

23 August 2000
03/01

**Development of joint
Australia New Zealand Food Standards**

**As part of the process of the Review of the
*Food Standards Code***

**Review of Standards A1 clause (4) etc (country of origin
labelling) and paragraphs 19(a-i) (health claims)**

**Transitional Arrangements
Proposal/Full Assessment Report**

Proposal P224

August 2000

The Authority should receive written submissions
no later than **5 September 2000**

Submissions should be sent to:

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Australia New Zealand Food Authority
at one of the following addresses:

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Canberra Mail Centre ACT 2610
Australia

or

PO Box 10559
The Terrace
Wellington 6036
New Zealand

Submissions will be placed on the Authority's public register (unless a claim of commercial confidentiality is made and accepted by the Authority) and will therefore be open to public scrutiny.

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1 PREFACE

In July 1996 an Agreement between Australia and New Zealand came into force which established the Australia New Zealand Food Authority (the Authority)—a system for developing joint food standards and an Australia New Zealand Food Standards Code.

The aim of the Agreement is to extend the Australian food standard system to include New Zealand so that food standards developed by the Authority and approved by the Australia New Zealand Food Standards Council can be adopted throughout Australia and in New Zealand. The current review of the Australian *Food Standards Code* is an important element in developing joint standards. The provisions of the Agreement provide common policy objectives for developing food standards and a common approach to a transparent, timely, consultative and accountable standards setting process—both key features of the review process. The Authority is seeking to ensure full New Zealand participation in the standards setting process and the review of food standards.

Public comment was sought on the recommendations made in the paper. This paper takes these comments received in respect of each issue into consideration and makes further recommendations and proposes draft variations to the *Food Standards Code* for revised requirements for public comment.

2 BACKGROUND

2.1 Australia New Zealand Food Authority

The Australia New Zealand Food Authority is a joint statutory body responsible for making recommendations on food standards which, when approved by the Australia New Zealand Food Standards Council, are adopted by reference and without amendment into the food laws of the Australian States and Territories. In New Zealand, for the time being, such standards apply as part of a system of dual standards, where the Australian *Food Standards Code* (AFSC) is recognised as an alternative to the New Zealand *Food Regulations 1984* (NZFR). At a future date, standards in the NZFR will be repealed and the standards developed under the joint system will apply in both countries.

The Authority's other functions include;

- developing codes of practice for industry on any matter that may be included in a food standard;
- coordinating the surveillance of food in Australia;
- liaising with the Ministry of Health in New Zealand on arrangements for imported foods;
- conducting research and surveys in relation to food standards matters;
- developing food safety education initiatives in cooperation with the States and Territories; and

- assisting in the coordination of food recalls in Australia.

The Ministry of Health manages recalls in New Zealand. In Australia, the Authority develops assessment policies in relation to imported food.

2.2 Review of Food Standards

In July 1996 an Agreement between Australia and New Zealand came into force which established the Australia New Zealand Food Authority (ANZFA) - a system for developing joint standards and an Australia New Zealand *Food Standards Code* (joint FSC).

The aim of the Agreement is to extend the Australian food standard system to include New Zealand so that food standards developed by the Australia New Zealand Food Authority and approved by Ministerial Council can be adopted throughout Australia and in New Zealand. The provisions of the Agreement provide common policy objectives for developing food standards and a common approach to a transparent, timely, consultative and accountable standards setting process - both key features of the review process. The Authority is seeking to ensure full New Zealand participation in the standards setting process and the review of food standards.

In developing or reviewing food standards, the Authority must have regard to the objectives outlined in section 10 of the *Australia New Zealand Food Authority Act 1991*.

Consistent with these statutory objectives and the policies of the Authority, the review will, where possible;

- reduce the level of prescriptiveness of standards to facilitate innovation by allowing wider permission on the use of ingredients and additives, but with consideration of the possible increased need for consumer information;
- develop standards which are easier to understand and make amendment more straightforward;
- replace standards which regulate individual foods with standards that apply across all foods or a range of foods;
- consider the possibility of industry codes of practice as an alternative to regulation; and
- facilitate harmonisation of food standards between Australia and New Zealand.

