11 November 2016
[29–16]

Call for submissions – Proposal P1043

Code Revision (2016)

FSANZ has assessed a proposal prepared to make minor amendments, including the correction of typographical errors, inconsistencies, formatting issues and updating of references, and has prepared a draft food regulatory measure. Pursuant to section 61 of the *Food Standards Australia New Zealand Act 1991* (FSANZ Act), FSANZ now calls for submissions to assist consideration of the draft food regulatory measure.

For information about making a submission, visit the FSANZ website at information for submitters.

All submissions on applications and proposals will be published on our website. We will not publish material that is provided in-confidence, but will record that such information is held. In-confidence submissions may be subject to release under the provisions of the *Freedom of Information Act 1991*. Submissions will be published as soon as possible after the end of the public comment period. Where large numbers of documents are involved, FSANZ will make these available on CD, rather than on the website.

Under section 114 of the FSANZ Act, some information provided to FSANZ cannot be disclosed. More information about the disclosure of confidential commercial information is available on the FSANZ website at information for submitters .

Submissions should be made in writing; be marked clearly with the word 'Submission' and quote the correct project number and name. While FSANZ accepts submissions in hard copy to our offices, it is more convenient and quicker to receive submissions electronically through the FSANZ website via the link on documents for public comment. You can also email your submission directly to submissions@foodstandards.gov.au.

There is no need to send a hard copy of your submission if you have submitted it by email or via the FSANZ website. FSANZ endeavours to formally acknowledge receipt of submissions within 3 business days.

DEADLINE FOR SUBMISSIONS: 6pm (Canberra time) 16 December 2016

Submissions received after this date will not be considered unless an extension had been given before the closing date. Extensions will only be granted due to extraordinary circumstances during the submission period. Any agreed extension will be notified on the FSANZ website and will apply to all submitters.

Questions about making submissions or the application process can be sent to standards.management@foodstandards.gov.au.

Hard copy submissions may be sent to one of the following addresses:

Food Standards Australia New Zealand
PO Box 5423
KINGSTON ACT 2604
AUSTRALIA
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PO Box 10559
The Terrace WELLINGTON 6143
NEW ZEALAND
Tel +64 4 978 5630

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Supporting documents

The following document[1] following documents which informed the assessment of this Proposal is available on the FSANZ website

SD1 List of proposed amendments

[1] http://www.foodstandards.gov.au/code/proposals/Pages/P1043-CMP-2016.aspx

Executive summary

FSANZ has prepared Proposal P1043 to make a number of amendments to the *Australia New Zealand Food Standards Code* (the Code) including the correction of typographical errors, inconsistencies, formatting issues, and updating of references.

The proposed amendments are all minor in nature. No potential public health and safety concerns have been identified.

Each amendment is explained in SD1.

1 Introduction

1.1 The Proposal

Proposal P1043 was prepared to make a range of minor amendments to the Code including the correction of typographical errors, inconsistencies, formatting issues, and updating of references.

1.2 The current Standards

A number of standards are affected by the proposed amendments. The standards affected are listed in SD1, together with an explanation of each amendment.

1.3 Reasons for preparing the Proposal

Minor typographical and grammatical errors and cross-reference issues are identified in the Code from time-to-time. References in the Code also become superseded as the documents they refer to are updated. This Proposal was prepared to resolve such issues.

1.4 Procedure for assessment

The Proposal is being assessed under the General Procedure.

2 Summary of the assessment

2.1 Risk assessment

All of the issues considered are relatively minor in nature, and fall into the following broad categories:

- **correcting minor errors and omissions, and improving clarity**
  The amendments include the correction of typographical errors and incorrect spelling and punctuation, as well as re-wording of text to improve clarity.

- **updating references**
  References to the names of standards or cross-references within the Code have been amended or updated.

- **updating material from international sources**
  These changes include the replacement of references to more recent international publications. The inclusion of these references, numbering and nomenclature alters the legal effect of the affected standards.

