

**20 February 2017**  
**[06–17]**

Approval report – Proposal P1043

Code Revision (2016)

---

Food Standards Australia New Zealand (FSANZ) has assessed a proposal to make minor amendments, including the correction of typographical errors, inconsistencies and formatting issues and updating of references.

On 11 November 2017, FSANZ sought submissions on draft variations and published an associated report. FSANZ received 8 submissions.

FSANZ approved the draft variation on 8 February 2017. The Australia and New Zealand Ministerial Forum on Food Regulation (Forum) was notified of FSANZ's decision on 17 February 2017.

This Report is provided pursuant to paragraph 63(1)(b) of the *Food Standards Australia New Zealand Act 1991* (the FSANZ Act).

## Table of contents

<b>EXECUTIVE SUMMARY</b> .....	<b>2</b>
<b>1 INTRODUCTION</b> .....	<b>3</b>
1.1 THE PROPOSAL .....	3
1.2 THE CURRENT STANDARD .....	3
1.3 REASONS FOR PREPARING PROPOSAL .....	3
1.4 PROCEDURE FOR ASSESSMENT .....	3
1.5 DECISION .....	3
<b>2 SUMMARY OF THE FINDINGS</b> .....	<b>3</b>
2.1 SUMMARY OF ISSUES RAISED IN SUBMISSIONS .....	3
2.2 RISK ASSESSMENT .....	6
2.3 RISK MANAGEMENT .....	7
2.4 RISK COMMUNICATION.....	7
2.4.1 Consultation.....	7
2.5 FSANZ ACT ASSESSMENT REQUIREMENTS .....	7
2.5.1 Section 59.....	7
2.5.2 Subsection 18(1).....	8
ATTACHMENT A – APPROVED DRAFT VARIATION TO THE AUSTRALIA NEW ZEALAND FOOD STANDARDS CODE.....	9
ATTACHMENT B – EXPLANATORY STATEMENT .....	20
ATTACHMENT C – DRAFT VARIATIONS TO THE AUSTRALIA NEW ZEALAND FOOD STANDARDS CODE (CALL FOR SUBMISSIONS).....	22

### Supporting document

The [following document](#)<sup>1</sup> which informed the assessment of this Proposal is available on the FSANZ website:

SD1 List of amendments (at Approval)

---

<sup>1</sup> <http://www.foodstandards.gov.au/code/proposals/Pages/P1043-CMP-2016.aspx>

## **Executive summary**

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

The approved amendments are all relatively 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 relatively minor amendments to the Code including the correction of typographical errors, inconsistencies and formatting issues, and updating of references.

## **1.2 The current Standard**

The proposal amends various Standards and Schedules in the Code.

## **1.3 Reasons for preparing 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 was assessed under the General Procedure.

## **1.5 Decision**

The draft variations to a number of Standards as proposed following assessment were approved with the inclusion of items [21] and [59] and amendment of items [1], [2], [18], [26], [30], [48], [49] and [58] (as renumbered following the inclusion of [21]). The variations take effect on gazettal.

The approved draft variations are at Attachment A. The 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.

The draft variations on which submissions were sought are at Attachment C.

# **2 Summary of the findings**

## **2.1 Summary of issues raised in submissions**

There was general support, or no objection, to the issues in the proposed draft variation.

Item [1] was varied to provide for variation of a Note. Item [2] was varied to include former item [1] in this item. Item [18] has been revised to correct grammar. Item [25] has been varied to remove a semi-colon. There was a typographical error in item [29]—duplication of the word ‘in’—which has been removed. Item [47] has been varied to make it clear that the heading changes apply to more than the main heading. Item [48] was varied to make the cross-reference more precise. Item [58] was varied to include correction of the misplacement of a navigational asterisk in Amendment 163.

Further information about amendments made to the draft that was circulated for the call for submissions is provided in the table below.

