

# Standard 1.1.1 Structure of the Code and general provisions

**Note 1** This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

**Note 2** The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

## Division 1 Preliminary

### 1.1.1—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 1.1.1 – Structure of the Code and general provisions*.

**Note** Commencement:

This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

### 1.1.1—2 Structure of the Code

- (1) All the standards of the Code are read together as a single instrument.
- (2) The standards of the Code are arranged into Chapters, Parts and a set of Schedules as shown below:

**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.

## Chapter 1 Introduction and standards that apply to all foods

### Part 1.1 Preliminary

Standard 1.1.1 Structure of the Code and general provisions

Standard 1.1.2 Definitions used throughout the Code

### Part 1.2 Labelling and other information requirements

Standard 1.2.1 Requirements to have labels or otherwise provide information

Standard 1.2.2 Information requirements – food identification

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

Standard 1.2.4 Information requirements – statement of ingredients

Standard 1.2.5 Information requirements – date marking of food for sale

Standard 1.2.6 Information requirements – directions for use and storage

Standard 1.2.7 Nutrition, health and related claims

Standard 1.2.8 Nutrition information requirements

**Note** There is no Standard 1.2.9

Standard 1.2.10 Information requirements – characterising ingredients and components of food

### **Part 1.3 Substances added to or present in food**

Standard 1.3.1 Food additives

Standard 1.3.2 Vitamins and minerals

Standard 1.3.3 Processing aids

### **Part 1.4 Contaminants and residues**

Standard 1.4.1 Contaminants and natural toxicants

Standard 1.4.2 Agvet chemicals

**Note** Applies in Australia only

**Note** There is no Standard 1.4.3

Standard 1.4.4 Prohibited and restricted plants and fungi

### **Part 1.5 Foods requiring pre-market clearance**

Standard 1.5.1 Novel foods

Standard 1.5.2 Food produced using gene technology

Standard 1.5.3 Irradiation of food

### **Part 1.6 Microbiological limits and processing requirements**

Standard 1.6.1 Microbiological limits in food

Standard 1.6.2 Processing requirements for meat

**Note** Applies in Australia only

## **Chapter 2 Food standards**

### **Part 2.1 Cereals**

Standard 2.1.1 Cereal and cereal products

### **Part 2.2 Meat, eggs and fish**

Standard 2.2.1 Meat and meat products

Standard 2.2.2 Eggs and egg products

Standard 2.2.3 Fish and fish products

### **Part 2.3 Fruit and vegetables**

Standard 2.3.1 Fruit and vegetables

Standard 2.3.2 Jam

### **Part 2.4 Edible oils**

Standard 2.4.1 Edible oils

Standard 2.4.2 Edible oil spreads

### **Part 2.5 Dairy products**

Standard 2.5.1 Milk

Standard 2.5.2 Cream

Standard 2.5.3 Fermented milk products

Standard 2.5.4	Cheese
Standard 2.5.5	Butter
Standard 2.5.6	Ice cream
Standard 2.5.7	Dried milk, evaporated milk and condensed milk

**Part 2.6 Non-alcoholic beverages**

Standard 2.6.1	Fruit juice and vegetable juice
Standard 2.6.2	Non-alcoholic beverages and brewed soft drinks
Standard 2.6.3	Kava
Standard 2.6.4	Formulated caffeinated beverages

**Part 2.7 Alcoholic beverages**

Standard 2.7.1	Labelling of alcoholic beverages and food containing alcohol
Standard 2.7.2	Beer
Standard 2.7.3	Fruit wine, vegetable wine and mead
Standard 2.7.4	Wine and wine product
Standard 2.7.5	Spirits

**Part 2.8 Sugars and honey**

Standard 2.8.1	Sugar and sugar products
Standard 2.8.2	Honey

**Part 2.9 Special purpose foods**

Standard 2.9.1	Infant formula products
Standard 2.9.2	Food for infants
Standard 2.9.3	Formulated meal replacements and formulated supplementary foods
Standard 2.9.4	Formulated supplementary sports foods
Standard 2.9.5	Food for special medical purposes
Standard 2.9.6	Transitional standard for special purpose foods (including amino acid modified foods)

**Note** Applies in New Zealand only

**Part 2.10 Standards for other foods**

Standard 2.10.1	Vinegar and related products
Standard 2.10.2	Salt and salt products
Standard 2.10.3	Chewing gum
Standard 2.10.4	Miscellaneous standards for other foods

**Chapter 3 Food safety standards**

**Note** Applies in Australia only

Standard 3.1.1	Interpretation and Application
Standard 3.2.1	Food Safety Programs
Standard 3.2.2	Food Safety Practices and General Requirements

- Standard 3.2.3 Food Premises and Equipment  
Standard 3.3.1 Food Safety Programs for Food Service to Vulnerable Persons

## **Chapter 4 Primary production standards**

**Note** Applies in Australia only

- Standard 4.1.1 Primary Production and Processing Standards – Preliminary Provisions  
Standard 4.2.1 Primary Production and Processing Standard for Seafood  
Standard 4.2.2 Primary Production and Processing Standard for Poultry Meat  
Standard 4.2.3 Primary Production and Processing Standard for Meat  
Standard 4.2.4 Primary Production and Processing Standard for Dairy Products  
Standard 4.2.5 Primary Production and Processing Standard for Eggs and Egg Product  
Standard 4.2.6 Production and Processing Standard for Seed Sprouts  
Standard 4.5.1 Wine Production Requirements

## **Schedules**

- Schedule 1 RDIs and ESADDIs  
Schedule 2 Units of measurement  
Schedule 3 Identity and purity  
Schedule 4 Nutrition, health and related claims  
Schedule 5 Nutrient profiling scoring method  
Schedule 6 Required elements of a systematic review  
Schedule 7 Food additive class names (for statement of ingredients)  
Schedule 8 Food additive names and code numbers (for statement of ingredients)  
Schedule 9 Mandatory advisory statements and declarations  
Schedule 10 Generic names of ingredients and conditions for their use  
Schedule 11 Calculation of values for nutrition information panel  
Schedule 12 Nutrition information panels  
Schedule 13 Nutrition information required for food in small packages  
Schedule 14 Technological purposes performed by substances used as food additives  
Schedule 15 Substances that may be used as food additives  
Schedule 16 Types of substances that may be used as food additives  
Schedule 17 Vitamins and minerals  
Schedule 18 Processing aids  
Schedule 19 Maximum levels of contaminants and natural toxicants  
Schedule 20 Maximum residue limits

**Note** Applies in Australia only

- Schedule 21 Extraneous residue limits

**Note** Applies in Australia only

- Schedule 22 Foods and classes of foods

Schedule 23	Prohibited plants and fungi
Schedule 24	Restricted plants and fungi
Schedule 25	Permitted novel foods
Schedule 26	Food produced using gene technology
Schedule 27	Microbiological limits in food
Schedule 28	Formulated caffeinated beverages
Schedule 29	Special purpose foods

## Division 2 Application and interpretation

**Note** Definitions that are used throughout the Code are contained in Standard 1.1.2.

### 1.1.1—3 Application of Code

- (1) Unless this Code provides otherwise, this Code applies to food that is:
- sold, processed or handled for sale in Australia or New Zealand; or
  - imported into Australia or New Zealand.

**Note 1** The following provisions have not been incorporated by reference into a food standard under the *Food Act 2014* (NZ):

- Standard 1.4.2 (agvet chemicals);
- Standard 1.6.2 (processing requirements for meat);
- section 2.1.1—5 (requirement for folic acid and thiamin in bread);
- section 2.2.1—12 (bovine must be free from bovine spongiform encephalopathy);
- Standard 2.2.2 (eggs);
- subsection 2.4.2—3(2) and subsection 2.4.2—3(4) (requirement for food sold as table edible oil spreads and table margarine);
- Chapter 3 (food safety standards) and Chapter 4 (primary production and processing standards).

**Note 2** Standard 2.9.6 (Transitional standard for special purpose foods (including amino acid modified foods)) does not apply in Australia.

- (2) Subsection (1) does not apply to wine that:
- has a shelf life of more than 12 months; and
  - was bottled before 20 December 2002; and
  - complies with all food standards in the case of Australia and all food standards in the case of New Zealand, that would have applied on the date of bottling; and
  - is labelled with a 2002 vintage date or earlier.

### 1.1.1—4 Application of interpretation legislation

This Code is to be interpreted in accordance with the rules of interpretation:

- in Australia—the *Acts Interpretation Act 1901* (Cth); and
- in New Zealand—the *Interpretation Act 1999* (NZ).

### 1.1.1—5 References to other instruments

- (1) In this Code:
- a reference to an Act, including an Act of a State or Territory or of New Zealand, includes any instruments made under that Act; and
  - a reference to the Code of Federal Regulations, or CFR, is a reference to the 2019 compilation of the United States Code of Federal Regulations.

**Note** In this Code, the Code of Federal Regulations is cited in the following format:

- (2) Guidelines developed by FSANZ in accordance with paragraph 13(1)(c) of the FSANZ Act are to assist in the interpretation of this Code and are not legally binding.

### 1.1.1—6 **How average quantity is to be calculated**

- (1) This section applies where this Code requires an \*average quantity of a substance to be declared in the labelling of a food for sale, whether as a percentage or as the amount of the substance in a serving or other amount of the food.

**Note** The term *average quantity* is defined in section 1.1.2—2.

**Example** The Code requires the 'average quantity' of a variety of substances to be listed in the nutrition information about a food for sale, for example protein, carbohydrate and sugars.

- (2) The \*average quantity is to be calculated by the manufacturer or producer using whichever of the methods in subsection (3) the manufacturer or producer considers to best represent the average quantity, taking into account any factors that would cause the actual amount of the substance in the food to vary from lot to lot, including seasonal variability.
- (3) The methods are:
  - (a) the amount that the manufacturer or producer of the food determines, based on an analysis, to be the average amount of the substance in a serving or other amount of the food; or
  - (b) the calculation of the actual amount of the substance, or the calculation of the average amount of the substance, in the ingredients used for the food; or
  - (c) the calculation from generally accepted data relevant to that food.

### 1.1.1—7 **Units of measurement**

- (1) A symbol of measurement used in this Code has the meaning assigned to it by the table in Schedule 2.
- (2) If a symbol is not assigned a meaning by the table, it has the meaning assigned to it:
  - (a) in Australia—by the *National Measurement Act 1960* (Cth); or
  - (b) in New Zealand—by the *Weights and Measures Act 1987* (NZ).
- (3) If a symbol is not assigned a meaning by the table or subsection (2), it has the meaning assigned to the symbol by the Systeme Internationale d'Unités.
- (4) Where a unit of measurement is referred to in the heading of a table in this Code, the amounts specified in the table are to be measured according to those units unless a different unit of measurement is specified in relation to a particular item in the table.

### 1.1.1—8 **Compliance with requirements for mandatory statements or words**

- (1) If a provision of this Code requires a warning statement or specific words to be used, the warning statement or words must be expressed in the words set out in this Code without modification.
- (2) If a provision of this Code requires a statement other than a warning statement to be used:
  - (a) that statement may be modified; and
  - (b) any modification must not contradict or detract from the effect of the statement.

## Division 3 Effect of variations to Code

### 1.1.1—9 Effect of variations to Code

- (1) Unless this Code, or an instrument varying this Code, provides otherwise, if:
  - (a) this Code is varied; and
  - (b) a food was compliant for a kind of sale immediately before the variation commenced;the food is taken to be compliant for that kind of sale for a period of 12 months beginning on the date of the variation.
- (2) In this section, a food is **compliant** for a kind of sale if:
  - (a) when a labelling requirement of this Code applies to the kind of sale—the labelling of the food complies with the requirement; and
  - (b) when a packaging requirement of this Code applies to the kind of sale—the packaging of the food complies with the requirement; and
  - (c) the food complies with any provisions of this Code relating to the composition of food of that kind.

## Division 4 Basic requirements

**Note 1** In Australia, the Code is enforced under application Acts in each State and Territory, and under Commonwealth legislation dealing with imported food. In outline, this scheme operates as follows:

- (1) The application Acts comprise a uniform legislative scheme based on Model Food Provisions that are annexed to the *Food Regulation Agreement*, an agreement between the Commonwealth, States and Territories. Under those Acts, a person:
  - (a) must comply with any requirement imposed on the person by a provision of this Code in relation to:
    - (i) the conduct of a food business; or
    - (ii) food intended for sale; or
    - (iii) food for sale; and
  - (b) must not sell any food that does not comply with any requirement of this Code that relates to the food; and
  - (c) must not sell or advertise any food that is packaged or labelled in a manner that contravenes a provision of this Code; and
  - (d) must not sell or advertise for sale any food in a manner that contravenes a provision of this Code; and
  - (e) must not, for the purpose of effecting or promoting the sale of any food in the course of carrying on a food business, cause the food to be advertised, packaged or labelled in a way that falsely describes the food.
- (2) For paragraph (1)(e), food is falsely described if:
  - (a) it is represented as being of a particular nature or substance; and
  - (b) the Code provides a prescribed standard for such food; and
  - (c) the food does not comply with the prescribed standard.
- (3) The relevant Acts are:
  - (a) *Food Act 2003* (New South Wales)
  - (b) *Food Act 1984* (Victoria)
  - (c) *Food Act 2006* (Queensland)
  - (d) *Food Act 2008* (Western Australia)
  - (e) *Food Act 2001* (South Australia)
  - (f) *Food Act 2003* (Tasmania)
  - (g) *Food Act 2001* (Australian Capital Territory)
  - (h) *Food Act 2004* (Northern Territory).
- (4) Under the *Imported Food Control Act 1992* (Cth), a person is prohibited from:
  - (a) importing into Australia food that does not meet applicable standards of this Code, other than those relating to information on labels of packaged food; and
  - (b) dealing with imported food that does not meet applicable standards relating to information on labels of packaged food.

**Note 2** In New Zealand, under the *Food Act 2014* (NZ) a person commits an offence if the person breaches or fails to comply with:

- (a) a requirement in an adopted joint food standard or a domestic food standard;
- (b) ...

### 1.1.1—10 Requirements relating to food for sale

(1) This section applies in relation to food for sale.

#### *Compositional requirements*

- (2) Subject to this section, food for sale may consist of, or have as an ingredient, any food.
- (3) Food for sale must comply with any provisions of this Code relating to the composition of food of that kind (including provisions relating to the presence of other substances in food of that kind).
- (4) Where a compositional requirement permits the use of 'other foods' or 'other ingredients' as ingredients, the permission does not extend to the addition of a food or a substance that is otherwise not permitted to be added to food, or to the specified food, under this Code.
- (5) Unless expressly permitted by this Code, food for sale must not be any of the following:
- (a) a \*prohibited plant or fungus, a \*restricted plant or fungus, or coca bush;
  - (b) if the food is for retail sale—a \*novel food;
  - (c) a \*food produced using gene technology;
  - (d) a food that has been irradiated;
  - (e) kava or any substance derived from kava;
  - (f) if the food is for retail sale—raw apricot kernels;
  - (g) if the food is for retail sale—a food in which caffeine is present at a concentration of:
    - (i) 5% or greater—if the food is a solid or semi-solid food; and
    - (ii) 1% or greater—if the food is a liquid food.
- (6) Unless expressly permitted by this Code, food for sale must not have as an ingredient or a component, any of the following:
- (a) a substance that was \*used as a food additive;
  - (b) a substance that was \*used as a nutritive substance;
  - (c) a substance that was \*used as a processing aid;
  - (d) in Australia—a detectable amount of:
    - (i) an \*agvet chemical; or
    - (ii) a metabolite or degradation product of an agvet chemical;
  - (e) a \*prohibited plant or fungus, a \*restricted plant or fungus, or coca bush;
  - (f) if the food is for retail sale—a \*novel food;
  - (g) a \*food produced using gene technology;
  - (h) a food that has been irradiated;
  - (i) kava or any substance derived from kava;
  - (j) raw apricot kernels.

**Note 1** Relevant permissions for subsections (5) and (6) are contained in various standards. See in particular:

- food additives—Standard 1.3.1;
- nutritive substances—Standard 1.3.2, Standard 2.6.2, Standard 2.9.1, Standard 2.9.2, Standard 2.9.3, Standard 2.9.4, and Standard 2.9.5;
- processing aids—Standard 1.3.3;
- agvet chemical residues—Standard 1.4.2;
- prohibited plants and fungi—Standard 1.4.4;



- novel foods—Standard 1.5.1;
- food produced using gene technology—Standard 1.5.2;
- irradiated food—Standard 1.5.3;
- kava—Standard 2.6.3.

**Note 2** There is an overlap between some of these categories. For example, some substances may be used as a food additive or as a nutritive substance. For such substances, there will be different provisions permitting use of the substance for different purposes.

**Note 3** In some cases, a provision refers to the total amount of a substance added to a food. In these cases, the total amount applies irrespective of whether the substance was used as a food additive, used as a processing aid or used as a nutritive substance.

**Note 4** Relevant permissions for raw apricot kernels are contained in Standard 1.4.4.

- (7) Subsection (6) does not apply to a substance that is in a food for sale, or in an ingredient of a food for sale, by natural occurrence.

#### *Labelling requirements*

- (8) If a labelling requirement of this Code applies to the sale of food, the labelling must comply with the requirement.

#### *Information requirements*

- (9) If an information requirement of this Code applies to the sale of food, the information must be provided as required.

#### *Packaging requirements*

- (10) If a packaging requirement of this Code applies to the sale of food, the packaging must comply with the requirement.
- (11) Any packaging, and any article or material in the packaging or in contact with the food, must not, if taken into the mouth:
- be capable of being swallowed or obstructing any alimentary or respiratory passage; or
  - be otherwise likely to cause bodily harm, distress or discomfort.

**Example** Articles or materials include any materials in contact with food, including packaging materials that contain other items such as moisture absorbers, mould inhibitors, oxygen absorbers, promotional materials, writing or other graphics.

### **1.1.1—11 Microbiological requirements for lot of a food**

A \*lot of a food must not have an unacceptable level of microorganisms as determined in accordance with Standard 1.6.1.

**Note** For the meaning of *lot*, see section 1.1.2—2.

### **1.1.1—12 Applicable standards for importation of food**

- The provisions of this Code relating to labelling are applicable to food that is imported with the labelling with which it is intended to be sold.
- The provisions of this Code relating to packaging are applicable to food that is imported in the packaging in which it is intended to be sold.
- The provisions of this Code, other than those relating to packaging and labelling, are applicable to food that is imported.

**Note** This provision is relevant to the *Imported Food Control Act 1992* (Cth), and the provisions of the *Food Act 2014* (NZ) that relate to importation of food.

### **1.1.1—13 Food sold with a specified name or representation**

- This section applies where a provision of this Code that provides that a food that is sold as a named food, whether or not the name is in quotation marks, must satisfy certain requirements (usually that the food being sold must satisfy the definition of the food in this Code).

**Example** The provisions in Chapter 2 headed 'Requirement for food sold as ...', e.g. 2.1.1—3 Requirement for food sold as bread

A food that is sold as bread must be bread.

In this example bread is the food and is not in quotation marks.

- (2) If the provision specifies the name of the food in quotation marks, any requirement that must be satisfied applies only if that name is used in connection with the sale.

**Note** The foods to which a requirement that must be satisfied applies only if the name of the food is used include: butter, chocolate, cider, cocoa, coffee, cream, decaffeinated coffee, decaffeinated instant coffee, decaffeinated instant tea, decaffeinated soluble tea, gelatine, ice cream, imitation vinegar, instant tea, iodised reduced sodium salt mixture, iodised salt, margarine, mead, milk, peanut butter, perry, processed cheese, salt, skim milk, soluble coffee, soluble tea, table margarine, tea, vinegar, white sugar, wholegrain, wholemeal and yoghurt. These are foods that are identified in quotation marks in provisions to which subsection (1) applies.

**Example** A cocoa-based confectionery that is not sold as a chocolate confectionery; or a water-based beverage that contains fruit but is not sold as fruit juice, need not satisfy a requirement about chocolate or fruit juice.

- (3) If the provision specifies the name of the food without quotation marks, any requirement that must be satisfied applies to any sale in which a purchaser is likely to assume that the food being sold was the food.

**Note** A requirement that must be satisfied applies to any sale in which a purchaser is likely to assume that the food being sold is, for example: ale, beer, brandy, bread, cheese, condensed skim milk, condensed whole milk, dried skim milk, dried whole milk, edible oil spread, electrolyte drink, electrolyte drink mix, evaporated skim milk, evaporated whole milk, fermented milk, fruit drink, fruit juice, fruit wine, fruit wine product, jam, lager, liqueur, meat pie, pilsener, porter, sausage, spirit, stout, table edible oil spread, vegetable juice, vegetable wine, vegetable wine product, wine and wine product. These are foods that are not identified in quotation marks in provisions to which subsection (1) applies. Use of the name could be an element of a representation about the identity of the food.

**Example 1** Bread sold as sourdough; a cheese or processed cheese sold as cheddar or processed cheddar; or a sausage sold as bratwurst. Jam may be sold as conserve.

**Example 2** Steak pie or lamb pie must contain no less than 250 g/kg of meat flesh.

- (4) If a food name is used in connection with the sale of a food (for example in the labelling), the sale is taken to be a sale of the food as the named food unless the context makes it clear that this is not the intention.

**Examples** Section 2.7.2—3, relating to beer, does not prevent the use of 'ginger beer' in relation to the soft drink. Such a product is not beer for the purposes of the Code.

Section 2.1.1—3, relating to 'bread', does not prevent the use of 'shortbread' or 'crispbread' in relation to those foods, or 'unleavened bread' to describe the food made without the yeast that would be required for it to be sold as 'bread'. Those products are not bread for the purposes of the Code.

The context within which foods such as soy milk or soy ice cream are sold is indicated by use of the name soy; indicating that the product is not a dairy product to which a dairy standard applies.

## 1.1.1—14 Other requirements relating to food

### *Requirements for handling of food*

- (1) If this Code sets requirements for the handling of food, the food must be handled in accordance with those requirements.

**Note** This subsection relates to requirements in Chapter 3 and has application in Australia only.

### *Requirements for record-keeping*

- (2) If this Code sets requirements for record-keeping in relation to food, those requirements must be complied with.

## 1.1.1—15 Identity and purity

- (1) This section applies to the following substances when added to food in accordance with this Code, or sold for use in food:

- (a) a substance that is \*used as a food additive;
- (b) a substance that is \*used as a processing aid;
- (c) a substance that is \*used as a nutritive substance;
- (d) a \*novel food.

- (2) The substance must comply with any relevant specification set out in Schedule 3.

**1.1.1—16 Use of asterisks to identify terms defined in subsection 1.1.2—2(3)**

- (1) Many of the terms in this Code are defined in subsection 1.1.2—2(3).
- (2) Most of the terms that are defined in subsection 1.1.2—2(3) are identified by an asterisk appearing at the start of the term: as in ‘\*carbohydrate’.
- (3) An asterisk usually identifies the first occurrence of a term in a section (if not divided into subsections), subsection or definition. Later occurrences of the term in the same provision are not usually asterisked.
- (4) Terms are not asterisked in headings, notes, examples, explanatory tables, guides, outline provisions or diagrams.
- (5) If a term is not identified by an asterisk, disregard that fact in deciding whether or not to apply to that term a definition or other interpretation provision.
- (6) The following basic terms used throughout the Code are not identified with an asterisk:

**Terms defined in subsection 1.1.2—2(3) that are not identified with asterisks**

<i>Item</i>	<i>Term</i>
1	claim
2	Code
3	fat
4	food
5	food additive
6	fruit
7	infant
8	label
9	labelling
10	nutrition content claim
11	package
12	serving
13	statement of ingredients
14	sugars

## Application, saving and transitional provisions

The table below details information on application, saving or transitional provisions in instruments affecting this Standard.

<b>Food Standards (Proposal P1044 – Plain English Allergen Labelling) Variation</b>				
<b>Instrument items affected</b>	<b>A'ment No.</b>	<b>FRLI registration Gazette</b>	<b>Instrument's transitional provision</b>	<b>Description of transitional arrangement</b>
Item [1] of the Schedule	197	F2021L00145 24 Feb 2021 FSC138 25 Feb 2021	Clause 4	<p>Clause 4 a transitional arrangement for variations to the Code made by Item [1] of the Schedule.</p> <p><b>The transition period is the period of time that commences on 25 February 2021 and ends on 25 February 2024.</b></p> <p><b>The post-transition period is the period of time that commences 26 February 2024 and ends on 26 February 2026.</b></p> <p>Subclause 4(1) provides that section 1.1.1—9 of the Code does not apply to the variations.</p> <p>Subclause 4(2) provides that during the transition period a food product may be sold if the product complies with one of the following:</p> <ul style="list-style-type: none"> <li>(a) the Code as in force without the above variations;</li> <li>(b) the Code as amended by the above variations.</li> </ul> <p>Subclause 4(3) provides that a food product packaged and labelled before the end of the transition period may be sold during the post-transition period if the product complies with one of the following:</p> <ul style="list-style-type: none"> <li>(a) the Code as in force without the above variations;</li> <li>(b) the Code as amended by the above variations.</li> </ul>

## Amendment History

The Amendment History provides information about each amendment to the Standard. The information includes commencement or cessation information for relevant amendments.

These amendments are made under section 92 of the *Food Standards Australia New Zealand Act 1991* unless otherwise indicated. Amendments do not have a specific date for cessation unless indicated as such.

### About this compilation

This is compilation No. 9 of Standard 1.1.1 as in force on **3 June 2021** (up to Amendment No. 200). It includes any commenced amendment affecting the compilation to that date.

Prepared by Food Standards Australia New Zealand on **3 June 2021**.

### Uncommenced amendments or provisions ceasing to have effect

To assist stakeholders, the effect of any uncommenced amendments or provisions which will cease to have effect, may be reflected in the Standard as shaded boxed text with the relevant commencement or cessation date. These amendments will be reflected in a compilation registered on the Federal Register of Legislation including or omitting those amendments and provided in the Amendment History once the date is passed.

The following abbreviations may be used in the table below:

ad = added or inserted  
exp = expired or ceased to have effect  
rs = repealed and substituted  
am = amended  
rep = repealed

**Standard 1.1.1** was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00383 — 31 March 2015) and has since been amended as follows:

Section affected	A'ment No.	FRL registration Gazette	Commencement (Cessation)	How affected	Description of amendment
1.1.1— 2(2)	157	F2015L01391 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	am	Insertion of reference to new Standard 1.2.12.
1.1.1— 2(2)	157	F2015L01374 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	am	Corrections to names of standards.
1.1.1— 2(2)	161	F2016L00120 18 Feb 2016 FSC103 22 Feb 2016	(19 Jan 2017)	rep	Reference to Standard 1.2.12.
1.1.1— 2(2)	165	F2016L01367 30 Aug 2016 FSC107 1 Sept 2016	(1 July 2018)	rep	Reference to Standard 1.2.11.
Note to 1.1.1— 2(2)	168	F2017L00414 11 April 2017 FSC110 13 April 2017	13 April 2017	rs	To remove reference to Chapter 5.
1.1.1— 2(2)	168	F2017L00414 11 April 2017 FSC110 13 April 2017	13 April 2017	rs	To remove reference to Standard 4.2.4A and Chapter 5.