  FSANZ has confidence in the specialist abilities of the internationally recognised scientific organisations or authorities producing these publications. FSANZ is satisfied that appropriate and rigorous assessments have been carried out by these bodies to ensure that there are no public health or safety issues and that these publications can be incorporated by reference in the Code.

- **omitting material that is no longer required**
  These amendments include the omission of provisions that have ceased to have effect, such as Standard 5.1.1, which was a transitional Standard associated with the revision of the Code in 2015.

- **variations to Notes**
  Notes are not, by virtue of the definition of a 'standard' in the FSANZ Act, part of a draft standard and are therefore not subject to the standards development process under part 3 of the FSANZ Act. The Editorial notes have only been provided for completeness.

No potential public health and safety concerns have been identified.

2.2 Risk management

The proposed amendments will ensure that the Code remains current and that errors and inconsistencies are addressed.

2.3 Risk communication

2.3.1 Consultation

Consultation is a key part of FSANZ's standards development process. Stakeholders will be notified about this Proposal via the Notification Circular, media release, Food Standard News and on the FSANZ website and are welcome to make submissions.

2.3.2 World Trade Organization (WTO)

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

Amending the Code to make minor corrections and updates is unlikely to have a significant effect on international trade. Therefore, a notification to the WTO under Australia's and New Zealand's obligations under the WTO Technical Barriers to Trade or Sanitary and Phytosanitary Measures Agreement was not considered necessary.

2.4 FSANZ Act assessment requirements

When assessing this Proposal and the subsequent development of a food regulatory measure, FSANZ has had regard to the following matters in section 59 of the FSANZ Act:

2.4.1 Section 59

2.4.1.1 Consideration of costs and benefits

As all the proposed variations are relatively minor in nature, FSANZ considers that there is likely that there would be no or low cost benefit issues. The updating of references provides greater utility for industry.

If the amendments are not made, errors, inconsistencies and outdated references would continue to exist.

The Office of Best Practice Regulation, in an email on 9 November 2016 (reference 21498) advised that, on the basis of information provided by FSANZ, the Proposal did not appear to have a regulatory impact on businesses or individuals. Accordingly, the preparation of a COAG regulation impact statement is not required.

2.4.1.2 Other measures

There are no other measures (whether available to FSANZ or not) that would be more cost-effective than a food regulatory measure varied as a result of the Proposal.

2.4.1.3 Any relevant New Zealand standards

Most of the standards affected by these amendments are joint food standards with New Zealand. One standard operates in Australia only.

2.4.1.4 Any other relevant matters

Other relevant matters are considered below.

2.4.2 Subsection 18(1)

FSANZ has also considered the three objectives in subsection 18(1) of the FSANZ Act during the assessment and has concluded that due to the nature of the proposed variations, they do not have any impact on measures in place for:

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

2.4.3 Subsection 18(2) considerations

FSANZ has also had regard to:

- the need for standards to be based on risk analysis using the best available scientific evidence
- the desirability of an efficient and internationally competitive food industry
- the promotion of fair trading in food
- any written policy guidelines formulated by the Forum on Food Regulation.

All the proposed variations are minor and these considerations are not directly relevant.

In relation to the promotion of an efficient and competitive food industry and of consistency between domestic and international food standards, several amendments update or include references to internationally recognised publications.

3 Draft variation

The draft variation is at Attachment A. The draft variations are intended to take effect on gazettal.

A draft explanatory statement is at Attachment B. An explanatory statement is required to accompany an instrument if it is lodged on the Federal Register of Legislation.

Attachments

A. Draft variations to the *Australia New Zealand Food Standards Code*
B. Draft Explanatory Statement

Attachment A – Draft variation to the *Australia New Zealand Food Standards Code*

Food Standards (Proposal P1043 – Code Revision (2016)) Variation

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The Board of Food Standards Australia New Zealand gives notice of the making of this variation under section 92 of the *Food Standards Australia New Zealand Act 1991*. The Standard commences on the date specified in clause 3 of this variation.