The review will also be carried out in accordance with the competition policy principles which have been adopted by the Council of Australian Governments (COAG) and the draft Code of Good Regulatory Practice (New Zealand). These principles require the review of all business regulation to remove unnecessary obstacles to competition, and an assessment of the social, environmental, and economic impacts as well as the impacts on health of proposed regulation on all affected sectors of the community.

2.3 Food Standards Setting in Australia and New Zealand

The Governments of Australia and New Zealand entered an Agreement in December 1995 establishing a system for the development of joint food standards. ANZFA is now

developing a joint FSC, which will provide compositional and labelling standards for food in both Australia and New Zealand.

- **Food imported into New Zealand other than from Australia** must comply with either the Australian *Food Standards Code*, as gazetted in New Zealand, or the New Zealand *Food Regulations 1984*, but not a combination of both. However, in all cases maximum residue limits for agricultural and veterinary chemicals must comply solely with those limits specified in the New Zealand *Food Regulations 1984*.
- **Food imported into New Zealand from Australia** must comply with either the Australian *Food Standards Code* or the New Zealand *Food Regulations 1984*, but not a combination of both. However, in all cases maximum residue limits for agricultural and veterinary chemicals must comply solely with those limits specified in the New Zealand (Maximum Residue Limits of Agricultural Compounds) Mandatory Food Standard 1999
- **Food imported into New Zealand from Australia** must comply with either the Australian *Food Standards Code* or the New Zealand *Food Regulations 1984*, but not a combination of both.
- **Food imported into Australia from New Zealand** must comply with the Australian *Food Standards Code*. However, under the provisions of the Trans-Tasman Mutual Recognition Arrangement, food may be imported into Australia from New Zealand if it complies with the New Zealand *Food Regulations 1984* or *Dietary Supplements Regulations 1985*.
- **Food manufactured in Australia and sold in Australia** must comply solely with the Australian *Food Standards Code*, except for exemptions granted in Standard T1.

In addition to the above, all food sold in New Zealand must comply with the New Zealand *Fair Trading Act 1986* and all food sold in Australia must comply with the Australian *Trade Practices Act 1974*, and the respective Australian State and Territory *Fair Trading Acts*.

Any person or organisation may apply to ANZFA to have the *Food Standards Code* amended. In addition, ANZFA may develop proposals to amend the Australian *Food Standards Code* or to develop joint Australia New Zealand food standards. ANZFA can provide advice on the requirements for applications to amend the *Food Standards Code*.

2.4 Regulatory Impact Analysis

The Authority is required, in the course of development of regulations suitable for adoption in Australia and New Zealand, to consider the impact of various options (including non-regulatory options) on all sectors of the community, including consumers, the food industry and governments in both countries. The regulatory impact assessment will identify and evaluate, though not be limited to, the costs and benefits of the regulation, and its health, economic and social impacts.

To assist in this process, comment on potential impacts or issues pertaining to these regulatory options are sought from all interested parties in order to complete the development of the regulatory impact statement. Public submissions should clearly identify relevant impact(s) or issues and provide support documentation where possible.

2.5 World Trade Organization (WTO) Notification

Both Australia and New Zealand are members of the World Trade Organization and signatories to the agreements on the Application of Sanitary and Phytosanitary Measures (SPS agreement) and on Technical Barriers to Trade (TBT agreement). Within Australia, a memorandum of understanding binding all States and Territories to the agreements has been put in place by the COAG.

In addition, the agreement between the Government of Australia and the Government of New Zealand on joint food standards explicitly requires the Authority to ensure that food standards are consistent with the WTO obligations of both countries.

