard 1.3.4.

Schedule 4—Nutrition, health and related claims

Schedule 4 S4.01 sets out, for new subsection 1.81(1), the conditions for making nutrition content claims.

Schedule 4 S4.02 sets out, for new subsection 1.87(2), the conditions for permitted high level health claims.

Schedule 4 S4.03 sets out, for new subsection 1.87(3), the conditions for permitted general level health claims.

Schedule 5—Nutrient profiling scoring method

Schedule 5 sets out, for new section 1.94, the nutrient profiling scoring method. This is currently set out in Schedule 5 to Standard 1.2.7.

Schedule 6—Required elements of a systematic review

Schedule 6 repeats Schedule 6 of Standard 1.2.7, which sets out the required elements of a systematic review.

Schedule 7—Food additive class names (for statement of ingredients)

Schedule 7 sets out, for new section 1.63 the food additive class names that are currently set out in Schedule 1 to Standard 1.2.4.

Schedule 8—Food additive names and code numbers (for statement of ingredients)

Schedule 8 sets out, for new sections 1.06 and 1.63, the lists of food additives and their INS code numbers. Section S8.01 is an alphabetic list and Section S8.02 a numeric list. The lists are currently in two places in the Code–in the Schedules to Standard 1.2.4 and in the Schedules to Standard 1.3.1.

Schedule 9—Mandatory advisory statements

Schedule 9 sets out, for new sections 1.55 and 2.145, the mandatory advisory statements that are currently set out in the table to clause 2 in Standard 1.2.3. The food descriptions for milks and milk analogues have been reordered to improve presentation.

Schedule 10—Generic names of ingredients and conditions for their use

Schedule 10 sets out, for new section 1.60, the generic names (and any conditions for the use of those names) that may be used in a statement of ingredients. The information is now set out in the table to clause 4 in Standard 1.2.4.

Schedule 11—Calculation of values for nutrition information panel

Schedule 11 sets out, for sections 1.99, 1.100, subsection 1.103(7) and section S5.05 of Schedule 5, the methods of calculating average energy content, available carbohydrate, carbohydrate by difference, and dietary fibre and other fibre content.

Schedule 12—Nutrition information panels

Schedule 12 sets out, for new section 1.102, the mandatory and sample formats for nutrition information panels that are currently set out in Standard 1.2.8.

Schedule 13—Nutrition information required for food in small packages

Schedule 13 restates the content of clause 8 of Standard 1.2.8, which sets out the information that must be included in a declaration when a claim is made in relation to food in a small package.

Schedule 14—Technological purposes performed by food additives

Schedule 14 sets out, for new section 1.124, the technological purposes for which a food additive may be added as an ingredient. This list is currently in Schedule 5 of Standard 1.3.1.

Schedule 15—Permitted uses of food additives by food type

Schedule 15 sets out, for new section 1.123, the permissions for use of food additives. This information is currently set out in Schedule 1 in Standard 1.3.1. The permissions are renumbered–to commence at 1.

New section S15.01 of Schedule 15 describes the hierarchy of permissions that are set out in the table to new section S15.04 of Schedule 15.

New section S15.02 of Schedule 15 describes the purpose of class 1 of the table to new section S15.04 of Schedule 15.

New section S15.03 of Schedule 15 provides definitions of *GMP* and *MPL*. In addition, flavouring *substance* is defined in subsection 16.01(2) of Schedule 16. New subsection S15.03(2) repeats the content of clause 9 of Standard 1.3.1. The term ‘mixed food, which is used in the current Schedule, is replaced with ‘Foods not included in items 1 to 17’. This change is consistent with international practice.

Schedule 16—Definitions for certain types of food additives

Schedule 16 sets out, for section 1.123, the information that is currently in Schedules 2, 3 and 4 of standard 1.3.1.

Schedule 17—Vitamins and minerals

New sections S17.01 and S17.02 of Schedule 17 set out respectively, for new section 1.129 and 1.130, the permitted forms of vitamins and minerals. This information is currently set out in Column 2 of the Schedule to Standard 1.1.1.

New section S17.03 repeats the content of the table to clause 3 of Standard 1.3.2, which sets out the permitted quantities of vitamins and minerals in certain foods.

Schedule 18—Processing aids

New section S18.01 lists, for new paragraph 1.133(2)(c), the general permitted processing aids that are currently listed in the table to clause 3 in Standard 1.3.3.

New section S18.02 lists, for section 1.134, the processing aids that can be used for certain purposes. This new section repeats the information that is now set out in the tables to clauses 4 to 10 of Standard 1.3.3.

New section S18.03 lists, for section 1.135, the enzymes, and their sources, that may be used as processing aids. This new section repeats the information that is now set out in the tables to clauses 15 to 17 of Standard 1.3.3.

New section S18.04 lists, for section 1.136, the microbial nutrients and microbial nutrient adjuncts that may be used as processing aids. This new section repeats the information that is now set out in the table to clause 18 of Standard 1.3.3.

New section S18.05 lists, for section 1.137, the substances that may be used as processing aids in packaged water or water used as an ingredient in other foods. This new section repeats the information that is now set out in the table to clause 11 of Standard 1.3.3.

New section S18.06 lists, for section 1.138, the bleaching, washing and peeling agents that may be used as processing aids. This new section repeats the information that is now set out in the table to clause 12 of Standard 1.3.3.

New section S18.07 lists, for section 1.139, the extraction solvents that may be used as processing aids. This new section repeats the information that is now set out in the table to clause 13 of Standard 1.3.3.

New section S18.08 lists, for section 1.140, the processing aids with miscellaneous functions that are now listed in the table to clause 14 of Standard 1.3.3.

New section S18.09 sets out, for section 1.141, the permissions to use dimethyl carbonate as a processing aid that are now listed in the table to clause 19 of Standard 1.3.3.