Dated [To be completed by Standards Management Officer]

Standards Management Officer
Delegate of the Board of Food Standards Australia New Zealand

Note:

This variation will be published in the Commonwealth of Australia Gazette No. FSC XX on XX Month 20XX. This means that this date is the gazettal date for the purposes of clause 3 of the variation.

1 Name

This instrument is the *Food Standards (Proposal P1043 – Code Revision (2016)) Variation*.

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

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

3 Commencement

The variation commences on gazettal.

SCHEDULE

Standard 1.1.1 – Structure of the Code and general provisions

[1] Section 1.1.1—2(2)

Omit 'Standard 4.2.4A Primary Production and Processing Standard for Specific Cheeses'

[2] Section 1.1.1—2(2)

Omit

Chapter 5 Revocation, transitionals etc

Standard 5.1.1 Revocation and transitional provisions – 2014 revision

Standard 1.1.2 – Definitions used throughout the Code

[3] Section 1.1.2—2(3) (definition of *permitted flavouring substance*)

Omit '2013 (edition 26)', substitute '2015 (edition 27)'

Standard 1.2.1 – Requirements to have labels or otherwise provide information

[4] Section 1.2.1—9(6)

Omit 'stated in labelling that is'

[5] Section 1.2.1—9(7)(c)

Omit '1.2.7—27(4)', substitute '1.2.7—26(4)'

[6] Section 1.2.1—9(7)(d)

Omit '1.2.7—27(2) and 1.2.7—27(3)', substitute '1.2.7—26(2) and 1.2.7—26(3)'

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

[7] Section 1.2.3—4(1)(b)(i)(B)(b)

Omit 'mg/kg;', substitute 'mg/kg; or'.

Standard 1.2.5 – Information requirements – Date marking of food for sale

[8] Section 1.2.5—3(2)

Omit, and substitute

(2) Unless the food is an infant formula product, the date marking information is not required if:

(a) the *best-before date of the food is 2 years or more after the date it is determined; or

(b) the food is an individual portion of ice cream or ice confection.

Standard 1.2.7 – Nutrition, health and related claims

[9] Section 1.2.7—2 (Note 1) (paragraph (c) of the definition of *food group*)

Omit 'legumes and cereals', substitute 'legumes, cereals, nuts, seeds, or a combination of these ingredients'

[10] Section 1.2.7—18(4) (Note)

Omit 'Part 9 of Chapter 2', substitute 'Part 2.9'

[11] Section 1.2.7—20(3)(a)

Omit '(4)', substitute '(6)'

Standard 1.2.8 – Nutrition information requirements

[12] Section 1.2.8—6(1)(d)(i)

Omit 'calories or kilocalories', substitute 'kilocalories'

Standard 1.3.2 – Vitamins and minerals

[13] Standard 1.3.2 (Note 3)

Omit '1.1.1—10(4)(b)', substitute '1.1.1—10(6)(b)'

Standard 1.5.1 – Novel foods

[14] Standard 1.5.1 (Note 3)

Omit '1.1.1—10(3)(b) and (4)(f)', substitute '1.1.1—10(5)(b) and (6)(f)'

[15] Section 1.5.1—3

Omit '1.1.1—10(3)(b) and (4)(f)', substitute '1.1.1—10(5)(b) and (6)(f)'

Standard 2.5.7 – Dried milk, evaporated milk and condensed milk

[16] Section 2.5.7—5(1)

Omit, and substitute

(1) A food that is sold as evaporated milk must:

(a) be evaporated milk; and

(b) contain no less than 34% m/m milk protein in milk solids non-fat.

Standard 2.6.3 – Kava

[17] Standard 2.6.3 (Note 3)

Omit '1.1.1—10(3)(e) and (4)(i)', substitute '1.1.1—10(5)(e) and (6)(i)'

[18] Section 2.6.3—3

Omit 'paragraphs1.1.1—10(3)(e)', substitute 'paragraph 1.1.1—10(5)(e)'

Standard 2.9.1 – Infant formula products

[19] Section 2.9.1—11(1)(a)(ii)

Omit 'S29—8', substitute 'S29—9'

[20] Section 2.9.1—22

Omit, and substitute

2.9.1—22 Storage instructions

For the labelling provisions, the storage instructions must cover the period after the package is opened.