The WTO agreements are predicated on a set of underlying principles that standards and other regulatory measures should be;

- based on sound scientific principles;
- developed using consistent risk assessment practices;
- transparent;
- no more trade-restrictive than necessary to achieve a legitimate objective;
- recognise the equivalence of similar measures in other countries; and
- not used as arbitrary barriers to trade.

As members of the WTO, both Australia and New Zealand have an obligation to notify the WTO of changes to food standards to enable other member countries of the WTO to make comment. Notification is required in the case of any new or changed standards which may have a significant trade effect and which depart from the relevant international standard (or where no international standard exists).

SPS Notifications

These are primarily health related, and refer to any measure applied;

- to protect animal or plant life from risks arising from the entry, establishment or spread of pests, diseases or disease carrying organisms;
- to protect human or animal life or health from risks arising from additives, contaminants, toxins or disease-carrying organisms in foods, beverages or foodstuffs;
- to protect human life or health from risks arising from diseases carried by animals, plants or products thereof, or from the entry, establishment or spread of pests; and
- to prevent or limit other damage from the entry, establishment or spread of pests.

TBT Notifications

These are primarily not related to health, but are related to matters such as trade, food composition and labelling.

WTO Notification

It is considered that the matters raised in Full Assessment Report **do not** require a notification to the WTO due to the transitional nature of the regulations.

2.6 Invitation for Public Submissions

Simplified procedures

The Authority has decided, pursuant to section 36 of the *Australia New Zealand Food Authority Act 1991*, to omit to invite public submissions in relation to the proposal prior to making a full assessment. The Authority is satisfied that omitting to invite public submissions prior to making a full assessment will not significantly adversely affect the interests of any person or body.

Section 63 of the Act provides that, subject to the *Administrative Appeals Tribunal Act 1975*, an application for a review of the Authority's decision may be made to the Administrative Appeals Tribunal by a person whose interests are significantly affected by the decision to omit to invite public submissions in relation to the proposal.

The Authority has completed a full assessment of the proposal, developed a draft joint Australia New Zealand food standard and will now conduct an inquiry to consider the draft standard and its regulatory impact.

Written submissions containing technical or other relevant information which will assist the Authority in undertaking a full assessment on matters relevant to the application, including consideration of its regulatory impact, are invited from interested individuals and organisations. Technical information presented should be in sufficient detail to allow independent scientific assessment.

Submissions providing more general comment and opinion are also invited. The Authority's policy on the management of submissions is available from the Standards Liaison Officer upon request.

The processes of the Authority are open to public scrutiny, and any submissions received will ordinarily be placed on the public register of the Authority and made available for inspection. If you wish any confidential information contained in a submission to remain confidential to the Authority, you should clearly identify the sensitive information and provide justification for treating it in confidence. The *Australia New Zealand Food Authority Act 1991* requires the Authority to treat in confidence trade secrets relating to food and any other information relating to food, the commercial value of which would be or could reasonably be expected to be, destroyed or diminished by disclosure.

All correspondence and submissions on this matter should be addressed to the **Project Manager - Proposal P224** at one of the following addresses:

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Submissions should be received by the Authority by **5 September 2000**.

General queries on this matter and other Authority business can be directed to the Standards Liaison Officer at the above address or by Email on <slo@anzfa.gov.au>. Submissions should not be sent by Email as the Authority cannot guarantee receipt. Requests for more general information on the Authority can be directed to the Information Officer at the above address or by Email <info@anzfa.gov.au>.

3 PROHIBITION ON HEALTH CLAIMS

3.1 Background & Discussion

It is proposed, for the purposes of the Review of the *Food Standards Code* pending the development of a new standard, that the existing health claims provisions be translated into draft Standard 1.1.3 (Transitional and Temporary Standards), with some minor editorial and formatting adjustments. Given the interim nature of this arrangement, it is considered unnecessary at this time, to significantly alter the drafting, other than incorporating the existing provisions into the format of the *Australia New Zealand Food Standards Code*.