**Table 1: Summary of issues raised by submitters**

Issue	Raised by	FSANZ response (including any amendments to drafting)
We suggest that the cross references in the notes for Schedule 1 to paragraphs 1.1.2—4 (a) to (d) are also corrected.	NZFGC	This correction was made in Proposal P1036, with effect from 1 March 2016.
<p>Standard 2.6.1 “Fruit juice and vegetable juice” used to state the following in clause 1: <i>“includes products that have been concentrated and later reconstituted with water to a concentration consistent with that of the undiluted juice from which it was made.”</i> This statement has now been modified to:</p> <p>(2.6.1-2 (b)): <i>“includes a product that results from concentrating juice and then reconstituting it with water.”</i></p> <p>The original wording included the term <i>“to a concentration consistent with that of the undiluted juice from which it was made”</i> which has been left out in the modified version. It could, therefore, be interpreted in a way that reconstitution to any concentration would be acceptable, even if this would mean that the reconstituted juice would be more diluted than the single strength juice was.</p> <p>The NZBC Technical Advisory Group is concerned that this subtle change in wording opens up regulation to unethical behaviour.</p>	NZ Beverage Council	<p>The issue relates to a provision of the Code that commenced on 1 March 2016. That provision is not being varied in this Proposal.</p> <p>The former provision lacked clarity or enforceability as it was not clear what was meant by the term ‘undiluted juice from which it was made’. Reconstituted juice is not made from undiluted juice but from concentrated juice. Further, the term ‘reconstituted’ has the same meaning as a longer description that describes a liquid prior to an act of concentration.</p> <p>FSANZ is not considering a further variation of the provision.</p>
<p>[1] Section 1.1.1—2(2)</p> <p>Do not agree with omitting all of section 1.1.1—2(2) as noted in the Draft Variation. The rationale for omission relates to the reference to Chapter 5 only. Suggest omitting note (e) under section 1.1.1—2(2) and reference to Chapter 5 following this.</p>	MPI	<p>The variation omits only the reference to Chapter 5.</p> <p>FSANZ agrees that the note to the subsection should also be varied.</p>
<p>[4] Section 1.2.1—9(6)</p> <p>Under this clause, it relates to information that may either accompany or be displayed with the food or which must be provided to the purchaser on request. Given that the information can accompany or be displayed with the food, it is appropriate in this case that this information be “stated in labelling”. In order to restore the requirements prior to P1025, this clause should be revised to separate the requirements where it relates to information that is not required to be stated in labelling – ie ‘provided to the purchaser on request’ and where it is required to be stated in the labelling.</p>	MPI	<p>FSANZ considers that the variation continues the effect of the pre-P1025 provision, which was to require the relevant information to be provided either declared on or in connection with a display of the food or provide on request. That requirement could be complied with by labelling but the requirements apply only to foods for sale that are not required to bear labelling. Accordingly, we consider it inappropriate to refer to a requirement for labelling in this provision.</p>
<p>[9] Section 1.2.7—2 (Note 1)</p> <p>Agree with the omission and substitution based on the amended definition of food group in Standard 1.1.2. However, the analogues listed in S17—4 are those derived from legumes only, and include: yoghurt and dairy desserts, ice cream and cheese. The dairy analogues do not include ‘cereals, nuts, seeds or a combination of these ingredients’. We consider that section S17—4 should be reviewed for consistency with clause (c) in the amended definition of food group under Standards 1.1.2 and 1.2.7—2.</p>	MPI	<p>Section S17—4 refers to beverages derived from cereals, nuts, seeds or a combination of these ingredients. This category of beverages includes dairy analogue beverages.</p>