Note The labelling provisions are set out in Standard 1.2.1.

Standard 2.9.3 – Formulated meal replacements and formulated supplementary foods

[21] Section 2.9.3—5(1)(c)

Omit 'S29—14', substitute 'section S29—14'

[22] Section 2.9.3—5(2)(a)

Omit 'S29—14', substitute 'section S29—14'

[23] Section 2.9.3—6(1)(a)

Omit 'S29—14', substitute 'section S29—14'

Standard 2.9.4 – Formulated supplementary sports foods

[24] Section 2.9.4—6(2)

Omit, and substitute

(2) The label on a package of formulated supplementary sports food may claim the presence of a vitamin or mineral in the food only if:

(a) a serving of the food, or, for a food that requires dilution or reconstitution according to directions, the amount of the food that produces a normal serving, contains at least 10% *RDI or *ESADDI for that vitamin or mineral specified in Column 3 of the table to section S1—2 or S1—3, as appropriate; and

(b) the amount claimed is no more than the amount specified in Column 3 of the table to section S29—16 for that vitamin or mineral.

Standard 2.9.5 – Food for special medical purposes

[25] Section 2.9.5—3

Omit, and substitute

2.9.5—3 Application of other standards

The following provisions do not apply to food for special medical purposes:

(a) subsections 1.1.1—10(6)(b) (foods used as nutritive substances) and 1.1.1—10(6)(f) (novel foods); and

(b) unless the contrary intention appears, Part 1.2 of Chapter 1 (labelling and other information requirements); and;

(c) Standard 2.9.2, Standard 2.9.3 or Standard 2.9.4 (food for infants, formulated meal replacements and formulated supplementary foods, formulated supplementary sports foods).

[26] Section 2.9.5—11(b)

Omit, and substitute

(b) information that complies with Articles 18, 19, 20 of Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers;

Standard 2.10.3 – Chewing gum

[27] Section 2.10.3—4(2)

Omit 'serve' wherever occurring, substitute 'serving'

[28] Section 2.10.3—5(1)

Omit 'serve' wherever occurring, substitute 'serving'

Standard 4.2.4 – Primary production and processing standard for dairy products

[29] Section 4.2.4—16(3)

Omit, and substitute

(3) However, milk or dairy products used to make cheese or cheese products do not need to be processed in accordance with subclauses 16(1) and 16(2) –

(a) if the cheese or cheese product is processed such that –

(i) the curd is heated to a temperature of no less than 48°C; and
(ii) the cheese or cheese product has a moisture content of less than 39%, after being stored at a temperature of no less than 10°C for a period of no less than 120 days from the date of processing; or

(b) the milk is produced, transported and processed in in accordance with Division 5 if used to make raw milk cheese.

[30] Section 4.2.4—21

Omit 'must subject', substitute 'must be subject'

Standard 5.1.1 – Revocation and transitional provisions – 2014 revision

[31] Repeal the Standard

Schedule 1 – RDIs and ESADDIs

[32] Section S1—2 (table)

Omit

Vitamin C	RDI	40 mg^3 total of L-ascorbic and dehydro-ascorbic acid	30 mg^3 total of L-ascorbic and dehydro-ascorbic acid	30 mg^3 total of L-ascorbic and dehydro-ascorbic acid

substitute

Vitamin C	RDI	40 mg total of L-ascorbic and dehydro-ascorbic acid	30 mg total of L-ascorbic and dehydro-ascorbic acid	30 mg total of L-ascorbic and dehydro-ascorbic acid

[33] Section S1—5(2) (table)

Omit the subsection, substitute

(2) The table to this subsection is:

Conversion factors—vitamin E

Vitamin E form	***Conversion factor (µg/1 µg alpha-tocopherol equivalents)***
dl-alpha-tocopherol	1.36
d-alpha-tocopherol concentrate	(see paragraph (1)(b))
Tocopherols concentrate, mixed	(see paragraph (1)(b))
d-alpha-tocopheryl acetate	1.10
dl-alpha-tocopheryl acetate	1.49
d-alpha-tocopheryl acetate concentrate	(see paragraph (1)(b))

Vitamin E form	*Conversion factor (µg/1 µg alpha-tocopherol equivalents)*
d-alpha-tocopheryl acid succinate	1.23

Note Natural forms of vitamin E may have conversion factors that are not provided in this table.