Section affected	A'ment No.	FRL registration Gazette	Commencement (Cessation)	How affected	Description of amendment
1.1.1—3(1)	165	F2016L01367 30 Aug 2016 FSC107 1 Sept 2016	(1 July 2018)	rs	Note 1 to subsection to remove reference to Standard 1.2.11.
1.1.1—6(1)	172	F2017L01142 6 Sept 2017 FSC114 7 Sept 2017	7 Sept 2017	am	Correction to typographical error.
1.1.1—6(2)	172	F2017L01142 6 Sept 2017 FSC114 7 Sept 2017	7 Sept 2017	am	Correction to typographical error.
1.1.1—10(5)	159	F2015L01913 2 Dec 2015 FSC101 7 Dec 2015	1 March 2016	ad	New paragraph (f) relating to raw apricot kernels.
1.1.1—10(6)	159	F2015L01913 2 Dec 2015 FSC101 7 Dec 2015	1 March 2016	ad	New paragraph (i) and Note 4 following the subsection relating to raw apricot kernels.
1.1.1—11	172	F2017L01142 6 Sept 2017 FSC114 7 Sept 2017	7 Sept 2017	am	Correction to typographical error.
1.1.1—13	157	F2015L01374 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	am	Correction of numbering errors in the notes and examples.
1.1.1—2(2)	182	F2018L01594 23 Nov 2018 FSC123 29 Nov 2018	29 Nov 2018	am	Omit note under Schedule 22
1.1.1—10(5)(f)	189	F2019L01607 11 Dec 2019 FSANZ Notification Circular 105-19 (Urgent Proposal) 12 Dec 2019	12 Dec 2019	am	Omitting and substituting paragraph 10(5)(f)
1.1.1—2(2)	197	F2021L00145 24 Feb 2021 FSC138 25 Feb 2021	25 Feb 2021	am	Omitting the words 'Mandatory advisory statements' from subsection 1.1.1—2(2) and substituting 'Mandatory advisory statements and declarations'  <i>For application, saving and transitional provisions, see above table.</i>
1.1.1—5(1)(b)	200	F2021L00684 2 June 2021 FSC141 3 June 2021	3 June 2021	am	Omit '2014', substitute '2019'.

## Standard 1.1.2 Definitions used throughout the Code

**Note 1** This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

**Note 2** The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

### 1.1.2—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 1.1.2 – Definitions used throughout the Code*.

**Note** Commencement:  
This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

### 1.1.2—2 Definitions—general

**Note** Definitions for foods are provided in section 1.1.2—3.

- (1) Subject to subsection (2), a term used in this Code that is also used in the \*FSANZ Act has the same meaning as in the FSANZ Act, unless the contrary intention appears.
- (2) In applying this Code under an application Act, a term used in this Code that is also used in the \*application Act has the same meaning as in the application Act, unless the contrary intention appears.

**Example** A contrary intention is apparent in the definition of *label* in subsection 1.1.2—2(3).

- (3) In this Code, unless the contrary intention appears, the following definitions apply:

**additive permitted at GMP**—see section 1.1.2—11.

**agvet chemical** means an agricultural chemical product or a veterinary chemical product, within the meaning of the Agvet Code.

**Note** The Agvet Code is the *Agricultural and Veterinary Chemicals Code* set out in the Schedule to the *Agricultural and Veterinary Chemicals Code Act 1994* (Cth). See subsection 4(1) of the FSANZ Act.

**amino acid modified food**—see section 2.9.6—2.

**AS/NZS** means a joint Australia New Zealand Standard published by Standards Australia.

**application Act** means an Act or Ordinance of a \*jurisdiction under which the requirements of this Code are applied in the jurisdiction.

**AS** means an Australian Standard published by Standards Australia.

**assisted service display cabinet** means an enclosed or semi-enclosed display cabinet which requires a person to serve the food as requested by the purchaser.

**authorised officer**, in relation to a jurisdiction, means a person authorised or appointed under an application Act or other legislation of the relevant \*jurisdiction for the purposes of enforcement of a provision of the relevant application Act, or for purposes that include that purpose.

**available carbohydrate** means available carbohydrate calculated in accordance with section S11—3.

**available carbohydrate by difference** means available carbohydrate by difference calculated in accordance with section S11—3.

**average energy content** means the average energy content calculated in accordance with section S11—2.

**average quantity**, of a substance in a food, means the average, for such foods from that producer or manufacturer, of:

- (a) where a serving or reference amount is specified—the amount of the substance that such a serving or reference amount contains; or
- (b) otherwise—the proportion of that substance in the food, expressed as a percentage.

**Note** See also section 1.1.1—6.

**baked-for date**, in relation to bread, means:

- (a) if the time at which the bread was baked is before midday—the baked-on date;
- (b) if the time at which the bread was baked is on or after midday—the day after the baked-on date.

**baked-on date**, in relation to bread, means the date on which the bread was baked.

**bear a label**: a food for sale is taken to **bear a label** of a specified kind or with specified content if either of the following is part of or attached to the packaging of the food:

- (a) a label of that kind or with that content;
- (b) labels that together are of that kind or have that content.

**best-before date**, for a food for sale, means the date up to which the food will remain fully marketable and will retain any specific qualities for which express or implied claims have been made, if the food:

- (a) remains in an intact package during its storage; and
- (b) is stored in accordance with any storage conditions applicable under Standard 1.2.6.

**biologically active substance** means a substance, other than a nutrient, with which health effects are associated.

**biomarker** means a measurable biological parameter that is predictive of the risk of a \*serious disease when present at an abnormal level in the human body.

**bulk cargo container**:

- (a) means an article of transport equipment, being a lift van, movable tank, shipping container, aircraft cargo container or other similar structure:
  - (i) of a permanent character and accordingly strong enough to be suitable for repeated use; and
  - (ii) specifically designed to facilitate the carriage of goods by one or more modes of transport, without immediate repacking; and
  - (iii) fitted with devices permitting its ready handling and its transfer from one mode of transport to another; and
  - (iv) so designed as to be easy to fill and empty; and
  - (v) having an internal volume of one cubic metre or more; and
- (b) includes the normal accessories and equipment of the container, when imported with the container and used exclusively with it; and
- (c) does not include any vehicle, or any ordinary packing case, crate, box, or other similar article used for packing.

**business address** means the street address, or a description of the location, of the premises from which a business is being operated.

**carbohydrate**, other than in the definition of **beer** (section 1.1.2—3), means \*available carbohydrate or \*available carbohydrate by difference.

**caterer** means a person, establishment or institution (for example, a catering establishment, a restaurant, a canteen, a school, or a hospital) which handles or offers food for immediate consumption.

**characterising component**—see section 1.1.2—4.



**characterising ingredient**—see section 1.1.2—4.

**claim** means an express or implied statement, representation, design or information in relation to a food or a property of food which is not mandatory in this Code.

**claim requiring nutrition information:**

- (a) means:
  - (i) a nutrition content claim; or
  - (ii) a health claim; and
- (b) does not include:
  - (i) a declaration that is required by an application Act; or
  - (ii) an endorsement; or
  - (iii) a \*prescribed beverage gluten free claim.

**Code**, or **this Code**, means the Australia New Zealand Food Standards Code.

**code number**, used in relation to a substance \*used as a food additive, means either:

- (a) the number set out in the table to Schedule 8 in relation to that substance; or
- (b) that number preceded by the letter 'E'.

**colouring permitted at GMP**—see section 1.1.2—11.

**colouring permitted to a maximum level**—see section 1.1.2—11.

**comminuted** means chopped, diced or minced.

**component**, of a food, means a substance that is present as a constituent part of the food (as distinct from an ingredient).

**Example** If sodium bicarbonate is used as an ingredient to produce a food, it will be changed by the cooking into carbon dioxide and salts; the salts are identifiable as components of the food.

**compound ingredient:** an ingredient of a food is a **compound ingredient** if it is itself made from two or more ingredients.

**dietary fibre** means that fraction of the edible part of plants or their extracts, or synthetic analogues that:

- (a) is resistant to digestion and absorption in the small intestine, usually with complete or partial fermentation in the large intestine; and
- (b) promotes one or more of the following beneficial physiological effects:
  - (i) laxation;
  - (ii) reduction in blood cholesterol;
  - (iii) modulation of blood glucose;

and includes:

- (c) polysaccharides or oligosaccharides that have a degree of polymerisation greater than 2; and
- (d) lignins.

**endorsement** means a nutrition content claim or a health claim that is made with the permission of an endorsing body.

**endorsing body** means a not-for-profit entity that:

- (a) has a nutrition- or health-related purpose or function; and
- (b) permits a \*supplier to make an endorsement.

**ESADDI** means Estimated Safe and Adequate Daily Dietary Intake—see section 1.1.2—10.

**extraneous residue limit** or **ERL**, for an \*agvet chemical in a food, means the amount identified in Schedule 21 for that agvet chemical in that food.

**fat**, in Standards 1.2.7 and 1.2.8 and Schedules 4 and 11, means total fat.

**flavouring substance** means a substance that is used as a food additive to perform the technological purpose of a flavouring in accordance with this Code.

**food**—see subsection (2) (the term has the same meaning as in the relevant application Act).

**Note** Each of the various application Acts has a definition of **food**. These all have a similar effect and make the concept very broad, effectively covering anything that is intended or offered for human consumption.

**Food Act** means the *Food Act 2014* (NZ).

**food additive**—see **used as a food additive**, section 1.1.2—11.

**food group** means any of the following groups:

- (a) bread (both leavened and unleavened), grains, rice, pasta and noodles;
- (b) fruit, vegetables, herbs, spices and fungi;
- (c) milk, skim milk, cream, fermented milk, yoghurt, cheese, processed cheese, butter, ice cream, condensed milk, dried milk, evaporated milk, and dairy analogues derived from legumes, cereals, nuts, seeds, or a combination of these ingredients listed in section S17—4;
- (d) meat, fish, eggs, nuts, seeds and dried legumes;
- (e) fats including butter, edible oils and edible oil spreads.

**food produced using gene technology** means a food which has been derived or developed from an organism which has been modified by gene technology.

**Note** This definition does not include food derived from an animal or other organism which has been fed food produced using gene technology, unless the animal or other organism is itself a product of gene technology.

**FSANZ** means Food Standards Australia New Zealand.

**FSANZ Act** means the *Food Standards Australia New Zealand Act 1991* (Cth).

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

**galacto-oligosaccharides** means a mixture of the substances produced from lactose by enzymatic action, comprised of between two and eight saccharide units, with one of these units being a terminal glucose and the remaining saccharide units being galactose, and disaccharides comprised of two units of galactose.

**gene technology** means recombinant DNA techniques that alter the heritable genetic material of living cells or organisms.

**general level health claim** means a health claim that is not a high level health claim.

**general level health claims table** means the table to section S4—5.

**geographical indication**—see section 2.7.5—4.

**gluten** means the main protein in wheat, rye, oats, barley, triticale and spelt relevant to the medical conditions coeliac disease and dermatitis herpetiformis.

**glycaemic index (GI)** means a measure of the blood glucose raising ability of the digestible carbohydrates in a given food as determined by a recognised scientific method.

**GMP** or **Good Manufacturing Practice**, with respect to the addition of substances used as food additives and substances used as processing aids to food, means the practice of:

- (a) limiting the amount of substance that is added to food to the lowest possible level necessary to accomplish its desired effect; and

- (b) to the extent reasonably possible, reducing the amount of the substance or its derivatives that:
  - (i) remains as a \*component of the food as a result of its use in the manufacture, processing or packaging; and
  - (ii) is not intended to accomplish any physical or other technical effect in the food itself;
- (c) preparing and handling the substance in the same way as a food ingredient.

**hamper** means a decorative basket, box or receptacle that:

- (a) contains one or more separately identifiable foods; and
- (b) may contain other items, such as decorative cloths, glasses and dishes.

**health claim** means a claim which states, suggests or implies that a food or a property of food has, or may have, a health effect.

**Note** See also subsection 2.10.2—8(3).

**health effect** means an effect on the human body, including an effect on one or more of the following:

- (a) a biochemical process or outcome;
- (b) a physiological process or outcome;
- (c) a functional process or outcome;
- (d) growth and development;
- (e) physical performance;
- (f) mental performance;
- (g) a disease, disorder or condition.

**high level health claim** means a \*health claim that refers to a \*serious disease or a \*biomarker of a serious disease.

**high level health claims table** means the table to section S4—4.

**import** includes:

- (a) in Australia—import from New Zealand; and
- (b) in New Zealand—import from Australia.

**individual portion pack**—see subsection 1.2.1—6(3).

**individual unit** means a container that:

- (a) is an innermost package; and
- (b) contains a beverage with more than 1.15% alcohol by volume.

**infant** means a person under the age of 12 months.

**inner package**, in relation to a food for special medical purposes, means an individual package of the food that:

- (a) is contained and sold within another package that is labelled in accordance with section 2.9.5—9; and
- (b) is not designed for individual sale, other than a sale by a \*responsible institution to a patient or resident of the responsible institution.

**Example** An example of an inner package is an individual sachet (or sachets) of a powdered food contained within a box that is fully labelled, being a box available for retail sale.

**intra-company transfer**—see section 1.2.1—18.

**inulin-type fructans** means mixtures of saccharide chains that have  $\beta$ -D-(2→1) fructosyl-fructose linkages with or without a terminal  $\alpha$ -D-(1→2) glucosyl-fructose linked glucose unit.

**irradiation**, in relation to food, means subjecting the food to ionising radiation, other than ionising radiation imparted to food by measuring or inspection

instruments, and **irradiate** and **irradiated** have corresponding meanings.

**jurisdiction** means a State or Territory of Australia, the Commonwealth of Australia, or New Zealand **label**, in relation to a food for sale, means any tag, brand, mark or statement in writing or any representation or design or descriptive matter that:

- (a) is attached to the food or is a part of or attached to its packaging; or
- (b) accompanies and is provided to the purchaser with the food; or
- (c) is displayed in connection with the food when it is sold.

**labelling**:

- (a) in relation to a food for sale, **labelling** means all of the labels for the food together; and
- (b) a requirement for the labelling of a food to include specified content is a requirement for at least one of the labels to have that content.

**listericidal process** means a process that reduces *Listeria monocytogenes* microorganisms in the food to a safe level.

**lot** means an amount of a food that the manufacturer or producer identifies as having been prepared, or from which foods have been packaged or otherwise separated for sale, under essentially the same conditions, for example:

- (a) from a particular preparation or packing unit; and
- (b) during a particular time ordinarily not exceeding 24 hours.

**lot identification**, for a food for sale, means a number or other information that identifies:

- (a) the premises where the food was prepared or packed; and
- (b) the \*lot of which the food is a part.

**maximum residue limit** or **MRL**, for an \*agvet chemical in a food, means the amount identified in Schedule 20 for that agvet chemical in that food.

**medical institution**—see section 1.1.2—7.

**medium chain triglycerides** means triacylglycerols that contain predominantly the saturated fatty acids designated by 8:0 and 10:0.

**meet the NPSC** means that the \*nutrient profiling score of a food described in Column 1 of the table to section S4—6 is less than the number specified for that food in Column 2 of that table.

**monounsaturated fatty acids** means the total of cis-monounsaturated fatty acids.

**non-traditional food**—see section 1.1.2—8.

**novel food**—see section 1.1.2—8.

**NPSC** means the nutrient profiling scoring criterion (see section S4—6).

**nutrition content claim**—see section 1.1.2—9.

**Note** See also subsection 2.10.2—8(3).

**nutrition information panel** means a nutrition information panel that is required to be included on a label on a package of food in accordance with Standard 1.2.8.

**nutrient profiling score** means the final score calculated pursuant to the method referred to in section 1.2.7—25.

**nutritive substance**—see **used as a nutritive substance**, section 1.1.2—12.

**NZS** means a New Zealand Standard published by Standards New Zealand.

**one-day quantity**, in relation to a formulated supplementary sports food, means the amount of that food which is to be consumed in one day in accordance with directions specified in the label.

**Note** For the meaning of **one-day quantity** in relation to a formulated caffeinated beverage, see subsection 2.6.4—5(5).

**package:**

- (a) means any container or wrapper in or by which food for sale is wholly or partly encased, covered, enclosed, contained or packaged; and
- (b) if food is carried or sold or intended to be carried and sold in more than one package—includes each package; and
- (c) does not include:
  - (i) a \*bulk cargo container; or
  - (ii) a pallet overwrap; or
  - (iii) a crate and packages which do not obscure labels on the food; or
  - (iv) a transportation vehicle; or
  - (v) a vending machine; or
  - (vi) a hamper; or
  - (vii) a container or wrapper (including a covered plate, cup, tray or other food container) in which food is served in a prison, hospital or \*medical institution; or
  - (viii) for Standard 2.9.5—a covered plate, cup, tray or other food container in which food for special medical purposes is served by a \*responsible institution to a patient or resident.

**permitted flavouring substance** means any of the following:

- (a) a substance that is listed in at least one of the following publications:
  - (i) Generally Recognised as Safe (GRAS) lists of flavouring substances published by the Flavour and Extract Manufacturers' Association of the United States from 1960 to 2019 (edition 29);
  - (ii) Chemically-defined flavouring substances, Council of Europe, November 2000;
  - (iii) Annex I of Council Regulation (EU) No 872/2012 of 1 October 2012 adopting the list of flavouring substances [2012] OJ L267/1;
  - (iv) 21 CFR § 172.515;
- (b) a \*flavouring substance obtained by physical, microbiological, enzymatic or chemical processes from material of vegetable or animal origin either in its raw state or after processing by traditional preparation process including drying, roasting and fermentation;
- (c) a flavouring substance that is obtained by synthetic means and which is identical to one of the substances described in paragraph (b).

**phytosterols, phytosterols and their esters:** a reference to **phytosterols, phytosterols and their esters** is a reference to a substance which meets a specification for phytosterols, phytosterols and their esters in section S3—24.

**polyunsaturated fatty acids** means the total of polyunsaturated fatty acids with cis-cis-methylene interrupted double bonds.

**pregnancy warning label** means either the pregnancy warning pictogram or the pregnancy warning mark.

**pregnancy warning mark** means the following image comprising

- (a) the pregnancy warning pictogram,
  - (b) the signal words “Pregnancy Warning” and
  - (c) the statement “Alcohol can cause lifelong harm to your baby”,
- all within a border.



**pregnancy warning pictogram** means the following pictogram with the silhouette of a pregnant woman holding a wine glass within a circle with a strikethrough:



**prescribed alcoholic beverage** means a beverage that

- (a) has more than 1.15% alcohol by volume; and
- (b) either:
  - (i) is for retail sale; or
  - (ii) is sold as suitable for retail sale without any further processing, packaging or labelling; and
- (c) does not include a beverage that:
  - (i) is sold for retail sale; and
  - (ii) is packaged in the presence of the purchaser.

**prescribed beverage** means:

- (a) a \*standardised alcoholic beverage; or
- (b) a beverage containing no less than 0.5% alcohol by volume.

**prescribed beverage gluten free claim** means a nutrition content claim in relation to the gluten content of a \*prescribed beverage that uses the descriptor 'free' in conjunction with gluten, or a synonym of that descriptor.

**prescribed name**, of a particular food, means a name declared by a provision of this Code to be the prescribed name of the food.

**Note** Under the labelling provisions in Standard 1.2.1 and section 1.2.2—2, if a food has a prescribed name, it must be used in the labelling of the food.

**processing aid**—see **used as a processing aid**, section 1.1.2—13.

**property of food** means a \*component, ingredient, constituent or other feature of food.

**protein substitute** means:

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

**RDI** means Recommended Dietary Intake—see section 1.1.2—10.

**ready-to-eat food** means a food that:

- (a) is ordinarily consumed in the same state as that in which it is sold; and
- (b) will not be subject to a \*listericidal process before consumption; and
- (c) is not one of the following:
  - (i) shelf stable foods;
  - (ii) whole raw fruits;
  - (iii) whole raw vegetables
  - (iv) nuts in the shell;
  - (v) live bivalve molluscs.

**reference food**, in relation to a claim, means a food that is:

- (a) of the same type as the food for which the claim is made and that has not been further processed, formulated, reformulated or modified to increase or decrease the energy value or the amount of the nutrient for which the claim is made; or
- (b) a dietary substitute for the food in the same \*food group as the food for which the claim is made.

**reference quantity** means:

- (a) for a food listed in the table to section S17—4, either:
  - (i) the amount specified in the table for that food; or
  - (ii) for a food that requires dilution or reconstitution according to directions—the amount of the food that, when diluted or reconstituted, produces the quantity referred to in subparagraph (i); or
- (b) for all other foods:
  - (i) a normal serving; or
  - (ii) for a food that requires dilution, reconstitution, draining or preparation according to directions—the amount of the food that, when diluted, reconstituted, drained or prepared produces a normal serving.

**releasable calcium**,  $Ca_R$ , means the amount of calcium, in mg/g of chewing gum, released into the mouth during 20 minutes of chewing that is calculated using the following equation:

$$Ca_R = \frac{(Ca_o \times W_o) - (Ca_c \times W_c)}{W_o}$$

where:

$Ca_o$  is the original calcium concentration in the chewing gum in mg/g of chewing gum.

$W_o$  is the weight of the original chewing gum in g.

$Ca_c$  is the residual calcium in the gum after it has been chewed for 20 minutes in mg/g of chewing gum.

$W_c$  is the weight of the chewed gum in g.

**relevant authority** means an authority responsible for the enforcement of the relevant application Act.

**required name**, of a particular food, means the name declared by section 1.2.3—5 as the required name for that food for the purposes of Division 3 of Standard 1.2.3.

**responsible institution** means a hospital, hospice, aged care facility, disability facility, prison, boarding school or similar institution that is responsible for the welfare of its patients or residents and provides food to them.

**saturated fatty acids** means the total of fatty acids containing no double bonds.

**sell**—see subsection (2) (the term has the same meaning as in the relevant application Act).

**Note** Each of the various application Acts has a definition of **sell**. These all have a similar effect and make the concept very broad; they include offering or displaying for sale, and other contexts that go beyond the ordinary meaning of the word.

**serious disease** means a disease, disorder or condition which is generally diagnosed, treated or managed in consultation with or with supervision by a health care professional.

**servings** means an amount of the food which constitutes one normal serving when prepared according to manufacturer's directions or when the food requires no further preparation before consumption, and in the case of a formulated meal replacement is equivalent to one meal.

**size of type** means the measurement from the base to the top of a letter or numeral.

**small package** means a package with a surface area of less than 100 cm<sup>2</sup>.

**SPC** means a standard plate count at 30°C with an incubation time of 72 hours.

**standard drink**, for a beverage containing alcohol, means the amount that contains 10 grams of ethanol when measured at 20°C.

**standardised alcoholic beverage** means beer, brandy, cider, fruit wine, fruit wine product, liqueur, mead, perry, spirit, vegetable wine, vegetable wine product, wine or wine product.

**statement of ingredients**—see section 1.2.4—2.

**sugars:**

- (a) in Standard 1.2.7, Standard 1.2.8 and Schedule 4 (except where it appears with an asterisk as ‘sugars\*’)—means monosaccharides and disaccharides; and
- (b) otherwise—means any of the following products, derived from any source:
  - (i) hexose monosaccharides and disaccharides, including dextrose, fructose, sucrose and lactose;
  - (ii) starch hydrolysate;
  - (iii) glucose syrups, maltodextrin and similar products;
  - (iv) products derived at a sugar refinery, including brown sugar and molasses;
  - (v) icing sugar;
  - (vi) invert sugar;
  - (vii) fruit sugar syrup;but does not include:
  - (i) malt or malt extracts; or
  - (ii) sorbitol, mannitol, glycerol, xylitol, polydextrose, isomalt, maltitol, maltitol syrup, erythritol or lactitol.

**Note** **Sugar** is defined differently—see section 1.1.2—3.

**supplier**, in relation to food, includes the packer, manufacturer, vendor or importer of the food.

**total plant sterol equivalents content** means the total amount of:

- (a) phytosterols; and
- (b) phytostanols; and
- (c) phytosterols and phytostanols following hydrolysis of any phytosterol esters and phytostanol esters.

**trans fatty acids** means the total of unsaturated fatty acids where one or more of the double bonds are in the trans configuration.

**transportation outer** means a container or wrapper which:

- (a) encases packaged or unpackaged foods for the purpose of transportation and distribution; and
- (b) is removed before the food is used or offered for retail sale or which is not taken away by a purchaser of the food.

**unit quantity** means:

- (a) for a food that is a solid or semi-solid food—100 grams; or
- (b) for a food that is a beverage or other liquid food—100 millilitres.

**use-by date**, for a food for sale, means the date after which it is estimated that the food should not be consumed because of health or safety reasons, if the food:



- (a) remains in an intact package during its storage; and
- (b) is stored in accordance with any storage conditions applicable under section Standard 1.2.6.

**used as a food additive**—see section 1.1.2—11.

**used as a nutritive substance**—see section 1.1.2—12.

**used as a processing aid**—see section 1.1.2—13.

**warning statement**, for a food for sale, means a statement about a particular aspect of the food that is required to be expressed in the words set out in the following provisions:

- (a) section 1.2.3—3 (warning statement relating to royal jelly);
- (b) section 2.6.3—4 (warning statement relating to kava);
- (c) subsection 2.9.1—19(1) or section 2.9.1—13 (warning statements for infant formula product);
- (d) paragraph 2.9.2—7(3)(c) or 2.9.2—8(1)(b) (warning statements for food for infants);
- (e) subparagraph 2.9.4—4(1)(a)(iii) or 2.9.4—4(1)(a)(iv) (warning statements for formulated supplementary sports food).

### 1.1.2—3 Definitions—particular foods

**Note** Definitions for non-food terms are provided in section 1.1.2—2.

- (1) Where this Code permits the use of a substance (including a vitamin or a mineral) as a food additive, as a processing aid or as a nutritive substance in a particular food defined in this section, the definition is to be read as including a food in which the substance was so used.

- (2) In this Code, unless the contrary intention appears, the following definitions apply:

**adjusted milk**, in relation to condensed milk, dried milk or evaporated milk, means milk:

- (a) that is to be used to make the product concerned; and
- (b) to which milk components have been added, or from which they have been withdrawn, in order for the product to comply with requirements of Standard 2.5.7; and
- (c) that has the same whey protein to casein ratio as the original milk.

**beer** means:

- (a) the product, characterised by the presence of hops or preparations of hops, prepared by the yeast fermentation of an aqueous extract of malted or unmalted cereals, or both; or
- (b) such a product with any of the following added during production:
  - (i) cereal products or other sources of carbohydrate;
  - (ii) sugar;
  - (iii) salt;
  - (iv) herbs and spices.