During the transitional period between adoption of the *Australia New Zealand Food Standards Code* and the repeal of the *Food Standards Code* and the *New Zealand Food Regulations 1984* (NZFR), manufacturers and retailers will be able to manufacture and sell food in compliance with the new or old Codes. In New Zealand, manufacturers and retailers will be able to comply with the new Code, the old Code, or the NZFR. However, transitional arrangements will require that manufacturers, importers and retailers comply with either the new or old Codes in their entirety, and not a combination of the two.

It is therefore considered necessary to include in the *Australia New Zealand Food Standards Code*, a standard equivalent in content to the health claims provisions in Standard A1, clause 19 of the Australian *Food Standards Code* in order to maintain continuity pending the outcome of P153 (and also P170).

Options

1. Incorporate the existing provisions into the joint *Australia New Zealand Food Standards Code* as an interim measure pending the outcome of P153.
2. Do not incorporate those provisions into the joint *Australia New Zealand Food Standards Code* until a new standard is incorporated as a result of P153.

Preferred option

The preferred option is Option 1, in order to:

- maintain the status quo until a new Standard is developed through P153;and
- to maintain the integrity of the food standards system during the transitional period.

3.2 Drafting

The following changes have been made to Standard A1(19)(a-i) in clause 1 of Standard 1.1.3-

3.1 Clauses, subclauses, paragraphs etc have been renumbered to be consistent with the drafting style of the joint Code and references to ‘and’ or ‘or’ between paragraphs have been amended to comply with modern drafting practice.

3.2 The Table to paragraph A1(19)(e) has been renamed – “Table to subclause 1(5) – Permitted Health Claims”, and the reference to Standard A9 in that Table has been changed to Standard 1.3.2.

3.3 Paragraph 19(f), which is worded as follows –

- (f) A health claim must not be made in respect of the following foods -
 - (i) food standardised in Part P of this Code;
 - (ii) food standardised in Standards R4, R5, R6, R7 and R10 of this Code; and
 - (iii) soft cheeses and pâté.

has been amended in Standard 1.1.3, subclause 1(6) to read-

- (6) A health claim must not be made in respect of the following foods -
 - (a) food standardised in Part 2.7 of this Code;
 - (b) food standardised in Standards 2.9.1, 2.9.2 and 2.9.4 of this Code;
 - (c) formulated meal replacements as standardised in Standard 2.9.3; and
 - (c) soft cheeses and pâté.

This variation was necessary to reflect as close as possible the corresponding provisions in the joint Code with those referred to in paragraph A1(19)(f).

3.4 The list of products in the Table has been updated to include a number of Coles Juices which will be incorporated into the Table in the current Code via amendment 50 to the Food Standards Code.

3.5 The Editorial Note to clause 19 of Standard A1 has been amended in clause 1 of Standard 1.1.3 to reflect the corresponding provisions of the joint Code.

3.6 The reference in that Editorial Note to clause 19 to the expiry date of 13 February 2002 (the folate pilot) has been amended to 2002 to be consistent with Proposal P 170 (Pilot for the Management Framework for Health Claims).

3.7 The references throughout paragraphs A1(19)(a-i) to - “label on or attached to a package” has been amended in Standard 1.1.3 to read - “label on a package” in order to be consistent with the joint Code as a whole so as to avoid any confusion regarding the operation of labelling requirements for packaged food.

3.3 Regulatory Impact Statement

Given the transitional and interim nature of the proposal, it is considered unnecessary to conduct a regulatory impact assessment at this time. This proposal does not alter the legal intent or effect of the Standard A1, paragraphs 19(a-i). A comprehensive regulatory impact statement will be completed as part of Proposal P153 (and also P170).

4 COUNTRY OF ORIGIN LABELLING

4.1 Background & Discussion

It is proposed, for the purposes of the Review of the *Food Standards Code*, that the existing provisions be incorporated by reference into the new Standard 1.1.3 (Transitional and Temporary Standards), with a new provision making it clear that the country of origin provisions of the joint Code do not operate in New Zealand.