Schedule 3 – Identity and purity

[34] Section S3—2(1)(b)

Omit

(vii) FAO JECFA Monographs 13 (2012); or

(c) United States Pharmacopeial Convention (2014) Food chemicals codex. 9th ed, United States Pharmacopeial Convention, Rockville, MD; or

substitute

(vii) FAO JECFA Monographs 13 (2012);

(viii) FAO JECFA Monographs 14 (2013);

(ix) FAO JECFA Monographs 16 (2014);

(x) FAO JECFA Monographs 17 (2015); or

(c) United States Pharmacopeial Convention (2016) Food chemicals codex. 10th ed, United States Pharmacopeial Convention, Rockville, MD; or

[35] Section S3—3(j)

Omit '(2013)', substitute '(2016)'

[36] Section S3—6

Omit

(2) The resins are limited to use in aqueous process streams for the removal of proteins and polyphenols from beer. The pH range for the resins shall be no less than 2 and no more than 5, and the temperatures of water and food passing through the resin bed shall not exceed 2°C. pH and temperature restrictions do not apply to cleaning processes.

(3) When subjected to the extraction regime listed in the 21 CFR § 173.25(c)(4), but using dilute hydrochloric acid at pH 2 in place of 5% acetic acid, the ion exchange resins shall result in no more than 25 ppm of organic extractives.

substitute

(2) When subjected to the extraction regime listed in the 21 CFR § 173.25(c)(4), but using dilute hydrochloric acid at pH 2 in place of 5% acetic acid, the ion exchange resins shall result in no more than 25 ppm of organic extractives.

[37] Section S3—9

Omit

(2) The resins are limited to use in aqueous process streams for the isolation and purification of protein concentrates and isolates. The pH range for the resins shall be no less than 2 and no more than 10, and the temperatures of water and food passing through the resin bed must be no more than 40°C.

(3) When subjected to the extraction regime listed in the 21 CFR § 173.25(c)(4), but using dilute hydrochloric acid at pH 2 in place of 5% acetic acid, the ion exchange resins shall result in no more than 25 ppm of organic extractives.

substitute

(2) When subjected to the extraction regime listed in the 21 CFR § 173.25(c)(4), but using dilute hydrochloric acid at pH 2 in place of 5% acetic acid, the ion exchange resins shall result in no more than 25 ppm of organic extractives.

[38] Section S3—11

Omit

(2) The resins are limited to use in aqueous process streams for the isolation and purification of protein concentrates and isolates. The pH range for the resins shall be no less than 2 and no more than 10, and the temperatures of water and food passing through the resin bed must be no more than 50°C.

(3) When subjected to the extraction regime listed in the 21 CFR § 173.25(c)(4), but using dilute hydrochloric acid at pH 2 in place of 5% acetic acid, the ion exchange resins shall result in no more than 25 ppm of organic extractives.

substitute

(2) When subjected to the extraction regime listed in the 21 CFR § 173.25(c)(4), but using dilute hydrochloric acid at pH 2 in place of 5% acetic acid, the ion exchange resins shall result in no more than 25 ppm of organic extractives.

[39] Section S3—25

Omit

(2) The resins are limited to use in aqueous process streams for the isolation and purification of protein concentrates and isolates. The pH range for the resins shall be no less than 2 and no more than 10, and the temperatures of water and food passing through the resin bed must be no more than 50°C.