**brandy** means:

- (a) a spirit obtained from the distillation of wine, or fermented preparations of grapes or grape product; or
- (b) such a spirit with any of the following added during production:
  - (i) water;
  - (ii) sugars;
  - (iii) honey;
  - (iv) spices;

- (v) grape juice;
- (vi) grape juice concentrates;
- (vii) wine;
- (viii) prune juice.

**Note** The term *brandy* has a different definition in Standard 4.5.1.

**bread** means:

- (a) a food that is made by baking a yeast-leavened dough prepared from one or more cereal flours or meals and water; or
- (b) such a food with other foods added.

**brewed soft drink** means a food that:

- (a) is the product prepared by a fermentation process from water with sugar and one or more of:
  - (i) fruit extractives or infusions; or
  - (ii) vegetable extractives or infusions; and
- (b) contains no more than 1.15% alcohol/volume.

**butter** means:

- (a) a food that is derived exclusively from milk and products obtained from milk, principally in the form of an emulsion of the type water-in-oil; or
- (b) such a food with any of the following added:
  - (i) water;
  - (ii) salt;
  - (iii) lactic acid producing microorganisms;
  - (iv) flavour producing microorganisms.

**cereal-based beverage** means a beverage that is based on cereal.

**cereal-based food for infants** means a food for infants, not including a beverage, that is based on cereal.

**cheese** means:

- (a) the ripened or unripened solid or semi-solid milk product, whether coated or not, that is obtained by one or both of the following processes:
  - (i) wholly or partly coagulating milk, or materials obtained from milk, or both, through the action of rennet or other suitable coagulating agents, and partially draining the whey which results from such coagulation;
  - (ii) processing techniques involving concentration or coagulation of milk, or materials obtained from milk, or both, which give an end-product with similar physical, chemical and organoleptic characteristics as the product described in subparagraph (a)(i); or
- (b) such a product with any of the following ingredients added during production:
  - (i) water;
  - (ii) lactic acid producing microorganisms;
  - (iii) flavour producing microorganisms;
  - (iv) gelatine;
  - (v) starch;
  - (vi) vinegar;
  - (vii) salt;
  - (viii) tall oil phytosterol esters added in accordance with Standard 2.5.4.

**chocolate** means a confectionery product that is characterised by:

- (a) the presence of
  - (i) cocoa bean derivatives; and

- (ii) no more than 50 g/kg of edible oils, other than cocoa butter or dairy fats; and
- (b) preparation from a minimum of 200 g/kg of cocoa bean derivatives.

**cider** means the fruit wine prepared from the juice or must of apples or apples and pears and with no more than 25% of the juice or must of pears.

**coca bush** means:

- (a) *Eurythroxyllum coca*; or
- (b) a substance derived from *Eurythroxyllum coca*.

**cocoa** means the powdered product prepared from cocoa beans from which a portion of the fat may have been removed, with or without salt or spices added.

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

**condensed milk** means:

- (a) a food obtained by the partial removal of water from milk or adjusted milk, with the addition of sugars, and the possible addition of salt or water; or
- (b) a food of the same composition obtained by any other process.

**cream** means a milk product comparatively rich in fat, in the form of an emulsion of fat-in-skim milk that is obtained by:

- (a) separation from milk; or
- (b) separation from milk, and the addition of milk or products obtained from milk.

**cured and/or dried meat flesh in whole cuts or pieces** includes any attached bone.

**decaffeinated coffee** means coffee from which most of the caffeine has been removed.

**decaffeinated tea** means tea from which most of the caffeine has been removed.

**dried meat** means meat that has been dried but does not include slow cured dried meat.

**dried milk** means a powdered food obtained by the partial removal of water from milk or adjusted milk.

**edible oil** means the triglycerides, diglycerides, or both the triglycerides and diglycerides of fatty acids of plant or animal origin, including aquatic plants and aquatic animals, with incidental amounts of free fatty acids, unsaponifiable constituents and other lipids including naturally occurring gums, waxes and phosphatides.

**edible oil spread** means:

- (a) a spreadable food composed of edible oils and water in the form of an emulsion of the type water-in-oil; or
- (b) such a food with any of the following added:
  - (i) water;
  - (ii) edible proteins;
  - (iii) salt;
  - (iv) lactic acid producing microorganisms;
  - (v) flavour producing microorganisms;
  - (vi) milk products;
  - (vii) no more than 82 g/kg of total plant sterol equivalents content.

**egg product** means the contents of an egg in any form including egg pulp, dried egg, liquid egg white and liquid egg yolk.

**electrolyte drink** means a drink formulated and represented as suitable for the rapid replacement of fluid, carbohydrates, electrolytes and minerals.

**electrolyte drink base** means a solid or liquid which, when made up, makes an electrolyte drink.

**evaporated milk** means:

- (a) a food obtained by the partial removal of water by heat from milk, with the possible addition of one or more of the following:
  - (i) salt;
  - (ii) water; or
- (b) a food of the same composition obtained by any other process.

**fermented milk** means a food obtained by fermentation of milk or products derived from milk, where the fermentation involves the action of microorganisms and results in coagulation and a reduction in pH.

**fish** means a cold-blooded aquatic vertebrate or aquatic invertebrate including shellfish, but not including amphibians or reptiles.

**flour products** means the cooked or uncooked products, other than bread, of one or more flours, meals or cereals.

**flours** or **meals** means the products of grinding or milling of cereals, legumes or other seeds.

**follow-on formula** means an infant formula product that:

- (a) is represented as either a breast-milk substitute or replacement for infant formula; and
- (b) is suitable to constitute the principal liquid source of nourishment in a progressively diversified diet for infants from the age of 6 months.

**food for infants:**

- (a) means a food that is intended or represented for use as a source of nourishment for infants; and
- (b) does not include:
  - (i) infant formula products; or
  - (ii) formulated meal replacements; or
  - (iii) formulated supplementary foods; or
  - (iv) unprocessed fruit and vegetables.

**food for special medical purposes**—see section 1.1.2—5.

**formulated beverage** means a non-carbonated, ready-to-drink, flavoured beverage that:

- (a) is water-based; and
- (b) contains added vitamins or minerals or both vitamins and minerals; and
- (c) contains no more than 240 mL/L of fruit from one or more of the following sources:
  - (i) fruit juice;
  - (ii) fruit purée;
  - (iii) concentrated fruit juice;
  - (iv) concentrated fruit purée;
  - (v) \*comminuted fruit;
  - (vi) orange peel extract; and
- (d) contains no more than 75 g/L of sugars; and
- (e) does not contain:
  - (i) carbon dioxide; or

- (ii) caffeine; and
- (f) is not mixed with any other beverage.

**formulated caffeinated beverage**—see section 1.1.2—6.

**formulated meal replacement** means a food, or a prepackaged selection of foods, that:

- (a) has been specifically formulated as a replacement for one or more meals of the day, but not as a total diet replacement; and
- (b) is represented as a formulated meal replacement.

**formulated supplementary food** means a food specifically formulated as, and sold on the basis that it is, a supplement to a normal diet to address situations where intakes of energy and nutrients may not be adequate to meet an individual's requirements.

**formulated supplementary food for young children** means a formulated supplementary food for children aged 1 to 3 years.

**formulated supplementary sports food** means a product that is specifically formulated to assist sports people in achieving specific nutritional or performance goals.

**fruit and vegetables** means any of fruit, vegetables, nuts, spices, herbs, fungi, legumes and seeds.

**Note** In Standards 1.2.7 and 1.2.8 the separate terms fruit and vegetable have different definitions and do not include nuts, spices, herbs, fungi, legumes and seeds.

**fruit-based food** means food that is based on fruit.

**fruit drink** means a product that is prepared from:

- (a) one or more of the following:
  - (i) fruit juice;
  - (ii) fruit purée;
  - (iii) concentrated fruit juice;
  - (iv) concentrated fruit purée;
  - (v) \*comminuted fruit;
  - (vi) orange peel extract; and
- (b) one or more of the following:
  - (i) water;
  - (ii) mineralised water;
  - (iii) sugars.

**fruit juice** means juice made from a fruit.

**fruit wine** or **vegetable wine** means:

- (a) a food that:
  - (i) is the product of the complete or partial fermentation of fruit, vegetable, grains, cereals or any combination or preparation of those foods; and
  - (ii) is not wine or a wine product; or
- (b) such a food with any of the following added during production:
  - (i) fruit juice and fruit juice products;
  - (ii) vegetable juice and vegetable juice products;
  - (iii) sugars;
  - (iv) honey;
  - (v) spices;
  - (vi) alcohol;

(vii) water.

**fruit wine product** or **vegetable wine product** means a food containing no less than 700 mL/L of fruit wine, or vegetable wine, or both fruit and vegetable wine, which has been formulated, processed, modified or mixed with other foods such that it is not a fruit wine or vegetable wine.

**gelatine** means a protein product prepared from animal skin, bone or other collagenous material, or any combination of those things.

**honey** means the natural sweet substance produced by honey bees from the nectar of blossoms or from secretions of living parts of plants or excretions of plant sucking insects on the living parts of plants, which honey bees collect, transform and combine with specific substances of their own, store and leave in the honey comb to ripen and mature.

**ice cream** means a sweet frozen food that is made from cream or milk products or both, and other foods, and is generally aerated.

**icing** means a mixture of sugar and other foods for use as a coating and includes frosting, plastic icing and icing gel.

**imitation vinegar** means a food that is prepared by mixing water and acetic acid.

**infant formula** means an infant formula product that:

- (a) is represented as a breast-milk substitute for infants; and
- (b) satisfies by itself the nutritional requirements of infants under the age of 4 to 6 months.

**infant formula product** means a product based on milk or other edible food constituents of animal or plant origin which is nutritionally adequate to serve as the sole or principal liquid source of nourishment for infants, depending on the age of the infant.

**instant coffee** means the dried soluble solids prepared from the water extraction of coffee.

**instant tea** means dried soluble solids prepared from the water extraction of tea.

**iodised salt** or **iodised reduced sodium salt mixture**, means a food that is salt, or a reduced sodium salt mixture, as appropriate, or such a food containing any of the following:

- (a) potassium iodide;
- (b) potassium iodate;
- (c) sodium iodide;
- (d) sodium iodate;

added in an amount that is equivalent to:

- (e) no less than 25 mg/kg of iodine; and
- (f) no more than 65 mg/kg of iodine.

**jam**:

- (a) means:
  - (i) a product prepared by processing one or more of the following:
    - (A) fruit;
    - (B) concentrated fruit juice;
    - (C) fruit juice;
    - (D) water extracts of fruit; or
  - (ii) such a product processed with sugars or honey; and

- (b) includes conserve; and
- (c) does not include marmalade.

**juice:**

- (a) means the liquid portion, with or without pulp, obtained from:
  - (i) a fruit or a vegetable; or
  - (ii) in the case of citrus fruit, other than lime—the endocarp only of the fruit; and
- (b) includes a product that results from concentrating juice and then reconstituting it with water.

**juice blend** means the food made from a blend of more than one juice (including a blend of one or more fruit juices and one or more vegetable juices).

**kava** means plants of the species *Piper methysticum*.

**kava root** means the peeled root or peeled rootstock of a Noble variety of kava that is named in section 3.1 of the *Regional Standard for Kava Products for use as a Beverage When Mixed with Water* (CXS 336R-2020) as adopted by the 43<sup>rd</sup> Session of the joint Food and Agriculture Organization and World Health Organization Codex Alimentarius Commission (2020).

**liqueur** means an alcoholic beverage that is a spirit, flavoured by or mixed with other foods, which contains more than 15% alcohol by volume, measured at 20°C.

**manufactured meat** means processed meat containing no less than 660 g/kg of meat.

**margarine** means an edible oil spread containing no less than 800g/kg of edible oils.

**mead** means:

- (a) a food that is the product prepared from the complete or partial fermentation of honey; or
- (b) such a food with any of the following added during production:
  - (i) fruit juice and fruit juice products;
  - (ii) vegetable juice and vegetable juice products;
  - (iii) sugars;
  - (iv) honey;
  - (v) spices;
  - (vi) alcohol;
  - (vii) water.

**meat:**

- (a) means the whole or part of the carcass of any of the following animals, if slaughtered other than in a wild state:
  - (i) buffalo, camel, cattle, deer, goat, hare, pig, poultry, rabbit or sheep;
  - (ii) any other animal permitted for human consumption under a law of a State, Territory or New Zealand; and
- (b) does not include:
  - (i) fish; or
  - (ii) avian eggs; or
  - (iii) fetuses or part of fetuses.

**meat flesh** means meat that consists of skeletal muscle and any attached:

- (a) animal rind; or
- (b) fat; or

- (c) connective tissue; or
- (d) nerve; or
- (e) blood; or
- (f) blood vessels; or
- (g) skin, in the case of poultry.

**meat pie** means a pie containing no less than 250 g/kg of meat flesh.

**milk** means:

- (a) the mammary secretion of milking animals, obtained from one or more milkings for consumption as liquid milk or for further processing, but excluding colostrums; or
- (b) such a product with \*phytosterols, phytosterols and their esters added.

**mineral water** or **spring water** means ground water obtained from subterranean water-bearing strata that, in its natural state, contains soluble matter.

**non-alcoholic beverage**:

- (a) means:
  - (i) packaged water; or
  - (ii) a water-based beverage, or a water-based beverage that contains other foods (other than alcoholic beverages); or
  - (iii) an electrolyte drink; and
- (b) does not include a brewed soft drink.

**offal**:

- (a) includes blood, brain, heart, kidney, liver, pancreas, spleen, thymus, tongue and tripe; and
- (b) excludes meat flesh, bone and bone marrow.

**peanut butter** means a peanut based spread.

**perry** means the fruit wine prepared from the juice or must of pears or pears and apples and with no more than 25% of the juice or must of apples.

**pre-term formula** means an infant formula product specifically formulated to satisfy particular needs of infants born prematurely or of low birthweight.

**processed cheese** means a product manufactured from cheese and products obtained from milk, which is heated and melted, with or without added emulsifying salts, to form a homogeneous mass.

**processed meat** means a food that has, either singly or in combination with other foods, undergone a method of processing other than boning, slicing, dicing, mincing or freezing.

**prohibited plant or fungus** means:

- (a) a plant or fungus listed in Schedule 23; or
- (b) a part or a derivative of such a plant or fungus; or
- (c) a substance derived from a plant, fungus, part or derivative referred to in paragraph (a) or (b).

**raw apricot kernels** means the nut found within the hard shell or stone of *Prunus armeniaca* and includes hulled, dehulled, blanched, ground, milled, cracked, chopped or whole kernels.

**reduced sodium salt mixture** means a food that:

- (a) is prepared from a mixture of sodium chloride and potassium chloride; and
- (b) contains no more than 200 g/kg sodium; and
- (c) contains no more than 400 g/kg potassium.



**restricted plant or fungus** means:

- (a) a plant or fungus listed in Schedule 24; or
- (b) a part or a derivative of such a plant or fungus; or
- (c) a substance derived from a plant, fungus, part or derivative referred to in paragraph (a) or (b).

**salt** means a food that is the crystalline product consisting predominantly of sodium chloride, that is obtained from the sea, underground rock salt deposits or from natural brine.

**salt substitute** means a food that:

- (a) is made as a substitute for salt; and
- (b) consists of substances that may be used as food additives in relation to salt substitute in accordance with item 12 of the table to Schedule 15; and
- (c) contains no more than 1.2 g/kg of sodium.

**sausage** means a food that:

- (a) consists of meat that has been minced, meat that has been comminuted, or a mixture of both, whether or not mixed with other foods, and which has been encased or formed into discrete units; and
- (b) does not include meat formed or joined into the semblance of cuts of meat.

**skim milk** means milk from which milkfat has been removed.

**soy-based formula** means an infant formula product in which soy protein isolate is the sole source of protein.

**special purpose food:**

- (a) in Standard 2.9.6—see section 2.9.6—2; and
- (b) otherwise—means any of the following:
  - (i) an infant formula product;
  - (ii) food for infants;
  - (iii) a formulated meal replacement;
  - (iv) a formulated supplementary food;
  - (v) a formulated supplementary sports food;
  - (vi) food for special medical purposes.

**spirit** means an alcoholic beverage consisting of:

- (a) a potable alcoholic distillate, including whisky, brandy, rum, gin, vodka and tequila, produced by distillation of fermented liquor derived from food sources, so as to have the taste, aroma and other characteristics generally attributable to that particular spirit; or
- (b) such a distillate with any of the following added during production:
  - (i) water;
  - (ii) sugars;
  - (iii) honey;
  - (iv) spices.

**spring water**—see definition of mineral water.

**sugar** means, unless otherwise expressly stated, any of the following:

- (a) white sugar;
- (b) caster sugar;
- (c) icing sugar;
- (d) loaf sugar;

- (e) coffee sugar;
- (f) raw sugar.

**sweet cassava** means those varieties of cassava roots grown from *Manihot esculenta* Crantz of the *Euphorbiaceae* family that contain less than 50 mg/kg of hydrogen cyanide (fresh weight basis).

**Note** Sweet cassava may also be known by other common names including manioc, mandioca, tapioca, aipim and yucca.

**tea** means the product made from the leaves and leaf buds of one or more of varieties and cultivars of *Camellia sinensis* (L.) O. Kuntz.

**vegetable juice** means juice made from a vegetable.

**vegetable wine**—see definition of fruit wine.

**vegetable wine product**—see definition of fruit wine product.

**vinegar** means a food that is the sour liquid prepared by acetous fermentation, with or without alcoholic fermentation, of any suitable food, and including blends and mixtures of such liquids.

**wheat flour** includes wholemeal wheat flour.

**wholegrain** means the intact grain or the dehulled, ground, milled, cracked or flaked grain where the constituents—endosperm, germ and bran—are present in such proportions that represent the typical ratio of those fractions occurring in the whole cereal, and includes wholemeal.

**wholemeal** means the product containing all the milled constituents of the grain in such proportions that it represents the typical ratio of those fractions occurring in the whole cereal.

**wine** means:

- (a) a food that is the product of the complete or partial fermentation of fresh grapes, or a mixture of that product and products derived solely from grapes; or
- (b) such a food with any of the following added during production:
  - (i) grape juice and grape juice products;
  - (ii) sugars;
  - (iii) brandy or other spirit;
  - (iv) water that is necessary to incorporate any substance permitted for use as a food additive or a processing aid.

**wine product** means a food containing no less than 700 mL/L of wine, which has been formulated, processed, modified or mixed with other foods such that it is not wine.

**white sugar** means purified crystallised sucrose.

**yoghurt** means a fermented milk where the fermentation has been carried out with lactic acid producing microorganisms.

#### 1.1.2—4

#### **Definition of *characterising component* and *characterising ingredient***

- (1) In this Code, in relation to a food for sale:

**characterising component** means a \*component of the food that:

- (a) is mentioned in the name of the food; or
- (b) is usually associated with the name of the food by a consumer; or
- (c) is emphasised on the label of the food in words, pictures or graphics.

**characterising ingredient** means an ingredient or a category of ingredients of the food that:

- (a) is mentioned in the name of the food; or
  - (b) is usually associated with the name of the food by a consumer; or
  - (c) is emphasised on the label of the food in words, pictures or graphics.
- (2) Despite subsection (1), any of the following is not a **characterising ingredient**:
- (a) an ingredient or category of ingredients that is used in small amounts to flavour the food;
  - (b) an ingredient or category of ingredients that comprises the whole of the food;
  - (c) an ingredient or category of ingredients that is mentioned in the name of the food but which is not such as to govern the choice of the consumer, because the variation in the amount is not essential to characterise the food, or does not distinguish the food from similar foods.
- (3) Compliance with labelling requirements elsewhere in this Code does not of itself constitute emphasis for the purposes of this section.

### 1.1.2—5 **Definition of food for special medical purposes**

- (1) In this Code:
- food for special medical purposes** means a food that is:
- (a) specially formulated for the dietary management of individuals:
    - (i) by way of exclusive or partial feeding, who have special medically determined nutrient requirements or whose capacity is limited or impaired to take, digest, absorb, metabolise or excrete ordinary food or certain nutrients in ordinary food; and
    - (ii) whose dietary management cannot be completely achieved without the use of the food; and
  - (b) intended to be used under medical supervision; and
  - (c) represented as being:
    - (i) a food for special medical purposes; or
    - (ii) for the dietary management of a disease, disorder or medical condition.
- (2) Despite subsection (1), a food is not **food for special medical purposes** if it is:
- (a) formulated and represented as being for the dietary management of obesity or overweight; or
  - (b) an infant formula product.

### 1.1.2—6 **Definition of formulated caffeinated beverage**

- (1) In this Code:
- formulated caffeinated beverage** means a flavoured, non-alcoholic beverage, or a flavoured, non-alcoholic beverage to which other substances (for example, carbohydrates, amino acids, vitamins) have been added, that:
- (a) contains caffeine; and
  - (b) has the purpose of enhancing mental performance.
- (2) To avoid doubt, a formulated caffeinated beverage is a water based flavoured drink for the purposes of item 14.1.3 of section S15—5 and of section S18—10.

### 1.1.2—7 **Definition of medical institution**

- (1) In this Code:
- medical institution** means any of the following:

- (a) an acute care hospital;
- (b) a hospice;
- (c) a low-care aged care establishment;
- (d) a nursing home for the aged;
- (e) a psychiatric hospital;
- (f) a respite care establishment for the aged;
- (g) a same-day aged care establishment;
- (h) a same-day establishment for chemotherapy and renal dialysis services.

(2) In this section:

***acute care hospital:***

- (a) means an establishment that provides:
  - (i) at least minimal medical, surgical or obstetric services for inpatient treatment or care; and
  - (ii) round-the-clock comprehensive qualified nursing services as well as other necessary professional services;
 to patients most of whom have acute conditions or temporary ailments and have a relatively short average stay; and
- (b) includes:
  - (i) a hospital specialising in dental, ophthalmic aids and other specialised medical or surgical care; and
  - (ii) a public acute care hospital; and
  - (iii) a private acute care hospital.

***hospice*** means a freestanding establishment (whether public or private) that provides palliative care to terminally ill patients.

***low-care aged care establishment*** means an establishment where aged persons live independently but on-call assistance, including the provision of meals, is provided when needed.

***nursing home for the aged*** means an establishment (whether private charitable, private for-profit, or government) that provides long-term care involving regular basic nursing care to aged persons.

***psychiatric hospital*** means an establishment (whether public or private) devoted primarily to the treatment and care of inpatients with psychiatric, mental or behavioural disorders.

***respite care establishment for the aged*** means an establishment that provides short-term care, including personal care and regular basic nursing care, to aged persons.

***same-day aged care establishment*** means an establishment where aged persons attend for day or part-day rehabilitative or therapeutic treatment.

***same-day establishment for chemotherapy and renal dialysis services*** means:

- (a) a day centre or hospital, being an establishment (whether public or private) that provides a course of acute treatment, in the form of chemotherapy or renal dialysis services, on a full-day or part-day non-residential attendance basis at specified intervals over a period of time; or
- (b) a free-standing day surgery centre, being a hospital facility (whether public or private) that provides investigation and treatment, in the form of chemotherapy or renal dialysis services, for acute conditions on a day-only basis.

## 1.1.2—8 Definition of *novel food*

(1) In this Code:

**novel food** means a \*non-traditional food that requires an assessment of the public health and safety considerations having regard to:

- (a) the potential for adverse effects in humans; or
- (b) the composition or structure of the food; or
- (c) the process by which the food has been prepared; or
- (d) the source from which it is derived; or
- (e) patterns and levels of consumption of the food; or
- (f) any other relevant matters.

**non-traditional food** means:

- (a) a food that does not have a history of human consumption in Australia or New Zealand; or
  - (b) a substance derived from a food, where that substance does not have a history of human consumption in Australia or New Zealand other than as a \*component of that food; or
  - (c) any other substance, where that substance, or the source from which it is derived, does not have a history of human consumption as a food in Australia or New Zealand.
- (2) Either of the following:
- (a) the presence of a food in a food for special medical purposes;
  - (b) the use of a food as a food for special medical purposes;
- does not constitute a history of human consumption in Australia or New Zealand in relation to that food for the purposes of this section.

### 1.1.2—9 **Definition of *nutrition content claim***

- (1) In this Code:

**nutrition content claim** means a claim that:

- (a) is about:
  - (i) the presence or absence of any of the following:
    - (A) \*biologically active substance;
    - (B) \*dietary fibre;
    - (C) energy;
    - (D) minerals;
    - (E) potassium;
    - (F) protein;
    - (G) \*carbohydrate;
    - (H) 'fat',
    - (I) the components of any one of protein, carbohydrate or 'fat',
    - (J) \*salt;
    - (K) sodium;
    - (L) vitamins; or
  - (ii) \*glycaemic index or glycaemic load; and
- (b) does not refer to the presence or absence of alcohol; and
- (c) is not a \*health claim.

**Note** See also subsections 2.6.2—5(4) and 2.10.2—8(3).

*Inclusion of mandatory information in nutrition information panel does not constitute a nutrition content claim*

- (2) To avoid doubt, if this Code requires particular information to be included in a

nutrition information panel, the inclusion of that information does not constitute a **nutrition content claim**.

*Inclusion of voluntary information in nutrition information panel might constitute a nutrition content claim*

- (3) If this Code permits, but does not require, particular information to be included in a nutrition information panel, the inclusion of that information constitutes a **nutrition content claim** unless:
  - (a) this Code provides otherwise; or
  - (b) the information is a declaration of:
    - (i) if the food contains less than 2 g of \*dietary fibre per serving—dietary fibre; or
    - (ii) trans fatty acid content; or
    - (iii) lactose content.
- (4) For a food that contains more than 1.15% alcohol by volume, the inclusion in a nutrition information panel of the information referred to in paragraphs 1.2.8—6(1)(a), (b) and (c), and subparagraphs 1.2.8—6(1)(d)(i), (ii) and (iii) does not constitute a **nutrition content claim**.

### 1.1.2—10 **RDIs and ESADDIs**

**Note** 'RDI' is an abbreviation of recommended dietary intake. 'ESADDI' is an abbreviation of estimated safe and adequate daily dietary intake.

- (1) In relation to a food for infants the \*RDI or \*ESADDI for a vitamin or mineral listed in Column 1 of the table to section S1—2 or S1—3 is shown in Column 5.
- (2) In relation to a food intended or represented as suitable for use by children aged 1 to 3 years (including a formulated supplementary food for young children) the \*RDI or \*ESADDI for a vitamin or mineral listed in Column 1 of the table to section S1—2 or S1—3 is shown in Column 4.
- (3) In relation to any other food the \*RDI or \*ESADDI for a vitamin or mineral listed in Column 1 of the table to section S1—2 or S1—3 is shown in Column 3.