Issue	Raised by	FSANZ response (including any amendments to drafting)
<p>[25] Section 2.9.5—3 Supporting Document 1 states that Section 2.9.5—3 Application of other standards, incorrectly references Standard 1.3.2 – Vitamins and Minerals and Standard 1.5.2 – Food produced using gene technology and as such, the statement of provisions that do not apply to foods for special medical purposes needs to be revised. ...</p> <p>Further to this, Section 2.9.5—3(a) states that Standard 1.2.7 – <i>Nutrition, Health and Related Claims</i> do not apply to foods for special medical purposes, yet this has not been captured in the proposed substitution text prepared in the draft variation. This appears to be an oversight, as these foods may need to state their nutritional purpose, which in some cases is regarded as a claim.</p>	MPI	<p>Agree</p> <p>The current provision that specifically excludes Standard 1.2.7 from application to foods for special medical purposes is to be included within the exclusion of Part 1.2 of Chapter 1, unless a contrary intention appears. Standard 1.2.7 does not express a contrary intention that the provisions of that standard should apply to foods for special medical purposes and, accordingly, Standard 1.2.7 does not apply to foods for special medical purposes.</p>
<p>Recommends that romanised spelling of gamma and delta be included in the provisions, following the example in Codex documentation.</p>	MPI	<p>Agree in principle. However, this suggestion would require variation of a number of standards and is beyond the scope of the Proposal.</p> <p>Food additive names and numbers are being considered by FSANZ in another context.</p>
<p>[47] Section S16—3 (heading)</p> <p>In addition to the heading for Section S16—3 being amended, the headings for the two lists under S16—3 will also need to be amended that change the word colouring to colourings.</p>	MPI	Agree
<p>[48] Section S17—2</p> <p>Recommends that the cross-reference be more precise, as in section S17—3.</p>	MPI	Agree
<p>Standard 2.9.2-11 Nutrition information Part (2) (page 4) (2) Food for infants need not comply with the requirement in Standard 1.2.7 to indicate the potassium content of a food in the nutrition information panel. There is no reference to Potassium content in food in Standard 1.2.7, however Standard 1.2.8 references the potassium content in the NIP.</p> <p>Std 1.2.8—6 What must be on nutrition information panel Part (12) Claims about salt or sodium If a *claim requiring nutrition information is made in relation to salt or sodium, the nutrition information panel must include a declaration of the average quantity of potassium in accordance with section S12—3.</p> <p>Recommend changing Standard 2.9.2 to include reference Standard 1.2.8, not 1.2.7.</p>	PZ Cussons	<p>Agree. This is a consequential variation that ought to have been made in Variation 159.</p>

Issue	Raised by	FSANZ response (including any amendments to drafting)
<p>1.2.8—9 Percentage recommended dietary intake information</p> <p>(1) This section applies if: (a) a *claim requiring nutrition information is made about or based on a vitamin or mineral (the relevant vitamin or mineral); and (b) the relevant vitamin or mineral has an *RDI (see sections S1—2 and S1—3); and (c) the food to which the claim relates is not a food for infants.</p> <p>(2) Subject to section 1.2.8—10, the percentage of the *RDI for the relevant vitamin or mineral contributed by one serving of the food must be set out in the nutrition information panel.</p> <p>(3) The percentage *RDI under subsection (2) must be calculated using the nutrient values set out in the nutrition information panel. (4) Despite paragraph (1)(c), percentage recommended dietary intake information may be included in the *nutrition information panel for a *food for infants. Why include 1(c) is 4 discredits this section anyway (<i>sic</i>) recommend fixing this section.</p>	<p>PZ Cussons</p>	<p>This submission relates to a provision of the Code that is not a subject of the Proposal. FSANZ does not consider the provision requires revision.</p> <p>The provision operates to exclude food for infants from a requirement to have percentage RDI displayed on a label, while permitting that information to be displayed. Without this provision the display of the information could be an unlawful claim.</p>
<p>There is no major change to the content, therefore, FFAANZ proposes a re-wording of the text to reflect current flavouring definitions published in Codex CAC/GL 66-2008 which the flavour industry in Australia and New Zealand follows.</p> <p>FFAANZ would like the above to be addressed in this Code Maintenance revision (P1043).</p>	<p>FFAANZ</p>	<p>The variations requested by FFAANZ are not considered to be appropriate for a Code revision proposal. FSANZ is considering issues related to flavours in another context.</p>

## 2.2 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.

## **2.3 Risk management**

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

## **2.4 Risk communication**

### **2.4.1 Consultation**

Consultation is a key part of FSANZ's standards development process. FSANZ acknowledges the time taken by individuals and organisations to make submissions on this Proposal.

Public submissions were invited on draft variations which were released for public comment between 11 November 2016 and 16 December 2016. The call for submissions was notified via the Notification Circular and Food Standards News. Subscribers and interested parties were also notified. An erratum in relation to item [57] of the call for submissions draft was issued on 15 November 2016.

8 submissions were received on or before 16 December 2016, all of which generally supported the proposed variations. Some submissions made suggestions that were outside the scope of the Proposal.