(3) When subjected to the extraction regime listed in the 21 CFR § 173.25(c)(4), but using dilute hydrochloric acid at pH 2 in place of 5% acetic acid, the ion exchange resins shall result in no more than 25 ppm of organic extractives.

substitute

(2) When subjected to the extraction regime listed in the 21 CFR § 173.25(c)(4), but using dilute hydrochloric acid at pH 2 in place of 5% acetic acid, the ion exchange resins shall result in no more than 25 ppm of organic extractives.

Schedule 4 – Nutrition, health and related claims

[40] Section S4—6

Omit

Category score	*NPSC category*	*The *nutrient profiling score must be less than …*

substitute

Category	*NPSC category*	*The *nutrient profiling score must be less than …*

Schedule 5 – Nutrient profiling scoring method

[41] Section S5—3

Omit ‘average energy content and the average quantity’, substitute ‘*average energy content and the *average quantity’

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

[42] Section S8—2

Omit (from the numerical list)

308 δ-Tocopherol

309 γ-Tocopherol

substitute

308 γ-Tocopherol

309 δ-Tocopherol

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

[43] Note 1

Omit '1.2.4—4(b)(i)', substitute '1.2.4—4(b)(iii)'

Schedule 11 – Calculation of values for nutrition information panel

[44] Section 11—2(4)

Omit the subsection, substitute

(4) If for Standard 1.2.8 the *average energy content may be expressed in kilocalories, the number of kilocalories/100g must be calculated in accordance with the following equation:

$$AE(C) = \frac{AE(kJ)}{4.18}$$

where

AE(C) is the average energy content in kilocalories/100 g;

AE(kJ) is the average energy content in kilojoules/100 g, calculated in accordance with the equation set out in subsection (1).

Schedule 12 – Nutrition information panels

[45] Section S12—7

Omit 'serve', substitute 'serving'

Schedule 15 – Substances that may be used as food additives

[46] Section S15—5 (table)

Omit

8.3 ***Processed comminuted meat, poultry and game products***

substitute

8.3 ***Processed comminuted meat, poultry and game products, other than products listed in item 8.3.2***

Schedule 16– Types of substances that may be used as food additives

[47] Section S16—3 (heading)

Omit 'Colouring', substitute 'Colourings'

Schedule 17 – Vitamins and minerals

[48] Section S17—2

Insert before the table

For subsections 1.3.2—3, 2.9.3—3(2), 2.9.3—5(2), 2.9.3—6(2), 2.9.3—6(3), 2.9.3—7(2), 2.9.3—8(2), 2.9.3—8(3) and 2.9.4—3(1) the permitted forms of minerals are:

Schedule 18 – Processing aids

[49] Section S18—3

Omit (when second appearing)

Regenerated cellulose, cross-linked and alkylated with epichlorohydrin and propylene oxide, then derivatised with tertiary amine groups whereby the amount of epichlorohydrin plus propylene oxide is no more than 70% of the starting amount of cellulose	GMP

substitute

Regenerated cellulose, cross-linked and alkylated with epichlorohydrin, then derivatised with tertiary amine groups whereby the amount of epichlorohydrin is no more than 10% of the starting amount of cellulose	GMP

[50] Section S18—9

Omit

Potassium bromate	Germination control in malting of bromate	Limit of determination
Salmonella phage preparation (S16 and FO1a)	Reduce population of *Salmonella* species on the surface of raw meat and raw poultry meat during processing.	GMP
Sodium bromate	Germination control in malting of bromate	Limit of determination

substitute

Potassium bromate	Germination control in malting	Limit of determination of bromate
Salmonella phage preparation (S16 and FO1a)	Reduce population of *Salmonella* species on the surface of raw meat and raw poultry meat during processing.	GMP
Sodium bromate	Germination control in malting	Limit of determination of bromate

Schedule 19 – Maximum levels of contaminants and natural toxicants

[51] Section S19—7(2)

Omit ‘For this the table’, substitute ‘For the table’

Schedule 21 – Extraneous residue limits

[52] Note 1

Omit ‘1.1.1—10(5)’, substitute ‘1.1.1—10(6)’