### 1.1.2—11 **Definition of used as a food additive, etc**

- (1) In this Code, a substance is **used as a food additive** in relation to a food if it is added to the food:
  - (a) to perform 1 or more of the technological purposes listed in Schedule 14; and
  - (b) it is a substance identified in subsection (2).
- (2) For subsection (1), the substances are:
  - (a) any of the following:
    - (i) a substance that is identified in Schedule 15 as a substance that may be used as a food additive;
    - (ii) an \*additive permitted at GMP;
    - (iii) a \*colouring permitted at GMP;
    - (iv) a \*colouring permitted to a maximum level; and

**Note** Schedule 15 lists a number of substances that are not listed in Schedule 16 as additives permitted at GMP, colourings permitted at GMP or colourings permitted to a maximum level.
  - (b) any substance that is:
    - (i) a \*non-traditional food; and
    - (ii) has been concentrated, refined, or synthesised, to perform 1 or more of the technological purposes listed in Schedule 14.

*Other definitions*

- (3) In this Code:
- additive permitted at GMP** means a substance that is listed in section S16—2.
- colouring permitted at GMP** means a substance that is listed in section S16—3.
- colouring permitted to a maximum level** means a substance that is listed in section S16—4.

*Colours and their aluminium and calcium lakes*

- (4) A reference to a colour listed in Schedule 15, a \*colouring permitted at GMP or a \*colouring permitted to a maximum level includes a reference to the aluminium and calcium lakes prepared from that colour.

**1.1.2—12 Definition of used as a nutritive substance**

- (1) In this Code, a substance is **used as a nutritive substance** in relation to a food if it is added to the food:
- (a) to achieve a nutritional purpose; and
- (b) it is a substance identified in subsection (2).
- (2) For subsection (1), the substances are:
- (a) any substance that is identified in this Code as one that may be \*used as a nutritive substance; and
- (b) a vitamin or a mineral; and
- (c) any substance (other than an inulin-type fructan, a galacto-oligosaccharide or a substance normally consumed as a food) that has been concentrated, refined or synthesised, to achieve a nutritional purpose when added to a food.

**Note** Provisions that control use of substances as nutritive substance are in Standard 1.3.2 (Vitamins and minerals), Standard 2.9.1 (Infant formula products), Standard 2.9.2 (Food for infants), Standard 2.9.3 (Formulated meal replacements), Standard 2.9.4 (Formulated supplementary sports foods) and Standard 2.9.5 (Food for special medical purposes). Substances referred to in paragraph (2)(a) include, for example, those that are identified in the tables to sections S17—2 and S17—3 (vitamins and minerals) and the tables to sections S28—2, S29—18 and S29—19 (other substances).

**1.1.2—13 Definition of used as a processing aid**

- (1) In this Code, a reference to a substance that is **used as a processing aid** in relation to a food is a reference to a substance that is used during the course of processing:
- (a) to perform a technological purpose in the course of processing; and
- (b) does not perform a technological purpose in a food for sale; and
- (c) is identified in subsection (3).

**References to foods that are used as a processing aid**

- (2) In this Code, a reference to a food that is **used as a processing aid** in relation to another food:
- (a) is a reference to a food that:
- (i) is not a substance identified in subsection (3); and
- (ii) is used or added to the other food during the course of processing to perform a technological purpose in the course of processing; and
- (iii) does not perform a technological purpose in the food for sale; and
- (b) is a reference to so much of the food as is necessary to perform the technological purpose.

**Note 1** This Code does not prohibit the use of foods as processing aids (other than foods that are substances referred to in subsection (3)). There are special labelling requirements that apply in relation to foods and substances that are used as processing aids—see paragraphs 1.2.4—3(2)(d) and 1.2.4—3(2)(e) and subparagraph 1.2.8—5(a)(vii).

**Note 2** If a food is used as a processing aid in relation to another food, and the amount of the food used is greater than the amount that is necessary to perform the technological purpose, the excess amount of the food is not taken to be used as a processing aid in the other food and is not exempted from a requirement to declare ingredients—see section 1.2.4—3(2)(e).

- (3) For subsections (1) and (2), the substances are the following:
- (a) a substance that is listed in Schedule 18;
  - (b) an \*additive permitted at GMP.

**Note** 'additive permitted at GMP' is a defined term—see section 1.1.2—11.

#### **1.1.2—14 Calculation and expression of amount of vitamin or mineral**

- (1) RDIs and ESADDIs for vitamins shall be the sum of the forms of the vitamin occurring naturally in the food and any permitted forms of the vitamin that have been added to the food calculated and expressed in the form specified in Columns 3, 4 or 5 of the table to section S1—2.
- (2) RDIs and ESADDIs for minerals shall be the sum of the forms of the mineral occurring naturally in the food and any permitted forms of the mineral that have been added to the food calculated and expressed in the form specified in Column 1 of the table to section S1—3.
- (3) When calculating an amount:
- (a) for vitamin A:
    - (i) calculate the amount in terms of retinol equivalents; and
    - (ii) for provitamin A forms of vitamin A, calculate retinol equivalents using the conversion factors in section S1—4; and
  - (b) for niacin, exclude the niacin provided from the conversion of the amino acid tryptophan; and
  - (c) for vitamin E, calculate the amount in terms of alpha-tocopherol equivalents using the conversion factors in section S1—5.

#### **1.1.2—15 Definition of Permitted Health Star Rating symbol**

- (1) In this Code, **Permitted Health Star Rating symbol** means an image subject to any of the following:
- (a) an Australian Trade Mark numbered 1641445, 1641446 or 1641447;
  - (b) a New Zealand Trade Mark numbered 1018807, 1018808 or 1018809.
- (2) To avoid doubt, an image mentioned in subsection (1) does not cease to be a Permitted Health Star Rating symbol by reason only of the image indicating:
- (a) energy or nutrient content on a per 100 g, per 100 ml or per pack basis; or
  - (b) energy or nutrient content on a per serving or per reference portion basis; or
  - (c) energy or nutrient content at zero or amounts greater than zero; or
  - (d) energy content on a percentage daily intake basis in addition to an amount shown in kilojoules.
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## Application, saving and transitional provisions

The table below details information on application, saving or transitional provisions in instruments affecting this Standard.

<b>Food Standards (Proposal P1039 – Microbiological Criteria for Infant Formula) Variation</b>				
<b>Instrument items affected</b>	<b>A'ment No.</b>	<b>FRLI registration Gazette</b>	<b>Instrument's transitional provision</b>	<b>Description of transitional arrangement</b>
Items [1] and [2] of the Schedule	163	F2016L00784 12 May 2016 FSC105 19 May 2016	Clause 4	Clause 4 provides that section 1.1.1—9 of the Code does not apply to the variations.
<b>Food Standards (Proposal P1050 – Pregnancy warning labels on alcoholic beverages) Variation</b>				
Item [1] of the Schedule	194	F2020L00952 28 July 2020 FSC 135 31 July 2020	Clause 4	<p>Clause 4 a transitional arrangement for variations to the Code made by Item [1] of the Schedule.</p> <p><b>The transition period is the period of time that commences on 31 July 2020 and ends on 31 July 2023.</b></p> <p>Subclause 4(1) provides that section 1.1.1—9 of the Code does not apply to the variations.</p> <p>Subclause 4(2) provides that during the transition period a food product may be sold if the product complies with one of the following:</p> <ul style="list-style-type: none"> <li>(a) the Code as in force without the above variations;</li> <li>(b) the Code as amended by the above variations.</li> </ul> <p>Subclause 4(3) provides that a food product that was labelled before the end of the transition period may be sold after the transition period if the product complies with one of the following:</p> <ul style="list-style-type: none"> <li>(a) the Code as in force without the above variations;</li> <li>(b) the Code as amended by the above variations.</li> </ul>
<b>Food Standards (Proposal P1044 – Plain English Allergen Labelling) Variation</b>				
Item [2] of the Schedule	197	F2021L00145 24 Feb 2021 FSC138 25 Feb 2021	Clause 4	<p>Clause 4 a transitional arrangement for variations to the Code made by Item [2] of the Schedule.</p> <p><b>The transition period is the period of time that commences on 25 February 2021 and ends on 25 February 2024.</b></p> <p><b>The post-transition period is the period of time that commences 26 February 2024 and ends on 26 February 2026.</b></p> <p>Subclause 4(1) provides that section 1.1.1—9 of the Code does not apply to the variations.</p> <p>Subclause 4(2) provides that during the transition period a food product may be sold if the product complies with one of the following:</p> <ul style="list-style-type: none"> <li>(c) the Code as in force without the above variations;</li> <li>(d) the Code as amended by the above variations.</li> </ul> <p>Subclause 4(3) provides that a food product packaged and labelled before the end of the transition period</p>

				<p>may be sold during the post-transition period if the product complies with one of the following:</p> <ul style="list-style-type: none"><li>(c) the Code as in force without the above variations;</li><li>(d) the Code as amended by the above variations.</li></ul>
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## Amendment History

The Amendment History provides information about each amendment to the Standard. The information includes commencement or cessation information for relevant amendments.

These amendments are made under section 92 of the *Food Standards Australia New Zealand Act 1991* unless otherwise indicated. Amendments do not have a specific date for cessation unless indicated as such.

### About this compilation

This is compilation No. 10 of Standard 1.1.2 as in force on **23 March 2022** (up to Amendment No. 206). It includes any commenced amendment affecting the compilation to that date.

Prepared by Food Standards Australia New Zealand on **23 March 2022**.

### Uncommenced amendments or provisions ceasing to have effect

To assist stakeholders, the effect of any uncommenced amendments or provisions which will cease to have effect, may be reflected in the Standard as shaded boxed text with the relevant commencement or cessation date. These amendments will be reflected in a compilation registered on the Federal Register of Legislation including or omitting those amendments and provided in the Amendment History once the date is passed.

The following abbreviations may be used in the table below:

ad = added or inserted  
 exp = expired or ceased to have effect  
 rs = repealed and substituted  
 am = amended  
 rep = repealed

**Standard 1.1.2** was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00385 — 31 March 2015) and has since been amended as follows:

Section affected	A'ment No.	FRL registration Gazette	Commencement (Cessation)	How affected	Description of amendment
1.1.2—2(3)	157	F2015L01366 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	ad	Reference to new Standard 1.2.12. Definitions of 'prescribed beverage' and 'prescribed beverage gluten free claim'.
1.1.2—2(3)	161	F2016L00115 17 Feb 2016 FSC103 22 Feb 2016	1 March 2016	am	Definition of 'food group' to include references to nuts and seeds.
1.1.2—2(3)	161	F2016L00120 18 Feb 2016 FSC103 22 Feb 2016	1 March 2016	am	Definition of 'individual portion pack' to correct incorrect cross-reference.
1.1.2—2(3)	163	F2016L00784 12 May 2016 FSC105 19 May 2016	19 May 2016	rs	Definition of 'SPC'. <i>For application, saving and transitional provisions, see above table.</i>
1.1.2—2(3)	166	F2017L00023 5 Jan 2017 FSC108 12 Jan 2017	12 Jan 2017	am	Incorrect cross-reference to Standard 1.2.7.
1.1.2—2(3)	168	F2017L00414 11 April 2017 FSC110 13 April 2017	13 April 2017	am	Update reference under the definition of 'permitted flavouring substance'.

Section affected	A'ment No.	FRL registration Gazette	Commencement (Cessation)	How affected	Description of amendment
1.1.2—3(2)	159	F2015L01913 2 Dec 2015 FSC101 7 Dec 2015	1 March 2016	ad	Definition of 'raw apricot kernel'.
1.1.2—7(2)	157	F2015L01374 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	am	Correction of typographical error in definition of 'acute care hospital'.
1.1.2—9(1)	172	F2017L01142 6 Sept 2017 FSC114 7 Sept 2017	7 Sept 2017	am	Definition of 'nutrition content claim'.
1.1.2—11(2)(a) Note	172	F2017L01142 6 Sept 2017 FSC114 7 Sept 2017	7 Sept 2017	am	Omit the word 'foods'.
1.1.2—12	161	F2016L00120 18 Feb 2016 FSC103 22 Feb 2016	1 March 2016	am	Typographical error in Note.
1.1.2—15	159	F2015L01931 3 Dec 2015 FSC101 7 Dec 2015	1 March 2016	ad	Section relating to the Health Star Rating symbol.
1.1.2—2(3)	182	F2018L01594 23 Nov 2018 FSC123 29 Nov 2018	29 Nov 2018	am	Omit 2015 (edition 27), Substitute 2018 (edition 28)
1.1.2—9(1)	182	F2018L01594 23 Nov 2018 FSC123 29 Nov 2018	29 Nov 2018	am	Typographical error 'fat'
1.1.2—2(3)	194	F2020L00952 28 July 2020 FSC 135 31 July 2020	31 July 2020	ad	Definition of 'individual unit', 'pregnancy warning label', 'pregnancy warning pictogram', 'prescribed alcoholic beverage'.  <i>For application, saving and transitional provisions, see above table.</i>
1.1.2—2(3)	197	F2021L00145 24 Feb 2021 FSC138 25 Feb 2021	25 Feb 2021	ad	Definition of 'required name'  <i>For application, saving and transitional provisions, see above table.</i>
1.1.2—2(3)	200	F2021L00684 2 June 2021 FSC141 3 June 2021	3 June 2021	am	section relating to definition of permitted flavouring substance
1.1.2—3(2)	200	F2021L00684 2 June 2021 FSC141 3 June 2021	3 June 2021	ad	Definition of wheat flour
1.1.2—3(2) (note)	206	F2022L00308 11 Mar 2022 FSANZ Notification Circular 195-22 (Urgent Proposal) 23 March 2022	23 March 2022	rs	Repeal and substitute definition of kava

# Standard 1.2.1 Requirements to have labels or otherwise provide information

**Note 1** This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

**Note 2** The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

## Division 1 Preliminary

### 1.2.1—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 1.2.1 – Requirements to have labels or otherwise provide information*.

**Note** Commencement:

This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the Gazette and the New Zealand Gazette under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

### 1.2.1—2 Outline of Standard

- (1) This Standard sets out when a food for sale is required to \*bear a label or have other information provided with it, and sets out the information that is to be provided.
- (2) Division 2 sets out the labelling and information requirements for a food that is for retail sale.
- (3) Division 3 sets out the labelling and information requirements for food that is sold to \*caterers.
- (4) Division 4 sets out the labelling and information requirements for all other sales of food.
- (5) Division 5 sets out general prohibitions relating to labels.
- (6) Division 6 sets out legibility requirements.

### 1.2.1—3 Definitions

**Note** In this Code (see section 1.1.2—2):

**bear a label:** a food for sale is taken to **bear a label** of a specified kind or with specified content if either of the following are part of or attached to the packaging of the food:

- (a) a label of that kind or with that content; or
- (b) labels that together are of that kind or have that content.

**caterer** means a person, establishment or institution (for example, a catering establishment, a restaurant, a canteen, a school, or a hospital) which handles or offers food for immediate consumption.

**label**, in relation to a food being sold, means any tag, brand, mark or statement in writing or any representation or design or descriptive matter that:

- (a) is attached to the food or is a part of or attached to its packaging; or
- (b) accompanies and is provided to the purchaser with the food; or
- (c) is displayed in connection with the food when it is sold.

**labelling:**

- (a) in relation to a food being sold, **labelling** means all of the labels for the food together; and
- (b) a requirement for the labelling of a food for sale to include specified content is a requirement for at least one of the labels to have that content.

## Division 2 Retail sales

### 1.2.1—4 When this Division applies

This Division applies to:

- (a) a retail sale of a food; and
- (b) a sale of a food that is not a retail sale, if the food is sold as suitable for retail sale without any further processing, packaging or labelling.

### 1.2.1—5 Outline of Division

This Division sets out:

- (a) the circumstances in which food for sale is required to \*bear a label—see section 1.2.1—6;
- (c) the other information the label must state—see section 1.2.1—8;
- (d) the information requirements for a food for sale that is not required to bear a label—see section 1.2.1—9.

### 1.2.1—6 When the food for sale must bear a label

- (1) If the food for sale is in a package, it is required to \*bear a label with the information referred to in subsection 1.2.1—8(1) unless it:
  - (a) is made and packaged on the premises from which it is sold; or
  - (b) is packaged in the presence of the purchaser; or
  - (c) is whole or cut fresh \*fruit and vegetables (other than seed sprouts or similar products) in a package that does not obscure the nature or quality of the food; or
  - (d) is delivered packaged, and ready for consumption, at the express order of the purchaser (other than when the food is sold from a vending machine); or
  - (e) is sold at a \*fund raising event; or
  - (f) is displayed in an \*assisted service display cabinet.

**Note 1** See section 1.2.1—9 for information requirements for food for sale that does not need to bear a label.

**Note 2** See Division 4 of Standard 2.7.1 for the requirements relating to a \*pregnancy warning label.

- (2) If the food for sale has more than 1 layer of packaging and subsection (1) requires it to bear a label, only 1 label is required in relation to the food for sale.

**Note 1** See also section 1.2.1—24

**Note 2** See Division 4 of Standard 2.7.1 for the requirements relating to a \*pregnancy warning label.

- (3) If the food for sale is sold in packaging that includes individual packages for servings that are intended to be used separately (**individual portion packs**), but which:

- (a) are not designed for individual sale; and
- (b) have a surface area of 30 cm<sup>2</sup> or greater;

then the individual portion pack is also required to \*bear a label, with the information referred to in subsection 1.2.1—8(3).

- (4) If the food for sale is not in a package, it is not required to \*bear a label.

**Note** See section 1.2.1—9 for information requirements for food for retail sale that does not need to bear a label.

### 1.2.1—8 Information required on food that is required to bear a label

*General and additional requirements—retail sales*

- (1) For subsection 1.2.1—6(1), the information is the following information in accordance with the provisions indicated:

### *General requirements*

- (a) name of the food (see section 1.2.2—2);
- (b) \*lot identification (see section 1.2.2—3);
- (c) name and address of the \*supplier (see section 1.2.2—4);
- (d) advisory statements, \*warning statements and declarations (see sections 1.2.3—2, 1.2.3—3 and 1.2.3—4);
- (e) a statement of ingredients (see section 1.2.4—2);
- (f) date marking information (see section 1.2.5—3);
- (g) storage conditions and directions for use (see section 1.2.6—2);
- (h) information relating to nutrition, health and related claims (see subsection 1.2.7—26(4));
- (i) nutrition information (see Standard 1.2.8);
- (j) information about \*characterising ingredients and \*characterising components (see section 1.2.10—3);
- (ja) information relating to breakfast cereals that contain vitamin D that has been used as a nutritive substance in accordance with Standard 1.3.2 (see section 1.3.2—7);
- (k) information relating to \*foods produced using gene technology (see section 1.5.2—4);
- (l) information relating to irradiated food (see section 1.5.3—9);

### *Additional requirements*

- (m) for minced meat—the maximum proportion of fat in the minced meat (see section 2.2.1—7);
- (n) for raw meat joined or formed into the semblance of a cut of meat—the required information relating to that meat (see section 2.2.1—8);
- (o) for fermented comminuted processed or manufactured meat—the required information relating to how the meat has been processed (see sections 2.2.1—9 and 2.2.1—10);
- (p) for formed or joined fish—the information relating to that fish (see section 2.2.3—3);
- (q) the process declaration for edible oils (see section 2.4.1—4);
- (r) for juice blend—the name and percentage by volume of each juice in the blend (see section 2.6.1—4);
- (s) information related to the composition of packaged water (see section 2.6.2—5);
- (t) for an electrolyte drink or electrolyte drink base:
  - (i) a declaration of the required compositional information (see section 2.6.2—11); and
  - (ii) if a claim is made that the drink is isotonic, hypertonic or hypotonic—a declaration of the osmolality of the drink (see section 2.6.2—12);
- (u) the required statements relating to kava (see section 2.6.3—4);
- (v) for formulated caffeinated beverages:
  - (i) declarations of \*average quantities (see section 2.6.4—5); and
  - (ii) any advisory statements (see section 2.6.4—5);
- (w) for a food that contains alcohol—if required:
  - (i) a statement of the alcohol content (see section 2.7.1—3); and
  - (ii) a statement of the number of \*standard drinks in the package (see section 2.7.1—4);
- (x) for special purpose foods or \*amino acid modified foods to which sections 2.9.6—5 and 2.9.6—6 apply—the required information for such foods;
- (y) the required statements and other information for:

- (i) infant formula product (see Standard 2.9.1); and
- (ii) food for infants (see Standard 2.9.2); and
- (iii) formulated meal replacements and formulated supplementary foods (see Standard 2.9.3); and
- (iv) formulated supplementary sports foods (see Standard 2.9.4); and
- (v) foods for special medical purposes (see Standard 2.9.5);
- (z) the required information for reduced sodium salt mixtures and salt substitutes (see section 2.10.2—8).

*Specific requirement—retail sales of food in hampers*

- (2) For food sold in a \*hamper:
  - (a) each package must \*bear a label stating the information mentioned in subsection (1); and
  - (b) each item of food not in a package must be accompanied by labelling stating the information mentioned in subsection (1); and
  - (c) the hamper must bear a label stating the name and address of the \*supplier of the hamper (see section 1.2.2—4).

*Specific requirement—retail sales of food in individual portion packs*

- (3) For subsection 1.2.1—6(3), the information is \*warning statements and declarations in accordance with sections 1.2.3—3 and 1.2.3—4.

*Additional requirement—food sold from vending machines*

- (4) For food sold from a vending machine, it is an additional requirement that labels clearly and prominently displayed in or on the vending machine state the name and \*business address of the \*supplier of the vending machine.

**Note** Specific exemptions for some types of package or food are in other standards, for example, elsewhere in Part 1.2.

## **1.2.1—9 Information requirements for food for sale that is not required to bear a label**

- (1) This section applies to a food for sale that is not required to \*bear a label because of section 1.2.1—6.

*Information that must accompany or be displayed with the food*

- (2) The information specified in subsection (3) must, in accordance with the provisions indicated, be stated in labelling that:
  - (a) accompanies the food; or
  - (b) is displayed in connection with the display of the food.
- (3) For subsection (2), the information is:
  - (a) any \*warning statement required by section 1.2.3—3; and
  - (b) if the food for sale is not in a package—information relating to foods produced using gene technology (see section 1.5.2—4);
  - (c) information relating to irradiated food (see section 1.5.3—9); and
  - (d) for food sold from a vending machine—any advisory statement required by section 1.2.3—2 and any declaration required by section 1.2.3—4;
  - (e) if the food for sale is not in a package—for fermented comminuted processed or manufactured meat—the \*prescribed name (see sections 2.2.1—9 and 2.2.1—10);
  - (f) if the food for sale is not in a package—for a food for sale that consists of kava root:
    - (i) any statements relating to kava (see section 2.6.3—4); and
    - (ii) the name and address of the \*supplier (see section 1.2.2—4).



*Information that must accompany food for sale*

- (4) The following information must be stated in labelling that accompanies the food for sale, in accordance with the provisions indicated:
- (a) if the food for sale is not in a package—the directions relating to use and storage required by paragraph 1.2.6—2(b); and
  - (b) in any case—the information related to use required by paragraph 1.2.6—2(c).

*Information that must be declared or provided to the purchaser*

- (5) The following information must be declared or provided to the purchaser, in accordance with the provisions indicated:
- (a) any required statement indicating the presence of offal must be declared (see section 2.2.1—6);
  - (b) for raw meat joined or formed into the semblance of a cut of meat—any required information relating to that meat must be provided (see section 2.2.1—8);
  - (c) for formed or joined fish—any required information relating to that fish must be provided (see section 2.2.3—3).

*Information that may be displayed with the food or which must be provided to the purchaser on request*

- (6) The information specified in subsection (7) must, in accordance with the provisions indicated, be:
- (a) displayed in connection with the display of the food; or
  - (b) provided to the purchaser on request.
- (7) For subsection (6), the information is:
- (a) name of food (see section 1.2.2—2);
  - (b) any advisory statements and declarations (see sections 1.2.3—2 and 1.2.3—4);
  - (c) information relating to nutrition, health and related claims (see subsection 1.2.7—26(4));
  - (d) if a \*claim requiring nutrition information is made—the information required for a nutrition information panel (see subsections 1.2.7—26(2) and 1.2.7—26(3), and Standard 1.2.8);
  - (e) if the food is not required to \*bear a label because of subsection 1.2.1—6(4) or paragraph 1.2.1—6(1)(a)—information about \*characterising ingredients and \*characterising components (section 1.2.10—3);
  - (ea) information relating to breakfast cereals that contain vitamin D that has been used as a nutritive substance in accordance with Standard 1.3.2 (see section 1.3.2—7);
  - (f) for minced meat—if required, the maximum proportion of fat in the minced meat (see section 2.2.1—7);
  - (g) for formulated caffeinated beverages—any advisory statements (section 2.6.4—5).

## **Division 3 Sales of food to caterers**

### **1.2.1—10 When this Division applies**

This Division applies to a sale of food to a \*caterer, other than a sale to which Division 2 applies.

### **1.2.1—11 Outline of Division**

This Division sets out the following:

- (a) the circumstances in which the food for sale to a \*caterer is required to \*bear a label—see section 1.2.1—12;

- (b) when information must be provided with the food—see section 1.2.1—13; and
- (d) the other information the label must state—see section 1.2.1—15;
- (e) the information requirements for a food that is not required to bear a label—see sections 1.2.1—16 and 1.2.1—17.

**1.2.1—12 When food sold to a caterer must bear a label**

- (1) If the food sold to a \*caterer is in a package, it is required to \*bear a label with the information required by section 1.2.1—15.
- (2) If:
  - (a) the food for sale is required to \*bear a label; and
  - (b) the food for sale has more than one layer of packaging; and
  - (c) the information required by sections 1.2.2—2 and 1.2.2—3 is in a label on the outer package; and
  - (d) the information required by section 1.2.2—4 is:
    - (i) in a label on the outer package; or
    - (ii) in documentation that accompanies the food for sale;

the label referred to in subsection (1) need not be on the outer package.
- (3) A food for sale is not required to \*bear a label if:
  - (a) the food is not in a package; or
  - (b) the food is whole or cut fresh \*fruit and vegetables (other than seed sprout or similar products) in a package that does not obscure the nature or quality of the food.

**1.2.1—13 When information must be provided with food sold to a caterer**

If food sold to a \*caterer is not required by section 1.2.1—12 to \*bear a label, labelling containing the information required by section 1.2.1—15 must be provided to the caterer with the food.

**1.2.1—15 Information required to be on labelling for food sold to a caterer**

Subject to this section, labelling that is required for food sold to a \*caterer under section 1.2.1—12 must state the following information in accordance with the provisions indicated:

- (a) name of food (see section 1.2.2—2);
- (b) \*lot identification (see section 1.2.2—3);
- (c) advisory statements, \*warning statements and declarations (see sections 1.2.3—2, 1.2.3—3 and 1.2.3—4);
- (d) date marking information (see section 1.2.5—3);
- (e) any storage conditions and directions for use (see section 1.2.6—2);
- (f) information relating to foods produced using gene technology (see section 1.5.2—4);
- (g) information relating to irradiated food (see section 1.5.3—9).