All submissions were considered by the FSANZ Board.

## **2.5 FSANZ Act assessment requirements**

### **2.5.1 Section 59**

#### ***2.5.1.1 Consideration of costs and benefits***

The direct and indirect benefits that would arise from a food regulatory measure varied as a result of the Proposal outweigh the costs to the community, Government or industry that are likely to arise from the variation of the food regulatory measures.

#### ***2.5.1.2 Other measures***

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

#### ***2.5.1.3 Any relevant New Zealand standards***

There are no relevant New Zealand Standards. All standards are joint standards, with the exception of Standard 4.2.4.



#### **2.5.1.4 Any other relevant matters**

Other relevant matters are considered below.

#### **2.5.2. Subsection 18(1)**

FSANZ has also considered the three objectives in subsection 18(1) of the FSANZ Act during the assessment. FSANZ is satisfied that the proposed variations 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

#### **2.5.3 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 promotion of consistency between domestic and international food standards
- the desirability of an efficient and internationally competitive food industry
- the promotion of fair trading in food
- any written policy guidelines formulated by the Australia and New Zealand Ministerial Forum on Food Regulation.

In relation to the promotion of consistency between domestic and international food standards, several amendments update or include references to internationally recognised publications. The other issues are not relevant to this Proposal.

### **Attachments**

- A. Approved draft variation to the *Australia New Zealand Food Standards Code*
- B. Explanatory Statement
- C. Draft variation to the *Australia New Zealand Food Standards Code* (call for submissions)

## Attachment A – Approved draft variation to the *Australia New Zealand Food Standards Code*



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

---

The Board of Food Standards Australia New Zealand gives notice of the making of this variation under section 92 of the *Food Standards Australia New Zealand Act 1991*. The 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

**Note** The Chapters cover the following material:

- (a) Chapter 1:
  - (i) preliminary material; and
  - (ii) provisions that apply to all foods;
- (b) Chapter 2—provisions that apply only to particular foods;
- (c) Chapter 3—food hygiene (applies in Australia only);
- (d) Chapter 4—the primary production and processing of food (applies in Australia only);
- (e) Chapter 5—revocation of previous versions of Standards 1.1.1 to 2.10.3 and transitional matters.

Schedules 1 to 30 follow Chapter 5.

substitute

**Note** The Chapters cover the following material:

- (a) Chapter 1:
  - (i) preliminary material; and
  - (ii) provisions that apply to all foods;
- (b) Chapter 2—provisions that apply only to particular foods;
- (c) Chapter 3—food hygiene (applies in Australia only);
- (d) Chapter 4—the primary production and processing of food (applies in Australia only);

Schedules 1 to 29 follow Chapter 4.

**[2] Section 1.1.1—2(2)**

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

and 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 'paragraphs 1.1.1—10(3)(e) do', substitute 'paragraph 1.1.1—10(5)(e) does'

### **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 2.9.2 – Food for infants**

**[21] Section 2.9.2—11(2)**

Omit 'Standard 1.2.7', substitute 'subsection 1.2.8—6(12)'

### **Standard 2.9.3 – Formulated meal replacements and formulated supplementary foods**

**[22] Section 2.9.3—5(1)(c)**

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

**[23] Section 2.9.3—5(2)(a)**

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

**[24] Section 2.9.3—6(1)(a)**

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

### **Standard 2.9.4 – Formulated supplementary sports foods**

**[25] 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 tables to sections 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**

**[26] 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) paragraphs 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).

#### [27] 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

#### [28] Section 2.10.3—4(2)

Omit 'serve' wherever occurring, substitute 'serving'

#### [29] Section 2.10.3—5(1)

Omit 'serve' wherever occurring, substitute 'serving'

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

#### [30] 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 accordance with Division 5 if used to make raw milk cheese.