Schedule 23 – Prohibited plants and fungi

[53] Note 1

Omit ‘1.1.1—10(3)(a) and (4)(e)’, substitute ‘1.1.1—10(5)(a) and (6)(e)’

Schedule 24 – Restricted plants and fungi

[54] Note 1

Omit ‘1.1.1—10(3)(a) and (4)(e)’, substitute ‘1.1.1—10(5)(a) and (6)(e)’

Schedule 25 – Permitted novel foods

[55] Note 1

Omit ‘1.1.1—10(3)(b) and (4)(f)’, substitute ‘1.1.1—10(5)(b) and (6)(f)’

Schedule 26 – Food produced using gene technology

[56] Section S26—3(4) (table)

Omit

(c)	insect- and virus-protected potato lines RBMT15-101, SEM15-02 and SEM15-15

substitute

(c)	insect- and virus-protected potato lines RBMT15-101, SEMT15-02 and SEMT15-15

Schedule 27 – Microbiological limits in food

[57] Section S27—4

Omit 'Powdered infant formula products', substitute 'Powdered infant formula'

Schedule 29 – Special purpose foods

[58] Section S29—21 (table)

Omit, from the heading

Column 1	***Column 2***	***Column 3***
Nutrient	*Minimum amount per mJ*	*Maximum amount per mJ*

substitute

Column 1	***Column 2***	***Column 3***
Nutrient	*Minimum amount per MJ*	*Maximum amount per MJ*

[59] Section S29—21 (table)

Omit

Vitamin E equivalents	1 mg alpha-tocopherol[3]	No maximum set

substitute

Vitamin E	1 mg alpha-tocopherol equivalents[3]	No maximum set

Attachment B – Draft Explanatory Statement

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.

FSANZ prepared Proposal P1043 to make a number of relatively minor amendments to the Code. The Authority considered the Proposal in accordance with Division 2 of Part 3 and has prepared a draft variation to a number of standards.

2. Purpose

The Authority has prepared draft variations. The issues considered are relatively minor in nature, and fall into the following broad categories:

- correcting minor errors and omissions, and improving clarity
- updating references
- updating material from international sources
- omitting material that is no longer required
- variations to editorial notes.

3. Documents incorporated by reference

Some of the variations to food regulatory measures update documents incorporated by reference. The documents are:

- Generally Recognised as Safe (GRAS) lists of flavouring substances published by the Flavour and Extract Manufacturers' Association of the United States from 1960 to 2013 (edition 26)
- Chemically-defined flavouring substances, Council of Europe, November 2000
- Article 6, Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs
- the International Oenological Codex published by the Organisation Internationale de la Vigne et du Vin (OIV).

4. Consultation

In accordance with the procedure in Division 2 of Part 3 of the FSANZ Act, the Authority's consideration of Proposal P1043 includes one round of public consultation following an assessment and the preparation of a draft variation to a number of standards and an associated assessment summary.

A Regulation Impact Statement was not required because of the nature of the proposed variations as described in section 2 above.

5. 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 under section 94 of the FSANZ Act.

6. Variations

6.1 Correcting minor errors and omissions, and improving clarity

Items [4], [7], [8], [12], [16], [20], [24] and [25], [27] to [30], [32] to [42], [44] to [51] and [56] to [59] include amendments to correct minor errors and omissions to text and punctuation, as well improving clarity of some text.

6.2 Updating references

Items [5], [6], [9] to [11], [13] to [15], [17] to [23], [33], [43] and [52] to [55] update cross-references within the Code.

6.3 Updating material from international sources

Items [3], [26], [34] and [35] reflect changes to sources incorporated by reference.

6.4 Omitting material that is no longer required

Items [1], [2] and [31] omit provisions that have ceased to have effect.

6.5 Variations to Notes

Item [7] updates a reference, to a definition. The definition in Standard 1.1.2 was varied in early 2016.

Notes are not, by virtue of the definition of ‘standard’ in the FSANZ Act, part of a draft standard and are therefore not subject to the standards development process under Part 3 of the FSANZ Act. The Note variation is provided for completeness.