**1.2.1—16 Other information that must be provided with food sold to a caterer**

- (1) The information referred to in subsection 1.2.1—8(1) (General and additional requirements—retail sales) must be:
  - (a) set out in the label (if any); or
  - (b) provided in documentation.
- (2) In the case of the information referred to in paragraph 1.2.1—8(1)(c) (name and address of the supplier), if the information is provided in documentation, the

documentation must accompany the food for sale.

- (3) Subsection (1) does not apply to:
- (a) the information that is referred to in subsection 1.2.1—15 (Information required to be on labelling for food sold to a caterer); or
  - (b) the information referred to in paragraph 1.2.1—8(1)(j) (information about characterising ingredients and components).

### **1.2.1—17 Information that can be requested in relation to food sold to a caterer**

The \*caterer must be provided with any information:

- (a) requested by the caterer; or
- (b) required by the \*relevant authority to be provided;

that is necessary to enable the caterer to comply with any compositional, labelling or declaration requirement of this Code in a sale of the food or of another food using it as an ingredient.

## **Division 4 Other sales**

### **1.2.1—18 When this Division applies**

- (1) This Division applies to sales of food other than:
- (a) sales to which Division 2 or Division 3 apply; or
  - (b) intra-company transfers.

- (2) In this section:

***intra-company transfer*** means a transfer of a food between elements of a single company, between subsidiaries of a parent company or between subsidiaries of a parent company and the parent company.

### **1.2.1—19 Outline of Division**

This Division sets out the following:

- (a) the circumstances in which the food for sale is required to \*bear a label—see section 1.2.1—20;
- (b) the information requirements for a food for sale that is not required to bear a label—see section 1.2.1—21.

### **1.2.1—20 Labelling requirements**

- (1) If the food for sale is not in a package, it is not required to \*bear a label.
- (2) If the food for sale is in a package, it is required to \*bear a label that states the following information in accordance with the provisions indicated:
- (a) name of food (see section 1.2.2—2);
  - (b) \*lot identification (see section 1.2.2—3);
  - (c) unless provided in documentation accompanying the food for sale—the name and address of the \*supplier (see section 1.2.2—4).
- (3) The label may be:
- (a) on the package; or
  - (b) if there is more than 1 layer of packaging—on the outer layer; or
  - (c) if the food for sale is in a \*transportation outer—clearly discernible through the transportation outer.

### **1.2.1—21 When information can be requested**

- (1) The purchaser must be provided with any information:
  - (a) requested by the purchaser; or
  - (b) required by the \*relevant authority to be provided;

that is necessary to enable the purchaser to comply with any compositional, labelling or declaration requirement of this Code in a sale of the food or of another food using it as an ingredient.

- (2) If requested by the purchaser or required by the relevant authority, the information must be provided in writing.

## **Division 5 General prohibitions relating to labels**

### **1.2.1—22 Prohibition on altering labels**

- (1) A person who sells a food for sale that is packaged, or deals with a packaged food for sale before its sale, must not deface the label on the package unless:
  - (a) the \*relevant authority has given its permission; and
  - (b) if the relevant authority has imposed any conditions on its permission—those conditions have been complied with.
- (2) Despite subsection (1), a person who sells a food that is packaged, or deals with a packaged food before its sale, may re-label the food if the label contains incorrect information, by placing a new label over the incorrect one in such a way that:
  - (a) the new label is not able to be removed; and
  - (b) the incorrect information is not visible.
- (3) In this section:

**deface** includes alter, remove, erase, obliterate and obscure.

### **1.2.1—23 Application of labelling provisions to advertising**

If this Code prohibits a label on or relating to food from including a statement, information, a design or a representation, an advertisement for that food must not include that statement, information, design or representation.

## **Division 6 Legibility requirements**

### **1.2.1—24 General legibility requirements**

- (1) If this Code requires a word, statement, expression or design to be contained, written or set out on a label—any words must be in English and any word, statement, expression or design must, wherever occurring:
  - (a) be legible; and
  - (b) be prominent so as to contrast distinctly with the background of the label.
- (2) If a language other than English is also used on a label, the information in that language must not negate or contradict the information in English.

### **1.2.1—25 Legibility requirements for warning statements**

A \*warning statement on a label must be written:

- (a) for a small package—in a \*size of type of at least 1.5 mm;
- (b) otherwise—in a size of type of at least 3 mm.



## Application, saving and transitional provisions

The table below details information on application, saving or transitional provisions in instruments affecting this Standard.

<b>Food Standards (Proposal P1050 – Pregnancy warning labels on alcoholic beverages) Variation</b>				
Items [2.1] and [2.2] of the Schedule	194	F2020L00952 28 July 2020 FSC 135 31 July 2020	Clause 4	<p>Clause 4 a transitional arrangement for variations to the Code made by Items [2.1] and [2.2] of the Schedule.</p> <p><b>The transition period is the period of time that commences on 31 July 2020 and ends on 31 July 2023.</b></p> <p>Subclause 4(1) provides that section 1.1.1—9 of the Code does not apply to the variations.</p> <p>Subclause 4(2) provides that during the transition period a food product may be sold if the product complies with one of the following:</p> <ul style="list-style-type: none"> <li>(a) the Code as in force without the above variations;</li> <li>(b) the Code as amended by the above variations.</li> </ul> <p>Subclause 4(3) provides that a food product that was labelled before the end of the transition period may be sold after the transition period if the product complies with one of the following:</p> <ul style="list-style-type: none"> <li>(a) the Code as in force without the above variations;</li> <li>(b) the Code as amended by the above variations.</li> </ul>

## Amendment History

The Amendment History provides information about each amendment to the Standard. The information includes commencement or cessation information for relevant amendments.

These amendments are made under section 92 of the *Food Standards Australia New Zealand Act 1991* unless otherwise indicated. Amendments do not have a specific date for cessation unless indicated as such.

### About this compilation

This is compilation No. 7 of Standard 1.2.1 as in force on 3 **June 2021** (up to Amendment No. 200). It includes any commenced amendment affecting the compilation to that date.

Prepared by Food Standards Australia New Zealand on **3 June 2021**.

### Uncommenced amendments or provisions ceasing to have effect

To assist stakeholders, the effect of any uncommenced amendments or provisions which will cease to have effect, may be reflected in the Standard as shaded boxed text with the relevant commencement or cessation date. These amendments will be reflected in a compilation registered on the Federal Register of Legislation including or omitting those amendments and provided in the Amendment History once the date is passed.

The following abbreviations may be used in the table below:

ad = added or inserted  
 exp = expired or ceased to have effect  
 rs = repealed and substituted  
 am = amended  
 rep = repealed

**Standard 1.2.1** was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00386 — 31 March 2015) and has since been amended as follows:

Section affected	A'ment No.	FRL registration Gazette	Commencement (Cessation)	How affected	Description of amendment
1.2.1—6(3)	157	F2015L01374 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	am	Correction of typographical error.
1.2.1—5(b)	165	F2016L01367 30 Aug 2016 FSC107 1 Sept 2016	(1 July 2018)	rep	References to country of origin labelling.
1.2.1—6(1)	165	F2016L01367 30 Aug 2016 FSC107 1 Sept 2016	(1 July 2018)	rs	Replace Notes 1 and 2 with a new Note to remove references to country of origin labelling.
1.2.1—7	165	F2016L01367 30 Aug 2016 FSC107 1 Sept 2016	(1 July 2018)	rep	References to country of origin labelling.
1.2.1—8(1)	166	F2017L00023 5 Jan 2017 FSC108 12 Jan 2017	12 Jan 2017	ad	New paragraph relating to vitamin D in breakfast cereals.

Section affected	A'ment No.	FRL registration Gazette	Commencement (Cessation)	How affected	Description of amendment
1.2.1—9(6)	168	F2017L00414 11 April 2017 FSC110 13 April 2017	13 April 2017	am	Cross-reference to Standard 1.2.7.
1.2.1—9(6)	172	F2017L01142 6 Sept 2017 FSC114 7 Sept 2017	7 Sept 2017	am	Amend heading to remove words 'either accompany or'.
1.2.1—9(7)	166	F2017L00023 5 Jan 2017 FSC108 12 Jan 2017	12 Jan 2017	ad	New paragraph relating to vitamin D in breakfast cereals.
1.2.1—9(7)	168	F2017L00414 11 April 2017 FSC110 13 April 2017	13 April 2017	am	Cross-references to Standard 1.2.7.
1.2.1—11(c)	165	F2016L01367 30 Aug 2016 FSC107 1 Sept 2016	(1 July 2018)	rep	References to country of origin labelling.
1.2.1—14	165	F2016L01367 30 Aug 2016 FSC107 1 Sept 2016	(1 July 2018)	rep	References to country of origin labelling.
1.2.1—16(3)	157	F2015L01374 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	am	Correction of typographical error in cross-reference.
1.2.1—17	157	F2015L01374 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	am	Correction of typographical error.
1.1.2—2(3)	194	F2020L00952 28 July 2020 FSC 135 31 July 2020	31 July 2020	ad	Cross-references to Standard 2.7.1.  <i>For application, saving and transitional provisions, see above table.</i>
1.2.1—2(3)	200	F2021L00684 2 June 2021 FSC141 3 June 2021	3 June 2021	am	Correction of typographical error.
1.2.1—6(1)(c)	200	F2021L00684 2 June 2021 FSC141 3 June 2021	3 June 2021	am	Correction of typographical error.
1.2.1—8(1)(b), (d), (k)(i)	200	F2021L00684 2 June 2021 FSC141 3 June 2021	3 June 2021	am	Correction of typographical error.
1.2.1—8(3)	200	F2021L00684 2 June 2021 FSC141 3 June 2021	3 June 2021	am	Correction of typographical error.
1.2.1—10	200	F2021L00684 2 June 2021 FSC141 3 June 2021	3 June 2021	am	Correction of typographical error.
1.2.1—12(3)(b)	200	F2021L00684 2 June 2021 FSC141 3 June 2021	3 June 2021	am	Correction of typographical error.



<b>Section affected</b>	<b>A'ment No.</b>	<b>FRL registration Gazette</b>	<b>Commencement (Cessation)</b>	<b>How affected</b>	<b>Description of amendment</b>
1.2.1—15(b)(c)	200	F2021L00684 2 June 2021 FSC141 3 June 2021	3 June 2021	am	Correction of typographical error.
1.2.1—20(2)(b)	200	F2021L00684 2 June 2021 FSC141 3 June 2021	3 June 2021	am	Correction of typographical error.
1.2.1—20(3)(c)	200	F2021L00684 2 June 2021 FSC141 3 June 2021	3 June 2021	am	Correction of typographical error.

**Food Standards (Proposal P1025 – Code Revision) Variation**

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The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*. The Standard commences on 1 March 2016.

Dated 25 March 2015



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

**Note:**

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

## Standard 1.2.2 Information requirements – food identification

**Note 1** This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

**Note 2** The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

### 1.2.2—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 1.2.2 – Information requirements – food identification*.

**Note** Commencement:  
This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

### 1.2.2—2 Name of food

- (1) For the labelling provisions, the name of a food is:
- (a) if the food has a \*prescribed name—the prescribed name; and
  - (b) otherwise—a name or description:
    - (i) sufficient to indicate the true nature of the food; and
    - (ii) that includes any additional words this Code requires to be included in the name of food.

**Note 1** The labelling provisions are set out in Standard 1.2.1.

**Note 2** In this Code, the following foods have these names as prescribed names:

- (i) 'fermented processed meat – not heat treated' (Standard 2.2.1);
  - (ii) 'fermented processed meat – heat treated' (Standard 2.2.1);
  - (iii) 'fermented processed meat – cooked' (Standard 2.2.1);
  - (iv) 'fermented manufactured meat – not heat treated' (Standard 2.2.1);
  - (v) 'fermented manufactured meat – heat treated' (Standard 2.2.1);
  - (vi) 'fermented manufactured meat – cooked' (Standard 2.2.1);
  - (vii) 'follow-on formula' (Standard 2.9.1);
  - (viii) 'formulated meal replacement' (Standard 2.9.3);
  - (ix) 'formulated supplementary food' (Standard 2.9.3);
  - (x) 'formulated supplementary food for young children' (Standard 2.9.3);
  - (xi) 'formulated supplementary sports food' (Standard 2.9.4);
  - (xii) 'honey' (Standard 2.8.2);
  - (xiii) 'infant formula' (Standard 2.9.1).
- (2) If this Code includes a definition of a particular food, that fact alone does not establish that the defined term is the name of the food for this section.

### 1.2.2—3 Lot identification

For the labelling provisions, a requirement to state the \*lot identification does not apply to:

- (a) an individual portion of ice cream or ice confection; or
- (b) a food for sale that is in a small package, if:
  - (i) the \*small package is stored or displayed for sale in a bulk package or a bulk container; and
  - (ii) the labelling of the bulk package or bulk container includes the lot identification.

**Note** The labelling provisions are set out in Standard 1.2.1.

## 1.2.2—4

### **Name and address of supplier**

For the labelling provisions, a reference to the name and address of the \*supplier of a food or food for sale is a reference to the name and \*business address in either Australia or New Zealand of a person who is a supplier.

**Note** The labelling provisions are set out in Standard 1.2.1.

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

**Note 1** This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

**Note 2** The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

### Division 1 Preliminary

#### 1.2.3—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 1.2.3 – Information requirements – warning statements, advisory statements and declarations*.

**Note** Commencement:

This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

#### 1.2.3—1A Definitions

**Note** In this Code (see section 1.1.2—2):

**required name**, of a particular food, means the name declared by section 1.2.3—5 as the required name for that food for the purposes of Division 3 of Standard 1.2.3.

**size of type** means the measurement from the base to the top of a letter or numeral.

### Division 2 Mandatory statements

#### 1.2.3—2 Mandatory advisory statements

- (1) For the labelling provisions, if a food is listed in Column 1 of the table in section S9—2, the corresponding advisory statement in Column 2 of that table is required.
- (2) For the labelling provisions, an advisory statement to the effect that excess consumption may have a laxative effect is required for a food that contains:
  - (a) one or more of the following substances, either alone or in combination, at a level of or in excess of 10 g/100 g:
    - (i) lactitol;
    - (ii) maltitol;
    - (iii) maltitol syrup;
    - (iv) mannitol;
    - (v) xylitol; or
  - (b) one or more of the following substances, either alone or in combination, at a level of or in excess of 25 g/100 g:
    - (i) erythritol;
    - (ii) isomalt;
    - (iii) polydextrose;
    - (iv) sorbitol; or
  - (c) one or more of the substances listed in paragraph (a), in combination with one or more of the substances listed in paragraph (b), at a level of or in excess of 10 g/100 g.

**Note** The labelling provisions are set out in Standard 1.2.1.

### 1.2.3—3 **Mandatory warning statement—royal jelly**

For the labelling provisions, if a food is or includes as an ingredient royal jelly, the following \*warning statement is required: 'This product contains royal jelly which has been reported to cause severe allergic reactions and in rare cases, fatalities, especially in asthma and allergy sufferers'.

**Note** The labelling provisions are set out in Standard 1.2.1.

## Division 3 **Mandatory declarations**

### 1.2.3—4 **Mandatory declarations of certain foods**

- (1) For the labelling provisions, if a food to which this section applies is present in a food for sale in a manner listed in subsection (5), a declaration that the food is present is required.

**Note** The labelling provisions related to this requirement are set out in Standard 1.2.1, subparagraph 1.2.4—5(6)(b)(i), and paragraph 2.9.5—9(1)(d).

- (2) A declaration required by subsection (1) must comply with this Division.
- (3) This section applies to:
- (a) a food that is listed in Column 1 of the table to section S9—3; or
  - (b) a derivative of such a food.
- (4) Despite subsection (3), this section does not apply to:
- (a) a food that is listed in Column 2 of the table to section S9—3; or
  - (b) a derivative of such a food.
- (5) For the purposes of subsection (1), the food may be present as any of the following:
- (a) an ingredient or as an ingredient of a \*compound ingredient; or
  - (b) a substance \*used as a food additive, or an ingredient or component of such a substance; or
  - (c) a substance \*used as a processing aid, or an ingredient or component of such a substance.

### 1.2.3—5 **Food name required for a mandatory declaration**

The \*required name of a food listed in Column 1 of the table to section S9—3 is:

- (a) when listed in a statement of ingredients—the corresponding name or one of the corresponding names in Column 3 of that table;
- (b) in all other cases—the corresponding name or names in Column 4 of that table.

### 1.2.3—6 **What a mandatory declaration must state**

- (1) A declaration other than a declaration to which subsection (2) or (4) applies must be made by stating the \*required name of the food to be declared.
- (2) A declaration made for the purposes of paragraph 1.2.1—8(1)(d) or subparagraph 1.2.4—5(6)(b)(i) must be made by:
- (a) listing in the statement of ingredients of the food for sale:
    - (i) the \*required name of the food to be declared; and
    - (ii) if the food to be declared is a substance \*used as a processing aid or an ingredient or component of such a substance, the words 'processing aid' in conjunction with that required name; and

**Examples:** processing aids (**wheat, egg**); processing aid containing **wheat**.
  - (b) including a summary statement on the label of the food for sale.

**Note** Statement of ingredients provisions are set out in Standard 1.2.4.

- (3) Subsection (2) does not apply to a food for sale to which subsection 1.2.4—2(2) or subsection 1.2.4—2(3) applies.

**Note** Subsections 1.2.4—2(2) and (3) provide that certain foods are not required to have a statement of ingredients on their label.

- (4) A declaration made in relation to any of the following foods for sale must be made by stating the name of the food to which subsection 1.2.3—4(1) applies and that is present in the food for sale:

- (a) a food for special medical purposes; or  
(b) an infant formula product that is:  
(i) specifically formulated for premature or low birthweight infants;  
(ii) specifically formulated to satisfy particular metabolic, immunological, renal, hepatic or malabsorptive conditions;  
(iii) represented as lactose free formula or low lactose formula; or  
(iv) based on a \*protein substitute.

**Note 1** Paragraph 2.9.5—9(1)(d) applies to food for special medical purposes and provides that a label that is required for such food must make (among other things) any mandatory declarations required by section 1.2.3—4.

**Note 2** Division 4 of Standard 2.9.1 applies to infant formula products for special dietary use and sets out compositional and labelling requirements for such food.

- (5) For the purposes of subsection (4), the name to be stated must be:  
(a) the name listed for that food in Column 1 of the table to section S9—3; or  
(b) any other name by which that food is commonly known.

## 1.2.3—7

### Form of a mandatory declaration

- (1) A \*required name in a statement of ingredients must be printed:  
(a) in a bold font that provides a distinct contrast with any other text in the statement of ingredients which is not a required name; and  
(b) in a \*size of type that is not less than the size of type of the other text in the statement of ingredients that is not a required name.
- (2) A \*required name in a statement of ingredients must be listed:  
(a) separately for each ingredient that is or contains the relevant food; and  
**Example** kamut (**wheat**), maltodextrin (**wheat**)  
(b) as a separate word or as separate words if the required name is contained in the name of the ingredient that is or contains the relevant food; and  
**Examples** **milk** powder, **sesame** seeds, but not buttermilk  
(c) separately from but next to the name of the ingredient that is or contains the relevant food unless the required name:  
(i) is identical to the name of the ingredient; or  
(ii) is contained in the name of the ingredient.  
**Examples** sodium caseinate (**milk**) or sodium caseinate (from **milk**); pasta (**wheat, egg**)
- (3) A summary statement must:  
(a) commence with the word 'Contains' and then list the \*required name of each food to be declared; and  
(b) contain no other words.
- (4) A summary statement must:  
(a) appear on the label of the food for sale:  
(i) in the same field of view as the statement of ingredients; and

- (ii) directly next to the statement of ingredients; and
  - (b) be distinctly separated from the statement of ingredients.
- (5) A summary statement must be printed:
  - (a) in the same typeface and \*size of type as any \*required name in the Statement of ingredients of the food for sale; and
  - (b) in a bold font that provides a distinct contrast with any other text in the statement of ingredients which is not a required name.
- (6) In this section, a **summary statement** means a summary statement required by paragraph 1.2.3—6(2)(b).

### **1.2.3—8 Compliance with requirement for required name**

If a provision of this Division requires a \*required name to be declared or stated, that required name may be declared or stated in either the singular or plural form as required.



## Application, saving and transitional provisions

The table below details information on application, saving or transitional provisions in instruments affecting this Standard.

<b>Food Standards (Proposal P1026 – Lupin as an Allergen) Variation</b>				
<b>Instrument items affected</b>	<b>A'ment No.</b>	<b>FRL registration Gazette</b>	<b>Instrument's transitional provision</b>	<b>Description of transitional arrangement</b>
Item [1] of the Schedule	169	F2017L00585 23 May 2017 FSC112 25 May 2017	Subsection 1.2.3—1A(1)	<p>Subsection 1.2.3—1A(1) establishes a transitional arrangement for variations to the Code made by Item [1] of the Schedule.</p> <p><b>The transition period is the period of time that commences on 25 May 2017 and ends on 26 May 2018.</b></p> <p>1.2.3—1A(2) provides that section 1.1.1—9 of the Code does not apply to the above variation.</p> <p>1.2.3—1A(3) provides that, during the transition period, a food may comply with either:</p> <ul style="list-style-type: none"> <li>(a) the Code as in force without the prescribed variation; or</li> <li>(b) the Code as amended by the prescribed variation;</li> </ul> <p>but not a combination of both.</p>
<b>Food Standards (Proposal P1044 – Plain English Allergen Labelling) Variation</b>				
Item [3] of the Schedule	197	F2021L00145 24 Feb 2021 FSC138 25 Feb 2021	Clause 4	<p>Clause 4 a transitional arrangement for variations to the Code made by Item [3.1], [3.2], [3.3], [3.4] and [3.5] of the Schedule.</p> <p><b>The transition period is the period of time that commences on 25 February 2021 and ends on 25 February 2024.</b></p> <p><b>The post-transition period is the period of time that commences 26 February 2024 and ends on 26 February 2026.</b></p> <p>Subclause 4(1) provides that section 1.1.1—9 of the Code does not apply to the variations.</p> <p>Subclause 4(2) provides that during the transition period a food product may be sold if the product complies with one of the following:</p> <ul style="list-style-type: none"> <li>(a) the Code as in force without the above variations;</li> <li>(b) the Code as amended by the above variations.</li> </ul> <p>Subclause 4(3) provides that a food product packaged and labelled before the end of the transition period may be sold during the post-transition period if the product complies with one of the following:</p> <ul style="list-style-type: none"> <li>(a) the Code as in force without the above variations;</li> <li>(b) the Code as amended by the above variations.</li> </ul>

## Amendment History

The Amendment History provides information about each amendment to the Standard. The information includes commencement or cessation information for relevant amendments.

These amendments are made under section 92 of the *Food Standards Australia New Zealand Act 1991* unless otherwise indicated. Amendments do not have a specific date for cessation unless indicated as such.

### About this compilation

This is compilation No. 4 of Standard 1.2.3 as in force on **25 February 2021** (up to Amendment No. 197). It includes any commenced amendment affecting the compilation to that date.

Prepared by Food Standards Australia New Zealand on **1 March 2021**.

### Uncommenced amendments or provisions ceasing to have effect

To assist stakeholders, the effect of any uncommenced amendments or provisions which will cease to have effect, may be reflected in the Standard as shaded boxed text with the relevant commencement or cessation date. These amendments will be reflected in a compilation registered on the Federal Register of Legislation including or omitting those amendments and provided in the Amendment History once the date is passed.

The following abbreviations may be used in the table below:

ad = added or inserted  
 exp = expired or ceased to have effect  
 rs = repealed and substituted

am = amended  
 rep = repealed

**Standard 1.2.3** was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00389 — 31 March 2015) and has since been amended as follows:

Section affected	A'ment No.	FRL registration Gazette	Commencement (Cessation)	How affected	Description of amendment
1.2.3—1A	170	F2017L00585 23 May 2017 FSC112 25 May 2017	25 May 2017	ad	Section. <i>For application, saving and transitional provisions, see above table.</i>
1.2.3—4(1)	163	F2016L00783 12 May 2016 FSC105 19 May 2016	19 May 2016	am	References to cereals, milk and soybeans.
1.2.3—4(1)	168	F2017L00414 11 April 2017 FSC110 13 April 2017	13 April 2017	am	Insert 'or' after section 1.2.3—4(1)(b)(i)(B)(b).
1.2.3—4(1)	170	F2017L00585 23 May 2017 FSC112 25 May 2017	25 May 2017	am	Paragraph (b) to include reference to lupin. <i>For application, saving and transitional provisions, see above table.</i>
1.2.3—4(3)	163	F2016L00783 12 May 2016 FSC105 19 May 2016	19 May 2016	ad	Subsection to clarify application of subsection 1.2.3—4(1).
1.2.3	197	F2021L00145 24 Feb 2021 FSC138 25 Feb 2021	25 Feb 2021	ad	Inserting 'Division 1', 'Division 2' and 'Division 3'  <i>For application, saving and transitional provisions, see above table.</i>

Section affected	A'ment No.	FRL registration Gazette	Commencement (Cessation)	How affected	Description of amendment
1.2.3—1A	197	F2021L00145 24 Feb 2021 FSC138 25 Feb 2021	25 Feb 2021	ad	Inserting definitions for 'required name' and 'size of type'.  <i>For application, saving and transitional provisions, see above table</i>
1.2.3—4 – 1.2.3—8	197	F2021L00145 24 Feb 2021 FSC138 25 Feb 2021	25 Feb 2021	ad	Inserting subsections 1.2.3—4 to 1.2.3—8  <i>For application, saving and transitional provisions, see above table</i>

## Standard 1.2.4 Information requirements – statement of ingredients

**Note 1** This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

**Note 2** The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

### 1.2.4—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 1.2.4 – Information requirements – statement of ingredients*.

**Note** Commencement:

This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

### 1.2.4—2 Requirement for statement of ingredients

- (1) In this Code, a **statement of ingredients** for a food for sale is a statement of ingredients that complies with this Code.
- (2) To avoid doubt, if:
  - (a) the label lists the name of the food in accordance with paragraph 1.2.1—8(1)(a); and
  - (b) a statement of ingredients that complies with this Standard would list only the name of the food in accordance with paragraph 1.2.1—8(1)(a);the label is taken to contain a statement of ingredients.
- (3) For the labelling provisions, a requirement for a statement of ingredients does not apply to:
  - (a) water that is packaged and labelled in accordance with Standard 2.6.2; or
  - (b) a \*standardised alcoholic beverage; or
  - (c) a food for sale that is contained in a \*small package.