#### [31] Section 4.2.4—21

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

### Standard 5.1.1 – Revocation and transitional provisions – 2014 revision

[32] Repeal the Standard

### Schedule 1 – RDIs and ESADDIs

#### [33] Section S1—2 (table)

Omit

Vitamin C	RDI	40 mg <sup>3</sup> total of L-ascorbic and dehydro-ascorbic acid	30 mg <sup>3</sup> total of L-ascorbic and dehydro-ascorbic acid	30 mg <sup>3</sup> 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
-----------	-----	---	---	---

**[34] Section S1—5(2) (table)**

Omit the subsection, substitute

- (2) The table to this subsection is:

**Conversion factors—vitamin E**

<i>Vitamin E form</i>	<i>Conversion factor (µg/1 µg alpha-tocopherol equivalents)</i>
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))
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**

**[35] Section S3—2(1)(b)**

Omit

- (vii) FAO JECFA Monographs 13 (2012); or  
(c) United States Pharmacopeial Convention (2014) Food chemicals codex. 9<sup>th</sup> 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. 10<sup>th</sup> ed, United States Pharmacopeial Convention, Rockville, MD; or

**[36] Section S3—3(j)**

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

**[37] 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.

**[38] 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.

**[39] 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.

**[40] 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**

**[41] Section S4—6**

Omit

<i>Category score</i>	<i>NPSC category</i>	<i>The *nutrient profiling score must be less than ...</i>



substitute

Category NPSC category

The \*nutrient  
profiling score must  
be less than ...

---

## Schedule 5 – Nutrient profiling scoring method

### [42] 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)

### [43] 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

### [44] 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

### [45] 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

### [46] Section S12—7

Omit 'serve', substitute 'serving'

## Schedule 15 – Substances that may be used as food additives

### [47] 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**

**[48] Section S16—3 (headings)**

Omit 'Colouring', substitute 'Colourings'

**Schedule 17 – Vitamins and minerals**

**[49] Section S17—2**

Insert before the table

For paragraph 1.3.2—3(a), subparagraph 2.9.3—3(2)(c)(i), paragraph 2.9.3—5(2)(c), paragraph 2.9.3—7(2)(c) and sub-subparagraph 2.9.4—3(1)(a)(ii)(A) the permitted forms of minerals are:

**Schedule 18 – Processing aids**

**[50] 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

**[51] Section S18—9**

Omit

Potassium bromate	Germination control in malting of bromate	Limit of determination
<i>Salmonella</i> phage preparation (S16 and FO1a)	Reduce population of <i>Salmonella</i> 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
<i>Salmonella</i> phage preparation (S16 and FO1a)	Reduce population of <i>Salmonella</i> 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**

**[52] Section S19—7(2)**

Omit 'For this the table', substitute 'For the table'

**Schedule 21 – Extraneous residue limits**

**[53] Note 1**

Omit '1.1.1—10(5)', substitute '1.1.1—10(6)'

### Schedule 23 – Prohibited 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 24 – Restricted plants and fungi

**[55] 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

**[56] 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

**[57] 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

**[58] Section S27—4**

Omit

**Powdered infant formula products \***

<i>Cronobacter</i>	30	0	not detected in 10g
<i>Salmonella</i>	60	0	not detected in 25 g

**Powdered follow-on formula\***

<i>Salmonella</i>	60	0	not detected in 25 g
-------------------	----	---	----------------------

substitute

**Powdered \*infant formula, other than powdered \*follow-on formula**

<i>Cronobacter</i>	30	0	not detected in 10g
<i>Salmonella</i>	60	0	not detected in 25 g

**Powdered follow-on formula**

<i>Salmonella</i>	60	0	not detected in 25 g
-------------------	----	---	----------------------

### Schedule 29 – Special purpose foods

**[59] Section S29—20 (table)**

Omit

Fluoride

Potassium fluoride

substitute

Fluoride

Potassium fluoride

Sodium fluoride

**[60] Section S29—21 (table)**

Omit, from the heading

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<i>Nutrient</i>	<i>Minimum amount per mJ</i>	<i>Maximum amount per mJ</i>

substitute

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<i>Nutrient</i>	<i>Minimum amount per MJ</i>	<i>Maximum amount per MJ</i>

**[61] Section S29—21 (table)**

Omit

Vitamin E equivalents

1 mg alpha-tocopherol<sup>3</sup>

No maximum set

substitute

Vitamin E

1 mg alpha-tocopherol  
equivalents<sup>3</sup>

No maximum set

## **Attachment B – 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.

The Authority prepared Proposal P1043 to make a range of minor amendments to the Code including the correction of typographical errors, inconsistencies, formatting issues, and updating of references. The Authority considered the Proposal in accordance with Division 2 of Part 3 and has approved a draft Standard.