Given the interim nature of this arrangement, it is considered unnecessary at this time, to significantly alter the drafting, other than incorporating the existing provisions into the drafting format of the *Australia New Zealand Food Standards Code* as much as is possible.

During the transitional period between adoption of the *Australia New Zealand Food Standards Code* and the repeal of the *Food Standards Code* and the *New Zealand Food Regulations 1984* (NZFR), manufacturers and retailers will be able to manufacture and sell food in compliance with the new or old Codes. In New Zealand, manufacturers and retailers will be able to comply with the new Code, the old Code, or the NZFR. However, transitional arrangements will require that manufacturers, importers and retailers comply with either the new or old Codes in their entirety, and not a combination of the two.

Options

1. Incorporate the existing provisions into the joint *Australia New Zealand Food Standards Code* as an interim measure pending the completion of a new proposal prior to the conclusion of the transitional period.
2. Do not incorporate those provisions into the joint *Australia New Zealand Food Standards Code* until a new standard is incorporated as a result of a new proposal.

Preferred option

The preferred option is to incorporate by reference the existing provisions in clause 4 of A1, and other food specific provisions, into the joint Code as a transitional provision in Standard 1.1.3. The other relevant provisions are set out below in 4.2.

4.2 Drafting

The proposed drafting is attached and is also discussed as follows - .

Subclause 2(1), reads -

“This clause does not apply to food produced in or imported into New Zealand.”

This provision is necessary as country of origin labelling is not compulsory in New Zealand. This provisions maintains the status quo.

Subclause 2(2) incorporates the existing provisions of the *Food Standards Code* into the joint Code as follows -

“(2) For the purposes of this Code, the following provisions of the Australian Food Standards Code apply –

- (a) clause (4) of Standard A1; and
- (b) clause (4A) of Standard D1; and
- (c) clause (5) of Standard F1; and
- (d) clause 1 of Standard M4; and
- (e) clause (2A) of Standard N1; and
- (f) clauses 8 and 9 of Standard O2; and
- (g) clauses (8) and (9) of Standard O7; and
- (h) Part 3 of Standard O9; and
- (i) paragraphs (1)(e), (12)(b), (12)(c) and (12)(d) of Standard P3”

Subclause 2(2) of Standard 1.1.3 adopts clause (4) of Standard A1, and the other food specific requirements, by reference as there are no difficulties in correlating these existing provisions with the joint Code.

4.3 Regulatory Impact Statement

4.4

Given the transitional and interim nature of the proposal, it is considered unnecessary to conduct another regulatory impact assessment at this time. A comprehensive regulatory impact statement will be completed as part of a new proposal.

5. Attachment 1 –Draft Standard 1.1.3

Standard 1.1.3

Transitional and Temporary Standards

[This Standard is pending the completion of a Proposal]

Purpose

This Standard temporarily applies a number of provisions of the Australian *Food Standards Code* to this Code (the *Australia New Zealand Food Standards Code*) for a 'transitional period'. This transitional period operates from the commencement of this Code to the concurrent repeal of the Australian Food Standards Code and the New Zealand Food Regulations 1984.

Table of Provisions

- | | |
|---|--|
| 1 | Prohibition on the making of health claims in relation to food |
| 2 | Country of origin labelling requirements |

Clauses

- 1 Prohibition on the making of health claims in relation to food**
- (1) Save where otherwise expressly prescribed by this Code, any label on a package containing or any advertisement for food shall not include a claim for therapeutic or prophylactic action or a claim described by words of similar import.
 - (2) Any label on a package containing or an advertisement for a food shall not include the word 'health' or any word or words of similar import as a part of or in conjunction with the name of the food.
 - (3) Save where otherwise expressly prescribed by this Code, any label on a package containing or any advertisement for food shall not contain any word, statement, claim, express or implied, or design that directly or by implication could be interpreted as advice of a medical nature from any person.
 - (4) Save where otherwise expressly prescribed by this Code, the label on a package containing or any advertisement for food shall not contain the name of or a reference to any disease or physiological condition.
 - (5) Subject to subclauses (6), (7) and (8), a food listed in column 1 of the Table to this subclause may have a health claim listed in column 3 of the Table made in respect of that food, provided that the food meets the relevant eligibility criteria in column 2 of the Table.