**Note 1** The labelling provisions are set out in Standard 1.2.1.

**Note 2** Despite subsection (3), the presence of some ingredients must be declared—see Standard 1.2.3.

### 1.2.4—3 Requirement to list all ingredients

- (1) Subject to subsection (2), a statement of ingredients must list each ingredient in the food for sale.
- (2) A statement of ingredients need not list:
  - (a) an ingredient of a \*flavouring substance; or

**Note** Despite paragraph (a), subsection 1.2.4—7(5) and 1.2.4—7(6) require some ingredients of flavouring substances to be specifically declared or listed in the statement of ingredients.
  - (b) a volatile ingredient which is completely removed during processing; or
  - (c) added water that:
    - (i) is added to reconstitute dehydrated or concentrated ingredients; or
    - (ii) forms part of broth, brine or syrup that is declared in the statement of ingredients or is part of the name of the food; or
    - (iii) constitutes less than 5% of the food; or
  - (d) a substance that is \*used as a processing aid in accordance with Standard 1.3.3; or
  - (e) a food that is used as a processing aid.

#### 1.2.4—4 **Ingredients to be listed by common, descriptive or generic name**

Subject to Division 3 of Standard 1.2.3, a statement of ingredients must identify each ingredient:

- (a) in the case of offal—in accordance with section 2.2.1—6; or
- (b) in any other case, using any of:
  - (i) a name by which the ingredient is commonly known; or
  - (ii) a name that describes the true nature of the ingredient; or
  - (iii) a generic name for the ingredient that is specified in Schedule 10, in accordance with any conditions specified in that Schedule.

**Note** Division 3 of Standard 1.2.3 provides for mandatory declarations of certain foods, including by declarations in a statement of ingredients.

#### 1.2.4—5 **Ingredients to be listed in descending order of ingoing weight**

- (1) A statement of ingredients must list each ingredient in descending order of ingoing weight.
- (2) The ingoing weight of an ingredient may be determined in accordance with its weight before dehydration or concentration, if the ingredient:
  - (a) is a dehydrated or concentrated ingredient; and
  - (b) is reconstituted during preparation, manufacture or handling of the food.
- (3) Despite subsection (1), if a food is represented as one that is to be reconstituted in accordance with directions:
  - (a) the ingredients may be listed in descending order of their weight in the reconstituted food; and
  - (b) if the ingredients are listed on this basis, this must be made clear on the label.
- (4) For subsection (1), the ingoing weight of water, or of a volatile ingredient, **IW**, must be calculated in accordance with the following equation:

$$IW = X - Y$$

where:

**X** is the weight of the water or volatile ingredient that is added to the food.

**Y** is the sum of:

- (a) the weight of any water or volatile ingredient that is removed; and
- (b) the weight of any water or volatile ingredient that is used for reconstitution of dehydrated or concentrated ingredients;

during preparation, manufacture or handling of the food.

- (5) A \*compound ingredient must be listed in a statement of ingredients by listing, in accordance with subsection (1):
  - (a) the compound ingredient by name as an ingredient of the food for sale, in accordance with subsection (6); or
  - (b) each ingredient of the compound ingredient individually as an ingredient of the food for sale.
- (6) If a \*compound ingredient is listed in accordance with paragraph (5)(a), it must be followed by a list, in brackets, of:
  - (a) if the compound ingredient comprises 5% or more of the food for sale—all ingredients that make up the compound ingredient; or
  - (b) if the compound ingredient comprises less than 5% of the food for sale—the

following ingredients:

- (i) any ingredient of the compound ingredient that is required to be listed in accordance with section 1.2.3—4; and(ii) any substance \*used as a food additive in the compound ingredient which performs a technological purpose in the food for sale.
- (7) Paragraph (5)(a) does not apply to food for infants.

**Note** See Standard 2.9.2.

- (8) Despite subsection (6), the ingredients of a \*standardised alcoholic beverage do not need to be listed in a statement of ingredients if the alcoholic beverage has been listed as an ingredient of the food for sale.

#### **1.2.4—6 Declaration of alternative ingredients**

If the composition of a food for sale is subject to minor variations by the substitution of an ingredient which performs a similar function, the statement of ingredients may list both ingredients in a way which makes it clear that alternative or substitute ingredients are being declared.

#### **1.2.4—7 Declaration of substances used as food additives**

- (1) A substance (including a vitamin or mineral) \*used as a food additive must be listed in a statement of ingredients by specifying:
- (a) if the substance can be classified into a class of additives listed in Schedule 7 (whether prescribed or optional)—that class name, followed in brackets by the name or \*code number of the substance as indicated in Schedule 8; or
  - (b) otherwise—the name of the substance as indicated in Schedule 8.
- (2) For the purposes of paragraph (1)(a), if the substance can be classified into more than 1 class, the most appropriate class name must be used.
- (3) Despite paragraph (1)(a), if the substance is an enzyme:
- (a) it may be listed as 'enzyme'; and
  - (b) the specific name of the enzyme need not be listed.
- (4) If a \*flavouring substance is an ingredient, it must be listed in the statement of ingredients by using:
- (a) the word 'flavouring' or 'flavour'; or
  - (b) a more specific name or description of the flavouring substance.
- (5) If any of the following substances are added to a food for sale as a \*flavouring substance or as an ingredient of a flavouring substance, the name of the substance must be specifically declared in accordance with subsection (1):
- (a) L-glutamic acid;
  - (b) monosodium glutamate;
  - (c) monopotassium L-glutamate;
  - (d) calcium di-L-glutamate;
  - (e) monoammonium L-glutamate;
  - (f) magnesium di-L-glutamate;
  - (g) disodium guanylate;
  - (h) disodium inosinate;
  - (i) disodium-5'-ribonucleotides.
- (6) If caffeine is added to a food for sale (whether as a \*flavouring substance or otherwise), it must be listed in the statement of ingredients as caffeine.

**1.2.4—8****Declaration of vitamins and minerals**

Where a vitamin or mineral is added to a food, the vitamin or mineral may be declared in accordance with section 1.2.4—7 using the class name 'vitamin' or 'mineral'.

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## Application, saving and transitional provisions

The table below details information on application, saving or transitional provisions in instruments affecting this Standard.

<b>Food Standards (Proposal P1044 – Plain English Allergen Labelling) Variation</b>				
<b>Instrument items affected</b>	<b>A'ment No.</b>	<b>FRL registration Gazette</b>	<b>Instrument's transitional provision</b>	<b>Description of transitional arrangement</b>
Item [4] of the Schedule	197	F2021L00145 24 Feb 2021 FSC138 25 Feb 2021	Clause 4	<p>Clause 4 a transitional arrangement for variations to the Code made by Item [4.1] and [4.2].</p> <p><b>The transition period is the period of time that commences on 25 February 2021 and ends on 25 February 2024.</b></p> <p><b>The post-transition period is the period of time that commences 26 February 2024 and ends on 26 February 2026.</b></p> <p>Subclause 4(1) provides that section 1.1.1—9 of the Code does not apply to the variations.</p> <p>Subclause 4(2) provides that during the transition period a food product may be sold if the product complies with one of the following:</p> <ul style="list-style-type: none"> <li>(a) the Code as in force without the above variations;</li> <li>(b) the Code as amended by the above variations.</li> </ul> <p>Subclause 4(3) provides that a food product packaged and labelled before the end of the transition period may be sold during the post-transition period if the product complies with one of the following:</p> <ul style="list-style-type: none"> <li>(a) the Code as in force without the above variations;</li> <li>(b) the Code as amended by the above variations.</li> </ul>



## Amendment History

The Amendment History provides information about each amendment to the Standard. The information includes commencement or cessation information for relevant amendments.

These amendments are made under section 92 of the *Food Standards Australia New Zealand Act 1991* unless otherwise indicated. Amendments do not have a specific date for cessation unless indicated as such.

### About this compilation

This is compilation No. 1 of Standard 1.2.4 as in force on **25 February 2021** (up to Amendment No. 197). It includes any commenced amendment affecting the compilation to that date.

Prepared by Food Standards Australia New Zealand on **1 March 2021**.

### Uncommenced amendments or provisions ceasing to have effect

To assist stakeholders, the effect of any uncommenced amendments or provisions which will cease to have effect, may be reflected in the Standard as shaded boxed text with the relevant commencement or cessation date. These amendments will be reflected in a compilation registered on the Federal Register of Legislation including or omitting those amendments and provided in the Amendment History once the date is passed.

The following abbreviations may be used in the table below:

ad = added or inserted  
exp = expired or ceased to have effect  
rs = repealed and substituted  
am = amended  
rep = repealed

**Standard 1.2.4** was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00389 — 31 March 2015) and has since been amended as follows:

Section affected	A'ment No.	FRL registration Gazette	Commencement (Cessation)	How affected	Description of amendment
1.2.4—4	197	F2021L00145 24 Feb 2021 FSC138 25 Feb 2021	25 Feb 2021	am	Omitting 'A statement of ingredients' and inserting 'Subject to Division 3 of Standard 1.2.3, a statement of ingredients'  <i>For application, saving and transitional provisions, see above table.</i>
1.2.4—4	197	F2021L00145 24 Feb 2021 FSC138 25 Feb 2021	25 Feb 2021	ad	Inserting 'Note' to 1.2.4—4  <i>For application, saving and transitional provisions, see above table.</i>

## Standard 1.2.5 Information requirements – date marking of food for sale

**Note 1** This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

**Note 2** The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

### 1.2.5—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 1.2.5 – Information requirements – date marking of food for sale*.

**Note** Commencement:

This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

### 1.2.5—2 Definitions

**Note** In this Code (see section 1.1.2—2):

**baked-for date**, in relation to bread, means:

- (a) if the time at which the bread was baked is before midday—the baked-on date;
- (b) if the time at which the bread was baked is after midday—the day after the baked-on date.

**Note** For example, bread that is baked after midday on one day may have a 'baked-for date' of the following day.

**baked-on date**, in relation to bread, means the date on which the bread was baked.

**best-before date**, for a food for sale, means the date up to which the food for sale will remain fully marketable and will retain any specific qualities for which express or implied claims have been made, if the food for sale:

- (a) remains in an intact package during its storage; and
- (b) is stored in accordance with any storage conditions applicable under Standard 1.2.6.

**use-by date**, for a food for sale, means the date after which it is estimated that the food for sale should not be consumed because of health or safety reasons, if the food for sale:

- (a) remains in an intact package during its storage; and
- (b) is stored in accordance with any storage conditions applicable under Standard 1.2.6.

### 1.2.5—3 Food for sale must be date marked on labels

- (1) For the labelling provisions, the date marking information is:
  - (a) if there is a \*use-by date for the food—that date; or
  - (b) otherwise—any of:
    - (i) the \*best-before date of the food; or
    - (ii) for bread that has a shelf life of less than 7 days:
      - (A) the best-before date; or
      - (B) the \*baked-for date; or
      - (C) the \*baked-on date.
- (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.
- (3) Despite subsection (1), if the food is in a '\*small package' the only date-marking information required is the \*use-by date (if any).

**Note** The labelling provisions are set out in Standard 1.2.1.

#### 1.2.5—4 Prohibition on sale of food after its use-by date

A food must not be sold after its \*use-by date.

#### 1.2.5—5 Required wording and form for dates for labels

- (1) The date marking information may only be expressed in accordance with this section.
- (2) A \*best-before date, a \*use-by date, a \*baked-for date and a \*baked-on date must:
  - (a) be expressed using the following wording:
    - (i) for a best-before date—the words 'Best Before';
    - (ii) for a use-by date—the words 'Use By';
    - (iii) for a baked-for date—the words 'Baked For' or 'Bkd For';
    - (iv) for a baked-on date—the words 'Baked On' or 'Bkd On'; and
  - (b) be accompanied by:
    - (i) the relevant date; or
    - (ii) a reference to where the date is located on the label.
- (3) In a \*best-before date or a \*use-by date:
  - (a) the day must be expressed in numerical form; and
  - (b) the month may be expressed in:
    - (i) numerical form; or
    - (ii) upper or lower case letters; and
  - (c) the year must be expressed in numerical form and may be expressed using the full year or only the last 2 digits of the year.
- (4) A \*best-before date and a \*use-by date must at least consist of:
  - (a) if the best-before date or use-by date is not more than 3 months from the date it is applied:
    - (i) the day and month, in that order; or
    - (ii) if the month is expressed in letters—the day and the month, in any order; or
  - (b) if the best-before date or a use-by date is more than 3 months from the date it is applied—the month and the year, in that order.

**Example** For subparagraph (a)(i)—'23 Dec' or '23 12' or '23 12 2015' or '23 Dec 2015'.  
For subparagraph (a)(ii)—'23 Dec' or 'Dec 23' or '23 Dec 2015' or 'Dec 23 2015'.  
For paragraph (b)—'Dec 2015' or '12 2015' or '23 12 2015' or '23 Dec 2015'.
- (5) The day, month and year must be expressed so that it is apparent which number is the day, the month or the year.

#### 1.2.5—6 Packed-on dates and manufacturer's or packer's codes

To avoid doubt, section 1.2.5—5 does not prevent the addition of a packed-on date or a manufacturer's or a packer's code on the label on a package of food.

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## Amendment History

The Amendment History provides information about each amendment to the Standard. The information includes commencement or cessation information for relevant amendments.

These amendments are made under section 92 of the *Food Standards Australia New Zealand Act 1991* unless otherwise indicated. Amendments do not have a specific date for cessation unless indicated as such.

### About this compilation

This is compilation No. 3 of Standard 1.2.5 as in force on **3 June 2021** (up to Amendment No. 200). It includes any commenced amendment affecting the compilation to that date.

Prepared by Food Standards Australia New Zealand on **3 June 2021**.

### Uncommenced amendments or provisions ceasing to have effect

To assist stakeholders, the effect of any uncommenced amendments or provisions which will cease to have effect, may be reflected in the Standard as shaded boxed text with the relevant commencement or cessation date. These amendments will be reflected in a compilation registered on the Federal Register of Legislation including or omitting those amendments and provided in the Amendment History once the date is passed.

The following abbreviations may be used in the table below:

ad = added or inserted  
exp = expired or ceased to have effect  
rs = repealed and substituted

am = amended  
rep = repealed

**Standard 1.2.5** was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00401 — 31 March 2015) and has since been amended as follows:

Section affected	A'ment No.	FRL registration Gazette	Commencement (Cessation)	How affected	Description of amendment
1.2.5— 3(1)	157	F2015L01374 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	am	Correction of typographical errors.
1.2.5— 3(2)	168	F2017L00414 11 April 2017 FSC110 13 April 2017	13 April 2017	rs	Subsection to correct typographical errors.
1.2.5— 3(3)	200	F2021L00684 2 June 2021 FSC141 3 June 2021	3 June 2021	am	Omit 'small package', substitute '*small package'.

**Food Standards (Proposal P1025 – Code Revision) Variation**

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The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*. The Standard commences on 1 March 2016.

Dated 25 March 2015



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

**Note:**

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

## Standard 1.2.6 Information requirements – directions for use and storage

**Note 1** This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

**Note 2** The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

### 1.2.6—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 1.2.6 – Information requirements – directions for use and storage*.

**Note** Commencement:

This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

### 1.2.6—2 Directions for use, and statement of storage conditions

For the labelling provisions, storage conditions and directions for use of a food are:

- (a) if specific storage conditions are required to ensure that the food will keep until the \*use-by date or the \*best-before date—a statement of those conditions; and
- (b) if the food must be used or stored in accordance with certain directions for health or safety reasons—those directions; and
- (c) if the food is or contains:
  - (i) raw bamboo shoots—a statement indicating that bamboo shoots should be fully cooked before being consumed; or
  - (ii) raw sweet cassava—a statement indicating that sweet cassava should be peeled and fully cooked before being consumed.

**Note** The labelling provisions are set out in Standard 1.2.1.

## Standard 1.2.7 Nutrition, health and related claims

**Note 1** This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

**Note 2** The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

### Division 1 Preliminary

#### 1.2.7—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 1.2.7 – Nutrition, health and related claims*.

**Note** Commencement:  
This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

#### 1.2.7—2 Definitions

In Standard 1.2.7 and Standard 1.2.8:

**fruit** means the edible portion of a plant or constituents of the edible portion that are present in the typical proportion of the whole fruit (with or without the peel or water); and does not include nuts, spices, herbs, fungi, legumes and seeds.

**vegetable** means the edible portion of a plant or constituents of the edible portion that are present in the typical proportion of the whole vegetable (with or without the peel or water) and does not include nuts, spices, herbs, fungi, dried legumes (including dried legumes that have been cooked or rehydrated) and seeds.

**Note 1** In this Code (see section 1.1.2—2):

**biomarker** means a measurable biological parameter that is predictive of the risk of a serious disease when present at an abnormal level in the human body.

**carbohydrate**, other than in the definition of **beer** (section 1.1.2—3), means available carbohydrate or available carbohydrate by difference.

**claim** means an express or implied statement, representation, design or information in relation to a food or a property of food which is not mandatory in this Code.

**endorsement** means a nutrition content claim or a health claim that is made with the permission of an endorsing body.

**endorsing body** means a not-for-profit entity that:

- (a) has a nutrition- or health-related purpose or function; and
- (b) permits a supplier to make an endorsement.

**fat**, in Standards 1.2.7 and 1.2.8 and Schedules 4 and 11, means total fat.

**food group** means any of the following groups:

- (a) bread (both leavened and unleavened), grains, rice, pasta and noodles;
- (b) fruit, vegetables, herbs, spices and fungi;
- (c) milk, skim milk, cream, fermented milk, yoghurt, cheese, processed cheese, butter, ice cream, condensed milk, dried milk, evaporated milk, and dairy analogues derived from legumes, cereals, nuts, seeds, or a combination of these ingredients listed in section S17—4;
- (d) meat, fish, eggs, nuts, seeds and dried legumes;
- (e) fats including butter, edible oils and edible oil spreads.

**general level health claim** means a health claim that is not a high level health claim.

**general level health claims table** means the table to section S4—5.

**health claim** means a claim which states, suggests or implies that a food or a property of food has, or may have, a health effect.

**Note** See also subsection 2.10.2—8(3).

**health effect** means an effect on the human body, including an effect on one or more of the following:

- (a) a biochemical process or outcome;
- (b) a physiological process or outcome;
- (c) a functional process or outcome;

- (d) growth and development;
- (e) physical performance;
- (f) mental performance;
- (g) a disease, disorder or condition.

**high level health claim** means a health claim that refers to a serious disease or a biomarker of a serious disease.

**high level health claims table** means the table to section S4—4.

**meet the NPSC** means that the nutrient profiling score of a food described in Column 1 of the table to section S4—6 is less than the number specified for that food in Column 2 of that table.

**NPSC** means the nutrient profiling scoring criterion (see section S4—6).

**property of food** means a component, ingredient, constituent or other feature of food.

**nutrient profiling score** means the final score calculated pursuant to the method referred to in section 1.2.7—25.

**reference food**, in relation to a claim, means a food that is:

- (a) of the same type as the food for which the claim is made and that has not been further processed, formulated, reformulated or modified to increase or decrease the energy value or the amount of the nutrient for which the claim is made; or
- (b) a dietary substitute for the food in the same food group as the food for which the claim is made.

**serious disease** means a disease, disorder or condition which is generally diagnosed, treated or managed in consultation with or with supervision by a health care professional.

**sugars**, in Standard 1.2.7, Standard 1.2.8 and Schedule 4 (except where it appears with an asterisk as 'sugars\*')—means monosaccharides and disaccharides. (Elsewhere in the Code it has a different definition).

**Note 2** Section 1.1.2—9 (Definition of **nutrition content claim**) provides as follows:

(1) In this Code:

**nutrition content claim** means a claim that:

- (a) is about:
  - (i) the presence or absence of any of the following:
    - (A) a biologically active substance;
    - (B) dietary fibre;
    - (C) energy;
    - (D) minerals;
    - (E) potassium;
    - (F) protein;
    - (G) carbohydrate;
    - (H) fat;
    - (I) the components of any one of protein, carbohydrate or fat;
    - (J) salt;
    - (K) sodium;
    - (L) vitamins; or
  - (ii) glycaemic index or glycaemic load; and
- (b) does not refer to the presence or absence of alcohol; and
- (c) is not a health claim.

**Note** See also subsections 2.6.2—5(4) and 2.10.2—8(3).

*Inclusion of mandatory information in nutrition information panel does not constitute a nutrition content claim*

(2) To avoid doubt, if this Code requires particular information to be included in a nutrition information panel, the inclusion of that information does not constitute a **nutrition content claim**.

*Inclusion of voluntary information in nutrition information panel might constitute a nutrition content claim*

(3) If this Code permits, but does not require, particular information to be included in a nutrition information panel, the inclusion of that information constitutes a **nutrition content claim** unless:

- (a) this Code provides otherwise; or
- (b) the information is a declaration of:
  - (i) if the food contains less than 2 g of dietary fibre per serving—dietary fibre; or
  - (ii) trans fatty acid content; or
  - (iii) lactose content.

(4) For a food that contains more than 1.15% alcohol by volume, the inclusion in a nutrition



information panel of the information referred to in paragraphs 1.2.8—6(1)(a), (b) and (c), and subparagraphs 1.2.8—6(1)(d)(i), (ii) and (iii) does not constitute a **nutrition content claim**.

**Note 3** In this Standard, the following terms are also defined: fvnl, information period, nutrition content claim table and required records.

## **Division 2 Outline of Standard**

### **1.2.7—3 Outline**

This Standard:

- (a) sets out:
  - (i) the claims that may be made on labels or in advertisements about the nutritional content of food (described as 'nutrition content claims'); and
  - (ii) the claims that may be made on labels or in advertisements about the relationship between a food or a property of a food, and a \*health effect (described as 'health claims'); and
- (b) describes the conditions under which such claims may be made; and
- (c) describes the circumstances in which endorsements may be provided on labels or in advertisements.

**Note** Standard 1.2.8 may prescribe additional labelling requirements for claims regulated by this Standard.

## **Division 3 Claims framework and general principles**

### **1.2.7—4 Nutrition content claims or health claims not to be made about certain foods**

A nutrition content claim or \*health claim must not be made about:

- (a) kava; or
- (b) an infant formula product; or
- (c) a food that contains more than 1.15% alcohol by volume, other than a nutrition content claim about:
  - (i) energy content, carbohydrate content or gluten content; or
  - (ii) salt or sodium content about a food that is not a beverage.

**Note** Section 1.4.4—7 proscribes health claims and nutrition content claims in relation to cannabidiol in hemp food products.

### **1.2.7—5 Standard does not apply to certain foods**

This Standard does not apply to:

- (a) food that is intended for further processing, packaging or labelling prior to retail sale; or
- (b) food that is delivered to a vulnerable person by a delivered meal organisation; or
- (c) food, other than food in a package, that is provided to a patient in a hospital or a \*medical institution.

### **1.2.7—6 Standard does not apply to certain claims or declarations**

This Standard does not apply to:

- (a) a claim that is expressly permitted by this Code; or
- (b) a claim about the risks or dangers of alcohol consumption or about moderating alcohol intake; or
- (c) a declaration that is required by an application Act; or

- (d) a permitted Health Star Rating symbol.

#### **1.2.7—7 Form of food to which provisions of this Standard apply**

If this Standard imposes a prerequisite, condition, qualification or any other requirement on the making of a claim, that prerequisite, condition, qualification or requirement applies to whichever of the following forms of the food is applicable:

- (a) if the food can be either prepared with other food or consumed as sold—the food as sold;
- (b) if the food is required to be prepared and consumed according to directions—the food as prepared;
- (c) if the food requires reconstituting with water—the food after it is reconstituted with water and ready for consumption;
- (d) if the food requires draining before consuming—the food after it is drained and ready for consumption.

#### **1.2.7—8 Claims not to be therapeutic in nature**

A claim must not:

- (a) refer to the prevention, diagnosis, cure or alleviation of a disease, disorder or condition; or
- (b) compare a food with a good that is:
  - (i) represented in any way to be for therapeutic use; or
  - (ii) likely to be taken to be for therapeutic use, whether because of the way in which the good is presented or for any other reason.

#### **1.2.7—9 Claims not to compare vitamin or mineral content**

A claim that directly or indirectly compares the vitamin or mineral content of a food with that of another food must not be made unless the claim is permitted by this Code.

#### **1.2.7—10 Standard does not prescribe words**

Nothing in this Standard is to be taken to prescribe the words that must be used when making a claim.

**Note** See also section 1.1.1—8.

### **Division 4 Requirements for nutrition content claims**

#### **1.2.7—11 Presentation of nutrition content claims**

A nutrition content claim must be stated together with a statement about the form of the food to which the claim relates, unless the form of the food to which the claim relates is the food as sold.

#### **1.2.7—12 Nutrition content claims about properties of food in section S4—3**

- (1) If a \*property of food is mentioned in Column 1 of the nutrition content claims table (section S4—3), a nutrition content claim may only be made about that property of food in accordance with this section.
- (2) If a claim is made in relation to a food about a \*property of food mentioned in Column 1 of the nutrition content claims table, the food must meet the corresponding general claim conditions, if any, in Column 2 of the table.
- (3) If a claim made in relation to a food about a \*property of food mentioned in Column 1 of the nutrition content claims table uses a descriptor mentioned in Column 3 of the table, or a synonym of that descriptor, the food must meet:
  - (a) the general claim conditions for the relevant property of food in Column 2 of

- the table; and
  - (b) the specific claim conditions in Column 4 of the table for the relevant descriptor.
- (4) If, in relation to a claim mentioned in subsection (3), there is an inconsistency between a general claim condition in Column 2 of the table and a specific claim condition in Column 4 of the table, the specific claim condition prevails.
  - (5) A descriptor must not be used in a nutrition content claim about lactose or \*trans fatty acids unless the descriptor:
    - (a) is mentioned in Column 3 of the nutrition content claims table and corresponds with that property of food; or
    - (b) is a synonym of the descriptor referred to in paragraph (a).
  - (6) A descriptor must not be used in a nutrition content claim about glycaemic load unless that descriptor is expressed as a number or in numeric form.
  - (7) A nutrition content claim in relation to \*gluten may only:
    - (a) use a descriptor that is mentioned in Column 3 of the nutrition content claims table in conjunction with gluten, or a synonym of such a descriptor; or
    - (b) state that a food contains gluten or is high in gluten.
  - (8) Subject to this section and section 1.2.7—15 (Nutrition content claims must not imply slimming effects), any descriptor that is not mentioned in Column 3 of the nutrition content claims table, including a descriptor expressed as a number or in numeric form, may be used in conjunction with a \*property of food that is mentioned in Column 1 of the table.
  - (9) In this Division:
 

***nutrition content claims table*** means the table to section S4—3.

### **1.2.7—13 Nutrition content claims about properties of food not in section S4—3**

- (1) A nutrition content claim about a \*property of food that is not mentioned in the table to section S4—3 may state only:
  - (a) that the food contains or does not contain the property of food; or
  - (b) that the food contains a specified amount of the property of food in a specified amount of that food; or
  - (c) a combination of paragraph (a) and (b).
- (2) A statement made for the purposes of paragraph (1)(a) must not use a descriptor listed in Column 3 of the nutrition content claims table, or any other descriptor, except a descriptor that indicates that the food does not contain the property of food.