Following consideration by the Australia and New Zealand Ministerial Forum on Food Regulation, section 92 of the FSANZ Act stipulates that the Authority must publish a notice about the standard or draft variation of a standard.

Section 94 of the FSANZ Act specifies that a standard, or a variation of a standard, in relation to which a notice is published under section 92 is a legislative instrument, but is not subject to parliamentary disallowance or sunseting under the *Legislation Act 2003*.

### **2. Purpose**

The Authority has approved the variation because 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.

### **3. Documents incorporated by reference**

The variations do not incorporate any new documents by reference, although following existing references are updated by some variations (see para 6.2):

- Generally Recognised as Safe (GRAS) flavouring substances published by the Flavour and Extract Manufacturers' Association of the United States
- European Parliament regulation on the provision of food information to consumers
- JECFA Monograph series
- Food Chemicals Codex
- International Oenological Codex

### **4. Consultation**

In accordance with the procedure in Division 2 of Part 3 of the FSANZ Act, the Authority's consideration of Proposal P1043 included one round of public consultation following an assessment and the preparation of a draft Standard and associated report. Submissions were called for on 11 November 2016 for a five-week consultation period.

A Regulation Impact Statement was not required because the variation is likely to have a minor impact on business and individuals.

## **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. Variation**

### ***6.1 Correcting minor errors and omissions, and improving clarity***

Items [4], [7], [8], [12], [16], [20], [25] to [26], [28] to [33], [37] to [43], [45] to [52] and [57] to [61] include amendments to correct minor errors and omissions to text and punctuation, as well improving clarity of some text.

### ***6.2 Updating references***

Items [1], [5], [6], [9] to [11], [13] to [15], [17] to [24], [34], [44] and [53] to [56] update cross-references within the Code.

### ***6.3 Updating material from international sources***

Items [3], [27], [35] and [36] reflect changes to sources incorporated by reference.

### ***6.4 Omitting material that is no longer required***

Items [2] and [32] 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.

## Attachment C – Draft variations to the *Australia New Zealand Food Standards Code* (call for submissions)



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

---

The Board of Food Standards Australia New Zealand gives notice of the making of this variation under section 92 of the *Food Standards Australia New Zealand Act 1991*. The 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**

**[2] 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 'paragraphs 1.1.1—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 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 <sup>3</sup> total of L-ascorbic and dehydro-ascorbic acid	30 mg <sup>3</sup> total of L-ascorbic and dehydro-ascorbic acid	30 mg <sup>3</sup> 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**

<i>Vitamin E form</i>	<i>Conversion factor (µg/1 µg alpha-tocopherol equivalents)</i>
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))

<i>Vitamin E form</i>	<i>Conversion factor (<math>\mu\text{g}/1 \mu\text{g}</math> alpha-tocopherol equivalents)</i>
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. 9<sup>th</sup> 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. 10<sup>th</sup> 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

<i>Category</i>	<i>NPSC category</i>	<i>The *nutrient profiling score must be less than ...</i>
<i>score</i>		

substitute

<i>Category</i>	<i>NPSC category</i>	<i>The *nutrient profiling score must be less than ...</i>

**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 section 1.3.2—3 and subsections 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
<i>Salmonella</i> phage preparation (S16 and FO1a)	Reduce population of <i>Salmonella</i> 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
<i>Salmonella</i> phage preparation (S16 and FO1a)	Reduce population of <i>Salmonella</i> 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, SEM15-02 and SEM15-15

---

## 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

---

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Nutrient</i>	<i>Minimum amount per mJ</i>	<i>Maximum amount per mJ</i>

---

substitute

---

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Nutrient</i>	<i>Minimum amount per MJ</i>	<i>Maximum amount per MJ</i>

---

### [59] Section S29—21 (table)

Omit

Vitamin E equivalents	1 mg alpha-tocopherol <sup>3</sup>	No maximum set
-----------------------	------------------------------------	----------------

substitute

Vitamin E	1 mg alpha-tocopherol equivalents <sup>3</sup>	No maximum set
-----------	--	----------------