Table to subclause 1(5) – Permitted Health Claims

| <p>Column 1</p> <p>Food</p> | <p>Column 2</p> <p>Eligibility Criteria Amounts specified are per each serving as specified in the nutrition information panel</p> | <p>Column 3</p> <p>Permitted Claim</p> |
|---|---|---|
| <p><u>PRIMARY FOODS</u></p> <p><u>Eggs</u> Eggs</p> <p><u>Fruit</u> Avocado Grapefruit Orange</p> <p><u>Legumes</u> McKenzie's Borlotti Beans McKenzie's Cannellini Beans McKenzie's Chick Peas McKenzie's Dried (Whole Green) Peas McKenzie's Green Split Peas McKenzie's Haricot Beans McKenzie's Italian Style Soup Mix McKenzie's Lima Beans McKenzie's Red Kidney Beans McKenzie's Red Split Lentils McKenzie's Soya Beans McKenzie's Whole Green Lentils McKenzie's Yellow Split Peas Mellow Yellow Red Kidney Beans Mellow Yellow Soya Beans Mellow Yellow Chick Peas Sanitarium Red Kidney Beans</p> <p><u>Nuts</u> Peanuts</p> <p><u>Vegetables</u> Beetroot Broccoli Brussels Sprouts</p> | <p>Primary foods as defined in Standard 1.3.2</p> <p>Contains at least 40 micrograms folate.</p> <p>Other foods</p> <p>Contains at least 40 micrograms folate and not more than - (A) 14 g fat, of which no more than 5 g is saturated fat; (B) 500 mg sodium; and (C) 10 g in total of added sugars and honey.</p> | <p>A claim which states - (a) that increased maternal folate consumption in at least the month before and 3 months following conception may reduce the risk of fetal neural tube defects; and (b) the recommendation that women consume a minimum of 400 micrograms folate per day in at least the month before and at least the first 3 months following conception.</p> |

Table to subclause 1(5) – Permitted Health Claims (Continued)

| Column 1 Food | Column 2 Eligibility Criteria Amounts specified are per each serving as specified in the nutrition information panel | Column 3 Permitted Claim |
|---|---|---|
| <p>Cabbage Cauliflower English Spinach Green beans Harvest FreshCuts Vegetable Medley Leeks Lettuce Mushrooms Parsnip Zucchini Sweet corn Watties Garden Peas Watties Baby Peas Watties Choice Cut Green Beans Watties Supersweet Corn</p> <p><u>PROCESSED FOODS</u></p> <p><u>Bread</u> Burgen Sunflower Barley and Sunflower Seed Loaf Burgen High Bake Heritage Rye Burgen High Bake Heritage White Burgen High Bake Heritage Granary Malt Burgen High Bake Heritage Soy and Linseed Burgen High Bake Heritage Wholemeal Burgen Mixed Grain Loaf Burgen Mixed Grain Fruit Loaf Burgen Oat Bran and Honey Loaf Burgen Traditional Rye Loaf Burgen Soy-Lin Loaf Pro-Rol Swiss Maid Tip Top English Muffins Tip Top Holsom's Wholemeal Tip Top Holsom's Wholemeal Toast Tip Top Holsom's Wholemeal with Wheatgerm Tip Top Holsom's Wholemeal with Wheatgerm Toast Tip Top Hyfibe White Tip Top Hyfibe White Muffins Tip Top Hyfibe White Thick Tip Top Multigrain</p> | <p>Primary foods as defined in Standard 1.3.2</p> <p>Contains at least 40 micrograms folate.</p> <p>Other foods</p> <p>Contains at least 40 micrograms folate and not more than - (A) 14 g fat, of which no more than 5 g is saturated fat; (B) 500 mg sodium; and (C) 10 g in total of added sugars and honey.</p> | <p>A claim which states - (a) that increased maternal folate consumption in at least the month before and 3 months following conception may reduce the risk of fetal neural tube defects; and (b) the recommendation that women consume a minimum of 400 micrograms folate per day in at least the month before and at least the first 3 months following conception.</p> |