### **1.2.7—14 Nutrition content claims about choline, fluoride or folic acid**

- (1) A nutrition content claim about choline, fluoride or folic acid may state only:
  - (a) that the food contains choline, fluoride or folic acid; or
  - (b) that the food contains a specified amount of choline, fluoride or folic acid in a specified amount of that food; or
  - (c) a combination of paragraph (a) and (b).
- (2) A statement made for the purposes of paragraph (1)(a) must not use a descriptor listed in Column 3 of the nutrition content claims table, or any other descriptor.
- (3) A nutrition content claim about choline, fluoride or folic acid may be made only if a \*health claim about that substance is made in relation to the same food.

### 1.2.7—15 Nutrition content claims must not imply slimming effects

A nutrition content claim that meets the conditions to use the descriptor diet must not use another descriptor that directly or indirectly refers to slimming or a synonym for slimming.

### 1.2.7—16 Comparative claims

- (1) A comparative claim about a food (***claimed food***) must include together with the claim:
  - (a) the identity of the \*reference food; and
  - (b) the difference between the amount of the \*property of food in the claimed food and the reference food.
- (2) In this section, a nutrition content claim is a ***comparative claim*** if:
  - (a) it:
    - (i) directly or indirectly compares the nutrition content of one food or brand of food with another; and
    - (ii) includes claims using any of the following descriptors:
      - (A) light or lite;
      - (B) increased;
      - (C) reduced;
      - (D) words of similar import; or
  - (b) it:
    - (i) uses the descriptor diet; and
    - (ii) meets the conditions for making that claim by having at least 40% less energy than the same amount of \*reference food.

## Division 5 Requirements for health claims

### 1.2.7—17 Application or proposal to vary S4—5 taken to be a high level health claims variation

An application or a proposal to add a \*general level health claim to the table to section S4—5 is taken to be an application or proposal for a ***high level health claims variation***.

**Note** The term ***high level health claims variation*** is defined in section 4 of the FSANZ Act. The effect of this provision is that an application or a proposal to add a general level health claim to the table to S4—5 will be assessed under the provisions in Subdivision G of each of Divisions 1 and 2 of Part 3 of the FSANZ Act, as appropriate.

### 1.2.7—18 Conditions for making health claims

- (1) A \*health claim must not be made unless:
  - (a) the food to which the health claim relates \*meets the NPSC; and
  - (b) the health claim complies with the requirements in:
    - (i) if the health claim is a high level health claim—subsection (2); or
    - (ii) if the health claim is a general level health claim—subsection (3).
- (2) For subparagraph (1)(b)(i), the requirements are:
  - (a) the food or the \*property of food is mentioned in Column 1 of the high level health claims table; and
  - (b) the \*health effect claimed for that food or property of food is mentioned in the corresponding row in Column 2 of the table; and
  - (c) the food complies with the relevant conditions in Column 5 of the table.
- (3) For subparagraph (1)(b)(ii), the requirements are:

- (a) each of the following:
    - (i) the food or the \*property of food is mentioned in Column 1 of the general level health claims table;
    - (ii) the \*health effect claimed for that food or property of food is mentioned in the corresponding row in Column 2 of the table; and
    - (iii) the food complies with the relevant conditions in Column 5 of the table; or
  - (b) the person who is responsible for making the \*health claim has notified the Chief Executive Officer of the Authority (FSANZ) of the details of a relationship between a food or \*property of food and a \*health effect that has been established by a process of systematic review that is described in Schedule 6.
- (4) Despite paragraph (1)(a), a special purpose food does not need to meet the NPSC.

**Note** See Part 2.9.

### **1.2.7—19 Requirement when making a general level health claim under paragraph 1.2.7—18(3)(b)**

- (1) A person who gives the notice mentioned in paragraph 1.2.7—18(3)(b) is required to:
- (a) provide the name of the person that is giving the notice and the address in Australia or New Zealand of that person; and
  - (b) consent to the publication by the Authority of the information given for the purposes of paragraph 1.2.7—18(3)(b) and paragraph (1)(a); and
  - (c) certify that the notified relationship between a food or \*property of food and a \*health effect has been established by a process of systematic review that is described in Schedule 6; and
  - (d) if requested by a relevant authority, provide records to the \*relevant authority that demonstrate that:
    - (i) the systematic review was conducted in accordance with the process of systematic review described in Schedule 6; and
    - (ii) the notified relationship is a reasonable conclusion of the systematic review.
- (2) A certificate provided for a body corporate must be signed by a senior officer of the body corporate.

### **1.2.7—20 How health claims are to be made**

- (1) If a \*health claim is a \*high level health claim based on a relationship described in the \*high level health claims table or a \*general level health claim based on a relationship described in the \*general level health claims table, the health claim must:
- (a) state:
    - (i) the food or the \*property of food mentioned in Column 1 of the relevant table; and
    - (ii) the specific \*health effect mentioned in Column 2 of the relevant table that is claimed for the food or the property of food; and
  - (b) if column 3 of the relevant table refers to a relevant population group to which the specific health effect relates—include a statement of that population group in conjunction with the health claim; and
  - (c) include, together with the health claim, the information referred to in subsection (3).
- (2) If a \*health claim is a \*general level health claim based on a relationship that has been notified under paragraph 1.2.7—18(3)(b), the health claim must:
- (a) state the food or the \*property of food and the specific health effect; and

- (b) include together with the health claim a statement about the relevant population group, if any, that is a reasonable conclusion of the systematic review mentioned in paragraph 1.2.7—18(3)(b); and
  - (c) include, together with the health claim, the information referred to in subsection (3).
- (3) For paragraphs (1)(c) and (2)(c), the information is:
- (a) a dietary context statement that complies with subsection (6); and
  - (b) a statement of the form of the food to which the \*health claim relates.
- (4) Despite paragraph (3)(a), a dietary context statement need not be included on a label on a food for sale that is contained in a small package.
- (5) Despite paragraph (3)(b), if the form of the food to which the claim relates is the food as sold, the form of the food to which the claim relates need not be stated.
- (6) A dietary context statement must:
- (a) state that the \*health effect must be considered in the context of a healthy diet involving the consumption of a variety of foods; and
  - (b) be appropriate to the type of food or the \*property of food that is the subject of the claim and the health effect claimed; and
  - (c) either:
    - (i) if the \*health claim is a \*high level health claim based on a relationship described in the \*high level health claims table or a \*general level health claim based on a relationship described in the general level health claims table—include words to the effect of the relevant dietary context statement in the corresponding row of column 4 of the relevant table, if any; or
    - (ii) if the health claim is a general level health claim based on a relationship that has been notified under paragraph 1.2.7—18(3)(b)—include words to the effect of a relevant dietary context statement that is a reasonable conclusion of the systematic review.

### **1.2.7—21 Split health claims**

The matters referred to in paragraph 1.2.7—20(1)(a) or paragraph 1.2.7—20(2)(a) may also appear in another statement on the label or in an advertisement if:

- (a) the information required by subsection 1.2.7—20(1) or subsection 1.2.7—20(2) appears on a label or in an advertisement; and
- (b) the other statement indicates where on the label or advertisement the information required by subsection 1.2.7—20(1) or subsection 1.2.7—20(2) is located.

### **1.2.7—22 Statements for claims about phytosterols, phytosterols and their esters**

A dietary context statement for a claim about \*phytosterols, phytosterols and their esters need not include a statement required by paragraph 1.2.7—20(6)(a) if the claim appears together with the mandatory advisory statement required by subsection 1.2.3—2(1).

## **Division 6 Endorsements**

### **1.2.7—23 Endorsing bodies**

- (1) An \*endorsing body must:
- (a) not be related to; and
  - (b) be independent of; and

(c) be free from influence by;  
the \*supplier of food in relation to which an \*endorsement is made.

- (2) In this section, an \*endorsing body is **related to** a \*supplier if the supplier:
- (a) has a financial interest in the endorsing body; or
  - (b) established, either by itself or with others, the endorsing body; or
  - (c) exercises direct or indirect control over the endorsing body.

### 1.2.7—24 **Criteria for endorsements**

- (1) A \*supplier of food may make or include an \*endorsement on a label or in an advertisement for the food, or otherwise use the endorsement, if:
- (a) the supplier keeps the required records for the information period; and
  - (b) the supplier upon request by the relevant authority, makes the required records available for inspection within the time specified by the relevant authority; and
  - (c) the endorsement complies with section 1.2.7—8; and
  - (d) the \*endorsing body complies with section 1.2.7—23.
- (2) If a label on, or an advertisement for, imported food makes or includes an endorsement, the importer of the food must:
- (a) keep the required records for the information period as if the importer of the food were the \*supplier of the food; and
  - (b) upon request by the relevant authority, make the required records available for inspection within the time specified by the relevant authority.
- (3) An \*endorsement must not refer to a \*serious disease except in a reference to the \*endorsing body if the serious disease is part of the name of the endorsing body.
- (4) This Standard, other than section 1.2.7—8, does not apply in relation to a claim in an endorsement.
- (5) In this section:

**information period**, in relation to food, means the period:

- (a) during which the food is available for sale or advertised for sale; and
- (b) the period of 2 years after the food was last sold, or advertised or available for sale, whichever is the latest.

**required records** means a document or documents that demonstrate that:

- (a) a \*supplier using an \*endorsement has obtained the permission of the \*endorsing body to use the endorsement; and
- (b) the endorsing body has a nutrition- or health-related function or purpose; and
- (c) the endorsing body is a not-for-profit entity; and
- (d) the endorsing body is not related to the supplier using the endorsement.

## Division 7 **Additional labelling of food required to meet the NPSC**

### 1.2.7—25 **Method for calculating a nutrient profiling score**

The method for calculating a \*nutrient profiling score is described in Schedule 5.

### 1.2.7—26 **Labelling of food required to meet the NPSC**

- (1) This section applies if a food must \*meet the NPSC in order to make a claim.

**Note** See paragraph 1.2.7—18(1)(a) and subsection 1.2.7—18(4) for when a food must meet the NPSC in order to make a claim.

- (2) The particulars of a \*property of food must be declared in the nutrition information panel if:
  - (a) the property of food, other than *fvnl*, is relied on to meet the NPSC; and
  - (b) those particulars are not otherwise required to be included in the nutrition information panel.
- (3) The calcium content of a food must be declared in the nutrition information panel if the food:
  - (a) is classified in Category 3 of section S4—6 for the purposes of determining the food's nutrient profiling score; and
  - (b) is a cheese or processed cheese.
- (4) For the labelling provisions, if:
  - (a) a food scores V points under section S5—4; and
  - (b) the claim is not a \*health claim about fruits and vegetables;the information relating to nutrition, health and related claims is the percentage of each element of *fvnl* that is relied on to meet the NPSC.

**Note** The labelling provisions are set out in Standard 1.2.1.

- (5) In this section:  
*fvnl* is as defined in section S5—4 for the purpose of calculating V points.

#### **1.2.7—27      Labelling exemptions for certain foods**

Subsections 1.2.7—26(2), (3) and (4) do not apply to food in a small package.

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## Amendment History

The Amendment History provides information about each amendment to the Standard. The information includes commencement or cessation information for relevant amendments.

These amendments are made under section 92 of the *Food Standards Australia New Zealand Act 1991* unless otherwise indicated. Amendments do not have a specific date for cessation unless indicated as such.

### About this compilation

This is compilation No. 6 of Standard 1.2.7 as in force on **29 November 2018** (up to Amendment No. 182). It includes any commenced amendment affecting the compilation to that date.

Prepared by Food Standards Australia New Zealand on **12 November 2017**.

### Uncommenced amendments or provisions ceasing to have effect

To assist stakeholders, the effect of any uncommenced amendments or provisions which will cease to have effect, may be reflected in the Standard as shaded boxed text with the relevant commencement or cessation date. These amendments will be reflected in a compilation registered on the Federal Register of Legislation including or omitting those amendments and provided in the Amendment History once the date is passed.

The following abbreviations may be used in the table below:

ad = added or inserted  
 exp = expired or ceased to have effect  
 rs = repealed and substituted  
 am = amended  
 rep = repealed

**Standard 1.2.7** was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00394 — 31 March 2015) and has since been amended as follows:

Section affected	A'ment No.	FRL registration Gazette	Commencement (Cessation)	How affected	Description of amendment
Note 1 to 1.2.7—2	157	F2015L01374 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	am	Correction of typographical error in cross-reference.
Note 1 to 1.2.7—2	168	F2017L00414 11 April 2017 FSC110 13 April 2017	13 April 2017	am	Correction of references to legumes and cereals.
1.2.7—3	159	F2015L01931 3 Dec 2015 FSC101 7 Dec 2015	1 March 2016	ad	Note following section.
1.2.7—4	159	F2015L01929 3 Dec 2015 FSC101 7 Dec 2015	1 March 2016	rs	Subsections replaced with new section.
Note to 1.2.7—4	169	F2017L0499 4 May 2017 FSC111 11 May 2017	12 Nov 2017	ad	Note as a consequential amendment arising from insertion of new section 1.4.4—7.
1.2.7—4(1)	157	F2015L01374 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	am	Correction of typographical error.

Section affected	A'ment No.	FRL registration Gazette	Commencement (Cessation)	How affected	Description of amendment
1.2.7—4(2)	157	F2015L01366 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	am	Inclusion of reference to gluten content.
1.2.7—4(2)	157	F2015L01374 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	am	Correction of typographical error.
1.2.7—6	159	F2015L01931 3 Dec 2015 FSC101 7 Dec 2015	1 March 2016	ad	New paragraph (d) relating to a permitted Health Star Rating symbol.
1.2.7—12	157	F2015L01391 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	am	Insertion of note to reference new Standard 1.2.12.
1.2.7—12	161	F2016L00120 18 Feb 2016 FSC103 22 Feb 2016	(19 Jan 2017)	rep	Note to section.
1.2.7—12(2), (3), (5), (6), (7)	157	F2015L01374 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	am	Correction of typographical errors.
1.2.7—13(1)	157	F2015L01374 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	am	Correction of typographical error.
1.2.7—14(1)	157	F2015L01374 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	am	Correction of typographical error.
1.2.7—15	157	F2015L01374 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	am	Correction of typographical error.
1.2.7—16(1)	157	F2015L01374 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	rs	Correction to numbering of subclause.
1.2.7—18(1)	157	F2015L01374 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	am	Correction of typographical error.
Note to 1.2.7—18(4)	168	F2017L00414 11 April 2017 FSC110 13 April 2017	13 April 2017	am	Cross-reference.
1.2.7—20(3)	168	F2017L00414 11 April 2017 FSC110 13 April 2017	13 April 2017	am	Cross-reference.
1.2.7—4	182	F2018L01594 23 Nov 2018 FSC123 29 Nov 2018	29 Nov 2018	am	Correction of typographical error

## Standard 1.2.8 Nutrition information requirements

**Note 1** This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

**Note 2** The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

### Division 1 Preliminary

#### 1.2.8—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 1.2.8 – Nutrition information requirements*.

**Note:** Commencement

This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

#### 1.2.8—2 Purpose

This Standard sets out nutrition information requirements in relation to foods for sale that are required to be labelled under this Code, and for foods for sale that are exempt from these labelling requirements. This Standard sets out when nutrition information must be provided, and the manner in which such information must be provided.

**Note 1** Standard 1.2.7 also sets out additional nutrition information requirements in relation to nutrition content claims and health claims. Information provided voluntarily in a nutrition information panel is a nutrition content claim.

**Note 2** This Standard does not apply to infant formula products. Standard 2.9.1 sets out specific nutrition labelling requirements for infant formula products.

#### 1.2.8—3 Application of Standard

This Standard does not apply to infant formula products or a Permitted Health Star Rating symbol.

**Note** See Standard 2.9.1.

#### 1.2.8—4 Definitions

**Note 1** In this Code (see section 1.1.2—2):

**average energy content** means the average energy content calculated in accordance with section S11—2.

**available carbohydrate** means available carbohydrate calculated in accordance with section S11—3.

**available carbohydrate by difference** means available carbohydrate by difference calculated in accordance with section S11—3.

**average quantity**, of a substance in a food, means the average, for such foods from that producer or manufacturer, of:

- (a) where a serving or reference amount is specified—the amount of the substance that such a serving or reference amount contains; or
- (b) otherwise—the proportion of that substance in the food, expressed as a percentage.

**Note** See also section 1.1.1—6.

**biologically active substance** means a substance, other than a nutrient, with which health effects are associated.

**claim** means an express or implied statement, representation, design or information in relation to a food or a property of food which is not mandatory in this Code.

**claim requiring nutrition information:**

- (a) means:
  - (i) a nutrition content claim; or
  - (ii) a health claim; and
- (b) does not include:
  - (i) a declaration that is required by an application Act; or

- (ii) an endorsement; or
- (iii) a \*prescribed beverage gluten free claim.

**dietary fibre** means that fraction of the edible part of plants or their extracts, or synthetic analogues that:

- (a) are resistant to digestion and absorption in the small intestine, usually with complete or partial fermentation in the large intestine; and
- (b) promote one or more of the following beneficial physiological effects:
  - (i) laxation;
  - (ii) reduction in blood cholesterol;
  - (iii) modulation of blood glucose;
 and includes:
- (c) polysaccharides or oligosaccharides that have a degree of polymerisation greater than 2; and
- (d) lignins.

**fat**, in Standards 1.2.7 and 1.2.8 and Schedules 4 and 11, means total fat.

**monounsaturated fatty acids** means the total of cis-monounsaturated fatty acids.

**polyunsaturated fatty acids** means the total of polyunsaturated fatty acids with cis-cis-methylene interrupted double bonds.

**saturated fatty acids** means the total of fatty acids containing no double bonds.

**sugars**, in Standard 1.2.7, Standard 1.2.8 and Schedule 4 (except where it appears with an asterisk as 'sugars\*')—means monosaccharides and disaccharides. (Elsewhere in the Code it has a different definition).

**trans fatty acids** means the total of unsaturated fatty acids where one or more of the double bonds are in the trans configuration.

**unit quantity** means:

- (a) for a food consisting of a solid or semi-solid food—100 grams; or
- (b) for a food consisting of a beverage or other liquid food—100 millilitres.

**Note 2** In Standard 1.2.7 and Standard 1.2.8:

**fruit** means the edible portion of a plant or constituents of the edible portion that are present in the typical proportion of the whole fruit (with or without the peel or water); and does not include nuts, spices, herbs, fungi, legumes and seeds.

**vegetable** means the edible portion of a plant or constituents of the edible portion that are present in the typical proportion of the whole vegetable (with or without the peel or water) and does not include nuts, spices, herbs, fungi, dried legumes (including dried legumes that have been cooked or rehydrated) and seeds.

## Division 2 Nutrition information panels

### 1.2.8—5 When nutrition information panel is required

- (1) For the labelling provisions, the required information on packaged food is a nutrition information panel.
- (2) A nutrition information panel is not required for:
  - (a) the following foods, unless a \*claim requiring nutrition information is made in relation to the food:
    - (i) a \*standardised alcoholic beverage;
    - (ii) a herb, a spice or a herbal infusion;
    - (iii) vinegar or imitation vinegar;
    - (iv) iodised salt, reduced sodium salt mixture, salt or salt substitute;
    - (v) tea or coffee, or instant tea or instant coffee;
    - (vi) a substance that is approved for use as a food additive;
    - (vii) a substance that is approved for use as a processing aid;
    - (viii) a food that is sold to be \*used as a processing aid;
    - (ix) fruit, vegetables, meat, poultry, and fish that comprise a single ingredient or category of ingredients;
    - (x) gelatine;
    - (xi) water (including mineral water or spring water) or ice;
    - (xii) prepared filled rolls, sandwiches, bagels and similar products;

- (xiii) jam setting compound;
- (xiv) a kit which is intended to be used to produce a standardised alcoholic beverage;
- (xv) a beverage containing no less than 0.5% alcohol by volume that is not a standardised alcoholic beverage;
- (xvi) kava; or
- (b) a food in a \*small package, other than food for infants.

**Note 1** See section 1.2.8—14 for the requirement for a food in a small package.

**Note 2** The labelling provisions are set out in Standard 1.2.1.

## 1.2.8—6 What must be on nutrition information panel

- (1) A nutrition information panel must contain the following information:
- (a) the number of servings in the package, expressed as either:
    - (i) the number of servings of the food; or
    - (ii) if the weight or the volume of the food as packaged is variable—the number of servings of the food per kilogram, or other unit as appropriate;
  - (b) the average quantity of the food in a serving expressed in:
    - (i) for a solid or semi-solid food—grams; or
    - (ii) for a beverage or other liquid food—millilitres;
  - (c) the \*unit quantity of the food;
  - (d) for a serving of the food and a unit quantity of the food:
    - (i) the \*average energy content expressed in kilojoules or both in kilojoules and in kilocalories; and
    - (ii) the \*average quantity of
      - (A) protein, carbohydrate, sugars, fat and,
      - (B) subject to subsection (4), saturated fatty acids, expressed in grams; and
    - (iii) the average quantity of sodium, expressed in milligrams or both milligrams and millimoles; and
    - (iv) the name and the average quantity of any other nutrient or \*biologically active substance in respect of which a \*claim requiring nutrition information is made, expressed in grams, milligrams, micrograms or other units as appropriate;
  - (e) any other matter this Code requires to be included.
- (2) A nutrition information panel must be set out in the format in section S12—2, unless this Code provides otherwise.
- Declaration of fatty acids required for certain claims*
- (3) If a \*claim requiring nutrition information is made in respect of:
- (a) cholesterol; or
  - (b) \*saturated,\* trans, \*polyunsaturated or \*monounsaturated fatty acids; or
  - (c) omega-3, omega-6 or omega-9 fatty acids;
- a nutrition information panel must include declarations of the trans, polyunsaturated and monounsaturated fatty acids in accordance with section S12—3.
- Voluntary declaration of fatty acids in edible oils and edible oil spreads*
- (4) If a \*claim requiring nutrition information is made in relation to the \*polyunsaturated fatty acid content or \*monounsaturated fatty acid content of an edible oil or an edible oil spread, the nutrition information panel may list the minimum or maximum amount of the following in a serving and a \*unit quantity of the food:

- (a) \*saturated fatty acids;
- (b) polyunsaturated fatty acids;
- (c) monounsaturated fatty acids;
- (d) \*trans fatty acids.

**Note** See section 1.2.7—12 for when claims may be made in relation to the polyunsaturated or monounsaturated fatty acid content of foods.

*Claims in respect of dietary fibre, sugars or carbohydrate*

- (5) If a \*claim requiring nutrition information is made in respect of:
  - (a) fibre or any specifically named fibre; or
  - (b) sugars or any other type of \*carbohydrate;a nutrition information panel must include a declaration of the presence or absence of \*dietary fibre in accordance with section S12—3.
- (6) The absence of \*dietary fibre under subsection (5) must be indicated by using the symbol '0'.

*Declarations about carbohydrates*

- (7) If unavailable carbohydrate has been subtracted in the calculation of \*available carbohydrate by difference, a \*nutrition information panel must include a declaration of unavailable carbohydrate.
- (8) The reference to 'unavailable carbohydrate' in subsection (7) does not include dietary fibre.

*Declarations about certain substances*

- (9) If:
  - (a) one or more \*components (other than organic acids) listed in subsection S11—2(3) is present in the food, singly or in combination, in an amount of no less than 5 g/100 g; and
  - (b) either of the following is satisfied:
    - (i) if \*available carbohydrate by difference is used—any of those substances have been subtracted in the calculation;
    - (ii) if \*available carbohydrate is used—any of those substances have been quantified or added to the food;

the \*nutrition information panel must include individual declarations of those substances.

*Claims about phytosterols, phytosterols or their esters*

- (10) If a \*claim requiring nutrition information is made in relation to phytosterols, phytosterols or their esters, the nutrition information panel must include declarations of:
  - (a) the substances, using the same name for the substance as used in the advisory statement required by subsection 1.2.3—2(1); and
  - (b) the amount of the substances, calculated as \*total plant sterol equivalents content.

*Claims about lactose*

- (11) If a \*claim requiring nutrition information is made in relation to lactose, a nutrition information panel must include a declaration of the average quantity of galactose in accordance with section S12—3.

*Claims about salt or sodium*

- (12) 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.

### *Claims about omega-3 fatty acids*

- (13) If a \*claim requiring nutrition information is made in relation to omega-3 fatty acids, the nutrition information panel must include declarations of each of the following in accordance with section S12—3:
- (a) the average quantity of each type of omega-3 fatty acids (that is, alpha-linolenic acid, docosahexaenoic acid, eicosapentaenoic acid or a combination of these); and
  - (b) the average quantity of the total of omega-3 fatty acids.

## **1.2.8—7**

### **How to express particular matters in nutrition information panel**

- (1) The nutrition information panel must clearly indicate that:
- (a) any average quantities set out in the panel are average quantities; and
  - (b) any minimum or maximum quantities set out in the panel are minimum or maximum quantities.
- (2) On a nutrition information panel:
- (a) 'serving' may be replaced by:
    - (i) 'slice', 'pack' or 'package'; or
    - (ii) 'metric cup' or 'metric tablespoon' or other appropriate word or words expressing a unit or common measure; and
  - (b) 'Carbohydrate' may be replaced by 'Carbohydrate, total'.
- (3) The following must be expressed in a nutrition information panel to not more than 3 significant figures:
- (a) the average energy content;
  - (b) the average, minimum or maximum quantities of nutrients and biologically active substances.
- (4) If the \*average energy content of a serving or a \*unit quantity of the food is less than 40 kJ, that average energy content may be expressed in the panel as 'LESS THAN 40 kJ'.
- (5) If the \*average quantity of any of the following in a serving or a \*unit quantity of the food is less than 1 gram, that average quantity may be expressed in the nutrition information panel as 'LESS THAN 1 g':
- (a) protein;
  - (b) fat;
  - (c) classes of fatty acids;
  - (d) carbohydrate;
  - (e) sugars;
  - (f) dietary fibre.
- (6) If the \*average quantity of sodium or potassium in a serving or a \*unit quantity of the food is less than 5 milligrams, that average quantity may be expressed in the nutrition information panel as 'LESS THAN 5 mg'.
- (7) The declaration of \*dietary fibre in a nutrition information panel must be a declaration of dietary fibre determined in accordance with section S11—4.
- (8) In a nutrition information panel:
- (a) \*monounsaturated fatty acids must be declared as monounsaturated fat; and
  - (b) \*polyunsaturated fatty acids must be declared as polyunsaturated fat; and
  - (c) \*saturated fatty acids must be declared as saturated fat; and
  - (d) \*trans fatty acids must be declared as trans fat.

### 1.2.8—8 Percentage daily intake information

- (1) A nutrition information panel may include information relating to the percentage daily intake of nutrients set out in the panel.
- (2) If information relating to percentage daily intake is included, the panel may include the percentage daily intake of \*dietary fibre per serving.
- (3) If information relating to percentage daily intake is included, the panel must include:
  - (a) the percentage daily intake per serving, calculated using the associated reference value listed below, of the following items:

#### Reference values for per cent daily intake information

<i>Item</i>	<i>Reference value</i>
energy	8 700 kJ
protein	50 g
fat	70 g
saturated fatty acids	24 g
carbohydrate	310 g
sodium	2 300 mg
sugars	90 g
dietary fibre (if declared)	30 g

- (b) either of the following statements:
  - (i) 'based on an average adult diet of 8 700 kJ';
  - (ii) 'Percentage daily intakes are based on an average adult diet of 8 700 kJ'.