Schedule 19—Maximum levels of contaminants and natural toxicants

Schedule 19 repeats, for new section 1.143, the content of the tables in Standard 1.4.1.

Schedule 20—Maximum residue limits

Schedule 20 repeats, for new section 1.145, the table of maximum residue limits that is now in Schedule 1 in Standard 1.4.2.

Schedule 21—Extraneous residue limits

Schedule 21 repeats, for new section 1.145, the table of extraneous residue limits that is now in Schedule 2 in Standard 1.4.2.

Schedule 22—Foods and classes of foods

Schedule 22 repeats, for new section 1.145, the list of animal and crop commodities and processed foods of plant or animal origin that is now in Schedule 4 in Standard 1.4.2.[8]

Schedule 23—Prohibited plants and fungi

Schedule 23 repeats, for new section 1.148, the content of Schedule 1 of Standard 1.4.4, which lists prohibited plants and fungi.

Schedule 24—Restricted plants and fungi

Schedule 23 repeats, for new section 1.150, the content of Schedule 2 of Standard 1.4.4, which lists restricted plants and fungi.

Schedule 25—Permitted novel foods

Schedule 25 repeats, for new sections 1.153 and 1.154, the content of the Table to clause 2 of Standard 1.5.1, which lists permitted novel foods.

Schedule 26—Food produced using gene technology

New section S26.01 of Schedule 26 provides some definitions that are currently in clause 1 of Standard 1.5.2, but are now relevant only for the Schedule.

New section S26.02 of Schedule 26 restates the permission for the sale or use of a food produced using gene technology that is in clause 2 of Standard 1.5.2 and the content of the Schedule to Standard 1.5.2.

Schedule 27—Microbiological limits for food products

Schedule 27 repeats, for new section 1.159, the microbiological limits for food products that are now set out in the Schedule to Standard 1.6.1.

Schedule 28—Composition of packaged water

Schedule 28 repeats, for new section 2.45, the maximum amounts of substances that may be in packaged water. The information is currently presented in the table to subclause 2(2) of Standard 2.6.2.

Schedule 29—Formulated caffeinated beverages

Schedule 29 repeats, for new section 2.59, the maximum amounts of substances that may be in formulated caffeinated beverages. The information is currently presented in the table to subclause 2(2) of Standard 2.6.4.

[8] There is no Schedule 3 in Standard 1.4.2.

Schedule 30—Special purpose foods

New sections S30.01, S30.02 and S30.03 provide methods of calculation of energy, protein content and potential renal solute load for infant foods. This information is currently in Subdivision 2 of Standard 2.9.1.

New section S30.04 provides a list of permitted nutritive substances for infant foods. This information is currently in the table to clause 7 of Standard 2.9.1.

New section S30.05 provides a list of L-amino acids that may be present in infant foods. This information is currently in the table to clause 22 of Standard 2.9.1.

New section S30.06 provides a list of permitted nutritive substances for infant formula products, infant foods and foods for special medical purposes. This information is currently in the Table to clause 7 of Standard 2.9.1 and is extended to apply to FSMP.

New section S30.07 provides a list of limits on fats that may be present in infant formula or follow-on formula. This information is currently in the Table to clause 23 of Standard 2.9.1.

New section S30.08 provides a list of required vitamins, minerals and electrolytes in infant formula or follow-on formula. This information is currently in the Table to subclause 24(1) of Standard 2.9.1.

New section S30.09 provides the guidelines for infant formula products that are currently annexed to Standard 2.9.1.

New section S30.10 provides, for new section 2.113, a list of the maximum RDI claims that can be made when vitamins or minerals have been added to cereal-based food for infants. This information is currently in Table 1 to clause 8 of Standard 2.9.2.

New section S30.11 provides, for new sections 2.119, 2.120 and 2.155, a list of the vitamins and minerals that must be present in a one-meal serving of formulated meal replacements. This information is currently in Table 1 in the Schedule to Standard 2.9.3.

New section S30.12 provides a list of vitamins and minerals that may be added to formulated meal replacements. This information is currently in Table 2 in the Schedule to Standard 2.9.3.

New section S30.13 provides a list of vitamins and minerals that may be added to formulated supplementary foods. This information is currently in columns 4 and 5 of Table 3 in the Schedule to Standard 2.9.3.

New section S30.14 provides a list of vitamins and minerals that may be added to formulated supplementary foods for young children. This information is currently in columns 2 and 3 of Table 3 in the Schedule to Standard 2.9.3.

New section S30.15 provides a list of vitamins and minerals that may be added to a one-day quantity of formulated supplementary sports foods. This information is currently in the Table to paragraph 2(a) to Standard 2.9.4.

New section S30.16 provides a list of additional permitted forms of vitamins and minerals that may be added to formulated supplementary sports foods and formulated meal replacements. This information is currently in the Schedule to Standard 2.9.4. The intake amounts for biotin and pantothenic acid have been revised to ensure consistency with the intake amounts currently specified in the Schedule to Standard 1.1.1.

New section S30.17 provides a list of the amino acids that may be added to formulated supplementary sports foods. This information is currently in the Table to paragraph 2(b) in the Schedule to Standard 2.9.4.

New section S30.18 provides a list of nutritive substances that may be added to formulated meal replacements. This information is currently in the table to paragraph 2(c) in Standard 2.9.4. in Standard 2.9.4 the substances are not identified as nutritive substances.

New section S30.19 provides a list of substances that may be added to food for special medical purposes. This information is currently in Table 2 in Schedule 1 to Standard 2.9.5.

New section S30.20 provides a list of the quantities of nutrients that must be in food for special medical purposes that is represented as being a sole source of nutrition. This information is currently in Schedule 2 to Standard 2.9.5.