Table to subclause 1(5) – Permitted Health Claims (Continued)

| Column 1 Food | Column 2 Eligibility Criteria Amounts specified are per each serving as specified in the nutrition information panel | Column 3 Permitted Claim |
|---|--|---|
| <p> Tip Top Multigrain 9 Grain Tip Top Multigrain 9 Grain Muffins Tip Top Multigrain 9 Grain Toast Tip Top Multigrain Muffins Tip Top Multigrain Toast Tip Top Pro-Rol Thick Tip Top Sunblest Thick Tip Top Sunblest Sandwich Tip Top The White Stuff Tip Top The White Stuff Muffins Uncle Tobys Vitagold Bread Uncle Tobys Energy White Bread Uncle Tobys GrainsPlus Bread </p> <p> <u>Cereals</u> Goodman Fielder Nature's Gold Jackaroo Flour Kellogg's All Bran Kellogg's All Bran Fruit 'n Oats Kellogg's Bran Flakes Kellogg's Corn Flakes Kellogg's Golden Wheats Kellogg's Guardian Kellogg's Just Right Kellogg's Mini-Wheats Apricot Kellogg's Mini-Wheats Blackcurrant Kellogg's Mini-Wheats Strawberry Kellogg's Mini-Wheats Whole Wheat Kellogg's Special K Kellogg's Sultana Bran Lowan Flake Medley with Wild Berries Sanitarium Cornflakes * Sanitarium Fruity Bix - Apricot * Sanitarium Fruity Bix - Tropical * Sanitarium Fruity Bix - Wild Berry * Sanitarium Good Start * Sanitarium Light 'n Tasty Sanitarium Lite-Bix * Sanitarium Weet-Bix Sanitarium Weet-Bix HiBran Soy & Linseed Sanitarium Weet-Bix plus Oat Bran Uncle Tobys Lite Start Breakfast Bars Uncle Tobys Lite Start Breakfast Cereal </p> | <p> Primary foods as defined in Standard 1.3.2 </p> <p> Contains at least 40 micrograms folate. </p> <p> Other foods </p> <p> Contains at least 40 micrograms folate and not more than - (A) 14 g fat, of which no more than 5 g is saturated fat; (B) 500 mg sodium; and (C) 10 g in total of added sugars and honey. </p> | <p> A claim which states - (a) that increased maternal folate consumption in at least the month before and 3 months following conception may reduce the risk of fetal neural tube defects; and (b) the recommendation that women consume a minimum of 400 micrograms folate per day in at least the month before and at least the first 3 months following conception. </p> |

Table to subclause 1(5) – Permitted Health Claims (Continued)

| Column 1 Food | Column 2 Eligibility Criteria Amounts specified are per each serving as specified in the nutrition information panel | Column 3 Permitted Claim |
|--|--|-------------------------------------|
| <p><u>Fruit/Vegetables</u> Golden Circle Kernel Corn Golden Circle Sliced & Baby Beetroot</p> <p><u>Juices</u> Berri Orange Juice (Long Life) - No Added Sugar Berri Orange Juice (Long Life) - Premium Berri Pure N' Fresh (Chilled Orange Juice) Citrus Tree Orange Juice Coles Orange Juice – No Added Sugar (Sourced from Berri Ltd) Coles Orange and Mango Juice – No Added Sugar (Sourced from Berri Ltd) Coles Apple and Blackcurrent Juice – No Added Sugar (Sourced from Berri Ltd) Coles Apple Juice – No Added Sugar (Sourced from Berri Ltd) Coles Viten Fernland Balance Orange Juice Golden Circle Cloudy Apple Juice Golden Circle Orange Juice Golden Circle Pineapple Juice Just Juice Apple Just Juice Orange McCoy Orange Juice Quelch Just Squeezed Orange Stefans Orange Juice</p> <p><u>Soy Products</u> Soy Feast Soy & Corn Fritters</p> <p><u>Extracts</u> Sanitarium Marmite</p> <p><u>Supplementary Foods</u> National Foods Edge</p> <p>* approved pending folate fortification</p> | | |

Editorial notes:

- (1) Subclauses (5), (6), (7), (8) and (9) implement a pilot trial of a management system for health claims. The outcomes of the pilot will be used to assist in the evaluation of a proposal to allow wider use of health claims in food labels and advertisements. The subclauses cease to have effect on 13 February 2002.
- (2) The Australia New Zealand Food Authority maintains a Register which contains the most up to date list of approved foods/products for the folate pilot.
- (3) Standard 1.2.8 – Nutrition Labelling and Standard 1.3.2 – Vitamins and Minerals should be read in conjunction with clause 1 of this Standard.

- (6) A health claim must not be made in respect of the following foods -
- (a) food standardised in Part 2.7 of this Code; and
 - (b) food standardised in Standards 2.9.1, 2.9.2 and 2.9.4 of this Code; and
 - (c) formulated meal replacements as standardised in Standard 2.9.3; and
 - (c) soft cheeses and pâté.
- (7) The label on a package of food, in respect of which a health claim set out in the Table has been made, must include -
- (a) a nutrition information panel in accordance with Standard 1.2.8 of this Code, which additionally includes the average quantity of folate in one serving of the food, beside the proportion of the RDI of folate contributed by one serving of the food; and
 - (b) an asterisk accompanying the word 'folate' in the nutrition information panel which refers to a footnote advising that the RDI of 200 micrograms referred to is for adults, whereas for women, at least one month before and during pregnancy, the recommended folate intake is 400 micrograms per day; and
 - (c) an accompanying statement that it is important to maintain a varied diet; and
 - (d) a statement of particular storage, handling or cooking requirements, where the ability of a food to contain at least 40 micrograms folate per each serving depends on those requirements.
- (8) Where a label, in respect of which a health claim set out in the Table has been made, is displayed on or in connection with a food which is displayed for retail sale other than in a package, the label must include -
- (a) a nutrition information panel in accordance with Standard 1.2.8 of this Code, which additionally includes the average quantity of folate in one serving of the food, beside the proportion of the RDI of folate contributed by one serving of the food; and
 - (b) an asterisk accompanying the word 'folate' in the nutrition information panel which refers to a footnote advising that the RDI of 200 micrograms referred to is for adults, whereas for women, at least one month before and during pregnancy, the recommended folate intake is 400 micrograms per day; and
 - (c) an accompanying statement that it is important to maintain a varied diet; and

- (e) a statement of particular storage, handling or cooking requirements, where the ability of a food to contain at least 40 micrograms folate per each serving depends on those requirements.

(9) Where a health claim may be made in relation to a food in accordance with this Standard the same claim in relation to that food may be made in an advertisement, provided the advertisement includes a statement that it is important to maintain a varied diet.

2 Country of origin labelling requirements

- (1) This clause does not apply to food produced in or imported into New Zealand.
- (2) For the purposes of this Code, the following provisions of the Australian Food Standards Code apply –
 - (a) clause (4) of Standard A1; and
 - (b) clause (4A) of Standard D1; and
 - (c) clause (5) of Standard F1; and
 - (d) clause 1 of Standard M4; and
 - (e) clause (2A) of Standard N1; and
 - (f) clauses 8 and 9 of Standard O2; and
 - (g) clauses (8) and (9) of Standard O7; and
 - (h) Part 3 of Standard O9; and
 - (i) paragraphs (1)(e), (12)(b), (12)(c) and (12)(d) of Standard P3.