**Note** For an example nutrition information panel illustrating percentage daily intake information, see section S12—4.

### 1.2.8—9 Percentage recommended dietary intake information

- (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.
- (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.
- (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.

### 1.2.8—10 Information referred to in sections 1.2.8—8 and 1.2.8—9 may be presented outside nutrition information panel

- (1) The information that is permitted to be included in a nutrition information panel by section 1.2.8—8 or that is required to be included by subsection 1.2.8—9(2) may also be presented outside the nutrition information panel if:
  - (a) the serving size is presented together with the information; and
  - (b) the food does not contain more than 1.15% alcohol by volume.



- (2) If more than 1 piece of such information is presented outside the nutrition information panel, those pieces of information must be presented together.
- (3) Information presented in accordance with this section does not constitute a nutrition content claim.

#### **1.2.8—11 Requirement for dehydrated or concentrated food**

If the label on a package of a food for sale indicates that the food should be reconstituted with water before consumption, the nutrition information panel must express the information required by this Standard as a proportion of the reconstituted food.

#### **1.2.8—12 Food intended to be drained before consumption**

If the labelling for a food for sale contains directions indicating that the food should be drained before consumption, the nutrition information panel must:

- (a) express the information required by this Standard as a proportion of the drained food; and
- (b) clearly indicate that the information relates to the drained food.

#### **1.2.8—13 Food intended to be prepared or consumed with other food**

- (1) This section applies to a food for sale if the labelling indicates that it is intended to be prepared or consumed with at least one other food.
- (2) The nutrition information panel may comply with the requirement in subsection (4).
- (3) If a \*claim requiring nutrition information is made about the food, the nutrition information panel must comply with the requirements in subsections (4) and (5).
- (4) The requirement is that the nutrition information panel includes an additional column at the right hand side of the panel, specifying, in the same manner as set out in the panel:
  - (a) a description of the additional food; and
  - (b) the amount of the additional food; and
  - (c) the \*average energy content of the combined foods; and
  - (d) the average quantities of nutrients contained in the combined foods; and
  - (e) the average quantities of biologically active substances contained in the combined foods.
- (5) The requirement is that the nutrition information panel specifies the weight or volume of the serving size of the food as prepared.

#### **1.2.8—14 Requirement for food for sale in small packages**

- (1) For the labelling provisions, for a food for sale in a \*small package, the following nutrition information is required if a \*claim requiring nutrition information is made:
  - (a) the average quantity of the food in a serving, expressed:
    - (i) for a solid or semi-solid food—in grams; and
    - (ii) for a beverage or other liquid food—in millilitres; and
  - (b) if a claim is about a matter in Column 1 of the table to section S13—2, the particulars specified in Column 2, expressed:
    - (i) as minimum, maximum or average quantities, unless otherwise specified; and
    - (ii) with a clear indication of whether the particulars are minimum, maximum or average quantities.
  - (c) if the claim is about carbohydrate, dietary fibre, sugars or any other carbohydrate:

- (i) if unavailable carbohydrate has been subtracted in the calculation of \*available carbohydrate by difference—a declaration of the average quantity of unavailable carbohydrate (not including dietary fibre) per serving of the food; and
- (ii) the average quantity per serving of the food of any substance other than organic acids that is listed in the table to subsection S11—2(3), if those substances are present in the food, either singly or in combination, in an amount of no less than 5 g/100 g.

**Note** The labelling provisions are set out in Standard 1.2.1.

- (2) Where appropriate, the word 'serving' may be replaced by:
    - (a) the word 'slice', 'pack' or 'package'; and
    - (b) the words 'metric tablespoon' or other appropriate words expressing a unit or common measure.
  - (3) To avoid doubt, the information required by this section need not be set out in the form of a nutrition information panel.
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## Application, saving and transitional provisions

The table below details information on application, saving or transitional provisions in instruments affecting this Standard.

<b>Australia New Zealand Food Standards Code – Transitional Variation 2015 (Proposal P1037 – Amendments associated with Nutrition Content &amp; Health Claims)</b>				
<b>Instrument items affected</b>	<b>Amendment No.</b>	<b>FRL registration Gazette</b>	<b>Instrument's transitional provision</b>	<b>Description of transitional arrangement</b>
Items [3.2], [3.3], [3.4] and [3.5] of the Schedule	159	F2015L01931 3 Dec 2015 FSC101 7 Dec 2015	Clause 4	<p>Clause 4 establishes a transitional arrangement for variations to the Code made by Items [3.2], [3.3], [3.4] and [3.5] of the Schedule.</p> <p><b>The transition period is the period of time that commences on 1 March 2016 and ends on 18 January 2017.</b></p> <p>Subclause 4(2) provides that section 1.1.1—9 of the Code does not apply to the above variations.</p> <p>Subclause 4(3) provides that, during the transition period, a food may comply with either:</p> <ul style="list-style-type: none"> <li>(a) the Code as in force without the above variations;</li> <li>or</li> <li>(b) the Code as amended by the above variations;</li> </ul> <p>but not a combination of both.</p> <p>Subclause 4(4) provides an exemption for stock-in-trade that will apply from 18 January 2017. A food is deemed to comply with the Code as amended by the above variations for a period of 12 months commencing on 18 January 2017 if the food otherwise complied with the Code before that date.</p>

## Amendment History

The Amendment History provides information about each amendment to the Standard. The information includes commencement or cessation information for relevant amendments.

These amendments are made under section 92 of the *Food Standards Australia New Zealand Act 1991* unless otherwise indicated. Amendments do not have a specific date for cessation unless indicated as such.

### About this compilation

This is compilation No.4 of Standard 1.2.8 as in force on **3 June 2021** (up to Amendment No. 200). It includes any commenced amendment affecting the compilation to that date.

Prepared by Food Standards Australia New Zealand on **3 June 2021**.

### Uncommenced amendments or provisions ceasing to have effect

To assist stakeholders, the effect of any uncommenced amendments or provisions which will cease to have effect, may be reflected in the Standard as shaded boxed text with the relevant commencement or cessation date. These amendments will be reflected in a compilation registered on the Federal Register of Legislation including or omitting those amendments and provided in the Amendment History once the date is passed.

The following abbreviations may be used in the table below:

ad = added or inserted	am = amended
exp = expired or ceased to have effect	rep = repealed
rs = repealed and substituted	

**Standard 1.2.8** was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00395 — 31 March 2015) and has since been amended as follows:

Section affected	A'ment No.	FRL registration Gazette	Commencement (Cessation)	How affected	Description of amendment
1.2.8—2	157	F2015L01374 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	am	Correction of numbering error for Note 1.
1.2.8—3	159	F2015L01931 3 Dec 2015 FSC101 7 Dec 2015	1 March 2016	am	Inclusion of reference to a permitted Health Star rating symbol.
1.2.8—4	157	F2015L01366 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	am	Consequential amendment to the cross-reference definition of a 'claim requiring nutrition information' in Note 1 arising from an amendment to Standard 1.1.2.
1.2.8—4	157	F2015L01374 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	am	Correction of numbering error for Note 1.
1.2.8—6(1)	168	F2017L00414 11 April 2017 FSC110 13 April 2017	13 April 2017	am	Omission of reference to calories.
1.2.8—6(5)	157	F2015L01374 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	am	Correction of typographical error.

Section affected	A'ment No.	FRL registration Gazette	Commencement (Cessation)	How affected	Description of amendment
1.2.8—6(9)	157	F2015L01374 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	am	Correction of typographical error.
1.2.8—6(11)	159	F2015L01931 3 Dec 2015 FSC101 7 Dec 2015	1 March 2016	ad	Subsection relating to claims about lactose. <i>For application, saving and transitional provisions, see above table.</i>
1.2.8—6(12)	159	F2015L01931 3 Dec 2015 FSC101 7 Dec 2015	1 March 2016	ad	Subsection relating to claims about salt or sodium. <i>For application, saving and transitional provisions, see above table.</i>
1.2.8—6(13)	159	F2015L01931 3 Dec 2015 FSC101 7 Dec 2015	1 March 2016	ad	Subsection relating to claims about omega-3 fatty acids. <i>For application, saving and transitional provisions, see above table.</i>
1.2.8—14(1)	159	F2015L01931 3 Dec 2015 FSC101 7 Dec 2015	1 March 2016	am	Paragraph (c) to clarify application. <i>For application, saving and transitional provisions, see above table.</i>
1.2.8—14(2)	159	F2015L01931 3 Dec 2015 FSC101 7 Dec 2015	1 March 2016	am	Omission of reference to 'metric cup'. <i>For application, saving and transitional provisions, see above table.</i>
1.2.8—5(2)	182	F2018L01594 23 Nov 2018 FSC123 29 Nov 2018	29 Nov 2018	am	Correction of typographical error
1.2.8—14(1)	182	F2018L01594 23 Nov 2018 FSC123 29 Nov 2018	29 Nov 2018	am	Correction of typographical error
1.2.8—4	200	F2021L00684 June 2 2021 FSC141 3 June 2021	3 June 2021	ad	Subsection relating to definitions within this code for average quantity
1.2.8—6(1)	200	F2021L00684 June 2 2021 FSC141 3 June 2021	3 June 2021	rs	Repeal the subsection relating to what must be on nutrition information panel
1.2.8—6(7)	200	F2021L00684 June 2 2021 FSC141 3 June 2021	3 June 2021	am	Omit '*unavailable carbohydrate', substitute 'unavailable carbohydrate'.
1.2.8—14(1)(a)	200	F2021L00684 June 2 2021 FSC141 3 June 2021	3 June 2021	am	Omit '*average quantity', substitute 'average quantity'.

## Standard 1.2.10 Information requirements – characterising ingredients and components of food

**Note 1** This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

**Note 2** The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

### 1.2.10—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 1.2.10 – Information requirements – characterising ingredients and components of food*.

**Note** Commencement:

This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

### 1.2.10—2 Definitions

**Note** Section 1.1.2—4 (Definition of *characterising component* and *characterising ingredient*) provides as follows:

- (1) In this Code, in relation to a food for sale:
  - characterising component** means a component of the food that:
    - (a) is mentioned in the name of the food; or
    - (b) is usually associated with the name of the food by a consumer; or
    - (c) is emphasised on the label of the food in words, pictures or graphics.
  - characterising ingredient** means an ingredient or a category of ingredients of the food that:
    - (a) is mentioned in the name of the food; or
    - (b) is usually associated with the name of the food by a consumer; or
    - (c) is emphasised on the label of the food in words, pictures or graphics.
- (2) Despite subsection (1), any of the following is not a **characterising ingredient**:
  - (a) an ingredient or category of ingredients that is used in small amounts to flavour the food; or
  - (b) an ingredient or category of ingredients that comprises the whole of the food; or
  - (c) an ingredient or category of ingredients that is mentioned in the name of the food but which is not such as to govern the choice of the consumer, because the variation in the amount is not essential to characterise the food, or does not distinguish the food from similar foods.
- (3) Compliance with labelling requirements elsewhere in this Code does not of itself constitute emphasis for the purposes of this section.

### 1.2.10—3 Requirement to declare characterising ingredients and components

- (1) For the labelling provisions, information about \*characterising ingredients and \*characterising components is a declaration of the proportion of each characterising ingredient and characterising component of the food:
  - (a) calculated in accordance with sections 1.2.10—4 to 1.2.10—7; and
  - (b) expressed in accordance with section 1.2.10—8.
- (2) If:
  - (a) the proportion of a \*characterising component of a food is declared in accordance with this Standard; and
  - (b) an ingredient or category of ingredients contains that characterising component;the proportion of a \*characterising ingredient containing that characterising component does not need to be declared.
- (3) For the labelling provisions, information about \*characterising ingredients and \*characterising components is not required for the following:

- (a) prepared filled rolls, sandwiches, bagels or similar products;
- (b) a food for sale that is sold at a \*fund-raising event;
- (c) a food for sale that is in a \*small package;
- (d) infant formula product;
- (e) cured and/or dried meat flesh in whole cuts or pieces;
- (f) a standardised alcoholic beverage;
- (g) a beverage containing no less than 0.5% alcohol by volume, other than one referred to in paragraph (f).

**Note** The labelling provisions are set out in Standard 1.2.1.

#### **1.2.10—4 Method of calculating proportion of characterising ingredients**

- (1) Subject to sections 1.2.10—5 and 1.2.10—6, the proportion,  $P_{CI}$ , of a \*characterising ingredient must be calculated using the following equation:

$$P_{CI} = \frac{IW}{TW} \times 100$$

where:

**IW** is:

- (a) if the proportion of the characterising ingredient is declared in accordance with paragraph 1.2.10—8(4)(b)—the minimum ingoing weight of that ingredient; or
- (b) otherwise—the ingoing weight of the characterising ingredient.

**TW** is the total weight of all ingoing ingredients.

- (2) The weight of added water or volatile ingredients removed during the course of manufacture of the food must not be included in the weight of the ingoing ingredients when calculating  $P_{CI}$ .
- (3) If a concentrated or dehydrated ingredient or category of ingredients is reconstituted during manufacture of the food, the weight of the reconstituted ingredient or category of ingredients may be used when calculating  $P_{CI}$ .
- (4) If a food requires reconstitution prior to consumption,  $P_{CI}$  may be calculated as a proportion of the food as reconstituted.

#### **1.2.10—5 Calculating proportion of characterising ingredients where moisture loss occurs**

If moisture loss occurs in the processing of a food, the proportion of a characterising ingredient in the food may be calculated taking into account any such moisture loss, on the basis of the weight of the characterising ingredient in the food.

#### **1.2.10—6 Calculating proportion of characterising ingredient or characterising component where proportion is declared in nutrition information panel**

Unless otherwise specified, where the proportion of a \*characterising ingredient is declared in a nutrition information panel, the amount declared must be the \*average quantity of the characterising ingredient present in the food.

#### **1.2.10—7 Method of calculating proportion of characterising components**

- (1) The proportion of a \*characterising component,  $P_{CC}$ , in a food must be calculated using the following equation:

$$P_{cc} = \frac{W}{TW} \times 100$$

where:

**TW** is the total weight of the food.

**W** is:

- (a) the weight of the characterising component of the food; or
  - (b) if the proportion of the characterising component is declared in accordance with paragraph 1.2.10—8(4)(b)—the minimum weight of that component.
- (2) If a food requires reconstitution prior to consumption, **P<sub>cc</sub>** may be calculated as a proportion of the food as reconstituted.

### **1.2.10—8 Declaration of characterising ingredients and components**

- (1) The proportion of a \*characterising ingredient or \*characterising component must:
- (a) be declared as a percentage; or
  - (b) unless otherwise specified, be declared as the \*average quantity per serving and per unit quantity, when declared in a nutrition information panel.
- (2) If the proportion of a \*characterising ingredient is declared in accordance with paragraph (1)(a) in a statement of ingredients, the percentage must immediately follow the common, descriptive or generic name of the ingredient.
- (3) The percentage may be rounded to:
- (a) the nearest whole number; or
  - (b) if the percentage is below 5%—the nearest 0.5 decimal place.
- (4) The proportion of a \*characterising ingredient or \*characterising component must be declared as:
- (a) the actual percentage; or
  - (b) if the minimum weight of a characterising ingredient or characterising component was used when performing the calculation in section 1.2.10—4 or 1.2.10—7 as appropriate—a minimum percentage; or
  - (c) unless otherwise specified—the \*average quantity when declared in a nutrition information panel.
- (5) If a minimum percentage is declared, that fact must be clearly indicated.
- (6) The proportion of a \*characterising ingredient or \*characterising component of a food that requires reconstitution prior to consumption may be declared as a percentage of the food as reconstituted if:
- (a) in the case of a characterising ingredient—the proportion of the characterising ingredient was calculated in accordance with subsection 1.2.10—4(4); and
  - (b) in any case—the fact that the ingredient or component is a proportion of the food as reconstituted is clearly indicated.



## Amendment History

The Amendment History provides information about each amendment to the Standard. The information includes commencement or cessation information for relevant amendments.

These amendments are made under section 92 of the *Food Standards Australia New Zealand Act 1991* unless otherwise indicated. Amendments do not have a specific date for cessation unless indicated as such.

### About this compilation

This is compilation No. 2 of Standard 1.2.10 as in force on **29 November 2018** (up to Amendment No. 182). It includes any commenced amendment affecting the compilation to that date.

Prepared by Food Standards Australia New Zealand on **29 November 2018**.

### Uncommenced amendments or provisions ceasing to have effect

To assist stakeholders, the effect of any uncommenced amendments or provisions which will cease to have effect, may be reflected in the Standard as shaded boxed text with the relevant commencement or cessation date. These amendments will be reflected in a compilation registered on the Federal Register of Legislation including or omitting those amendments and provided in the Amendment History once the date is passed.

The following abbreviations may be used in the table below:

ad = added or inserted  
exp = expired or ceased to have effect  
rs = repealed and substituted

am = amended  
rep = repealed

**Standard 1.2.10** was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00398 — 31 March 2015) and has since been amended as follows:

Clause affected	A'ment No.	FRL registration Gazette	Commencement (Cessation)	How affected	Description of amendment
1.2.10— 3(2)	157	F2015L01374 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	am	Correction of typographical error.
1.2.10— 3(3)	182	F2018L01594 23 Nov 2018 FSC123 29 Nov 2018	29 Nov 2018	am	Correction of typographical error.

## Standard 1.3.1 Food additives

- Note 1** This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.
- Note 2** The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.
- Note 3** Paragraph 1.1.1—10(6)(a) provides that a food for sale must not have, as an ingredient or a component, a substance that is used as a food additive, unless expressly permitted by this Code. This Standard contains the relevant permissions.

### 1.3.1—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 1.3.1 – Food Additives*.

**Note** Commencement:  
This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

### 1.3.1—2 Definitions

**Note** Section 1.1.2—11 (Definition of *used as a food additive*) provides as follows:

- (1) A substance is *used as a food additive* in relation to a food if it is added to the food and:
  - (a) performs 1 or more of the technological purposes listed in Schedule 14; and
  - (b) is a substance identified in subsection 1.1.2—11(2).
- (2) For subsection 1.1.2—11(1), the substances are:
  - (a) any of the following:
    - (i) a substance that is identified in Schedule 15;
    - (ii) an additive permitted at GMP;
    - (iii) a colouring permitted at GMP;
    - (iv) a colouring permitted to a maximum level; and
  - Note** Schedule 15 lists a number of substances that are not additives permitted at GMP, colourings permitted at GMP or colourings permitted to a maximum level.
  - (b) any substance that is:
    - (i) a \*non-traditional food and
    - (ii) has been concentrated or refined, or synthesised, to perform 1 or more of the technological purposes listed in Schedule 14.

#### *Other definitions*

- (3) In this Code:
  - additive permitted at GMP** means a substance that is listed in section S16—2.
  - colouring permitted at GMP** means a substance that is listed in section S16—3.
  - colouring permitted to a maximum level** means a substance that is listed in section S16—4.

*Colours and their aluminium and calcium lakes*
- (4) A reference to a colour listed in Schedule 15, a colouring permitted at GMP or a colouring permitted to a maximum level includes a reference to the aluminium and calcium lakes prepared from that colour.

### 1.3.1—3 When food additives may be used as ingredients in foods

*Listed food additives may be ingredients of a food*

- (1) A substance may be \*used as a food additive in relation to food if:
  - (a) the substance is permitted to be used as a food additive for that food by Schedule 15; and
  - (b) any restrictions on the use of that substance as a food additive set out in this Standard or in Schedule 15 are complied with; and
  - (c) if the table to section S15—5 indicates that the maximum permitted level is 'GMP'—the proportion of the substance is no more than required under GMP.

*Carry-over of food additive*

- (2) A substance that is permitted for use as a food additive may be present in any food as a result of carry-over from a raw material or an ingredient if the level of the substance in the food is no greater than would be introduced by the use of the raw material or ingredient under proper technological conditions and GMP.

**1.3.1—4 Maximum permitted levels of food additives in foods**

- (1) An \*additive permitted at GMP or a \*colouring permitted at GMP that is permitted to be \*used as a food additive by Schedule 15 may be present in a food for sale as a result of use in accordance with GMP.
- (2) If a substance is \*used as a food additive in a food for sale, the level of the substance as a \*component of the food must comply with any limitation in Schedule 15 for a food of that kind.
- (3) For a \*colouring permitted to a maximum level that is permitted to be \*used as a food additive by Schedule 15, the level of all such colours together in a food for sale must be no more than:
- (a) in a beverage—70 mg/L; and
  - (b) in another food—290 mg/kg.
- (4) Unless the contrary intention appears, if a food for sale is not intended to be consumed except after preparation in accordance with directions on the label, a limitation in Schedule 15 on the level of a substance that is \*used as a food additive in the food applies to the level of the substance in the food when prepared for consumption according to the directions.
- (5) A substance permitted to be \*used as a food additive in a food may be added to an ingredient intended for use in the preparation of a food for sale at a higher level than would otherwise be allowed in the ingredient, provided that the level in the food for sale complies with the maximum permitted level in subsection (3) or Schedule 15.
- (6) In this Standard:
- (a) annatto and annatto extracts include norbixin and bixin, calculated as bixin;
  - (b) benzoic acid and its salts are calculated as benzoic acid;
  - (c) cyclamate and its salts are calculated as cyclohexyl-sulphamic acid;
  - (d) ethyl lauroyl arginate is calculated as ethyl-N<sup>α</sup>-lauroyl-L-arginate HCl;
  - (e) unless the contrary intention appears, nitrates or nitrites refers to the total of nitrates and nitrites, calculated as sodium nitrite;
- Note** Nitrites have code numbers 249 and 250. Nitrates have code numbers 251 and 252.
- Example** A contrary intention for the purpose of paragraph (e) appears in item 1.6 of the table to section S15—5 for cheese and cheese products.
- (f) propionic acid and its salts are calculated as propionic acid;
  - (g) saccharin and its calcium and sodium salts are calculated as saccharin;
  - (h) sorbic acid and its salts are calculated as sorbic acid;
  - (i) steviol glycosides are calculated as steviol equivalents in accordance with subsection (7);
  - (j) sulphur dioxide and sulphites, including hydrosulphites, bisulphites and metabisulphites, are calculated as sulphur dioxide;
  - (k) rosemary extract is calculated as the sum of carnosic acid and carnosol.
- (7) To calculate the steviol equivalent levels for a steviol glycoside, the following equation is used:

$$[SE] = \sum [SG] \times CF$$

where:

**[SE]** is the concentration as steviol equivalents.

**[SG]** is the concentration of individual steviol glycoside.

**CF** is the conversion factor, as follows:

- (a) dulcoside A—0.40;
- (b) rebaudioside A—0.33;
- (c) rebaudioside B—0.40;
- (d) rebaudioside C—0.33;
- (e) rebaudioside D—0.28;
- (f) rebaudioside F—0.34;
- (g) rebaudioside M—0.25;
- (h) rubusoside—0.50;
- (i) steviolbioside—0.50;
- (j) stevioside—0.40;
- (k) any other steviol glycoside—0.33.

### 1.3.1—5      **Limitation on use of intense sweeteners**

Unless Schedule 15 expressly provides otherwise, a substance that may be \*used as a food additive to perform the technological purpose of an intense sweetener may be added to a food only:

- (a) as a flavour enhancer; or
- (b) in an amount necessary to replace, either wholly or partially, the sweetness normally provided by sugars.

### 1.3.1—6      **Food additives performing the same purpose**

- (1) If a food contains a mixture of substances that are \*used as food additives to perform the same technological purpose, the sum of the proportions of these substances in the food must not be more than 1.
- (2) In this section:

**sum of the proportions** is calculated in accordance with the following equation:

$$\text{sum of the proportions} = \sum_{i=1}^N \frac{\text{Conc}_i}{\text{MPL}_i}$$

where:

**N** is the number of substances used as food additives in the food that perform the same technological purpose.

**Conc<sub>i</sub>** is the concentration of the *i*<sup>th</sup> food additive in the food.

**MPL<sub>i</sub>** is the maximum permitted level of the *i*<sup>th</sup> food additive in the food.

- (3) When calculating the sum of the proportions, exclude any substances that may be present in a food in accordance with GMP.

## Amendment History

The Amendment History provides information about each amendment to the Standard. The information includes commencement or cessation information for relevant amendments.

These amendments are made under section 92 of the *Food Standards Australia New Zealand Act 1991* unless otherwise indicated. Amendments do not have a specific date for cessation unless indicated as such.

### About this compilation

This is a compilation No. 3 of Standard 1.3.1 as in force on **23 January 2019** (up to Amendment No. 183). It includes any commenced amendment affecting the compilation to that date.

Prepared by Food Standards Australia New Zealand on **23 January 2019**.

### Uncommenced amendments or provisions ceasing to have effect

To assist stakeholders, the effect of any uncommenced amendments or provisions which will cease to have effect, may be reflected in the Standard as shaded boxed text with the relevant commencement or cessation date. These amendments will be reflected in a compilation registered on the Federal Register of Legislation including or omitting those amendments and provided in the Amendment History once the date is passed.

The following abbreviations may be used in the table below:

ad = added or inserted  
exp = expired or ceased to have effect  
rs = repealed and substituted  
am = amended  
rep = repealed

**Standard 1.3.1** was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00396 — 31 March 2015) and has since been amended as follows:

Section affected	A'ment No.	FRL registration Gazette	Commencement (Cessation)	How affected	Description of amendment
1.3.1—2	161	F2016L00120 18 Feb 2016 FSC103 22 Feb 2016	1 March 2016	am	Correction of typographical error in Note.
1.3.1—4(7)	160	F2016L00041 12 Jan 2016 FSC102 14 Jan 2016	1 March 2016	am	Inclusion of reference to rebaudioside M and consequential re-numbering of paragraphs.
1.3.1—4(7)	168	F2017L00409 10 April 2017 FSC110 13 April 2017	13 April 2017	am	Inclusion of reference to any other steviol glycoside.
1.3.1—4(6)(j)	183	F2019L00040 11 Jan 2019 FSC124 23 Jan 2019	23 January 2019	am	Inclusion of (k) rosemary extract

## Standard 1.3.2 Vitamins and minerals

- Note 1** This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.
- Note 2** The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.
- Note 3** Paragraph 1.1.1—10(6)(b) provides that a food for sale must not have as an ingredient or a component, a substance used as a nutritive substance unless expressly permitted by this Code. This Standard deals with vitamins and minerals used as nutritive substances.
- Note 4** This Standard limits the claims that can be made about the vitamin and mineral content of foods. Standard 1.2.7 relates to the claims that can be made about nutrition content, including the presence of vitamins and minerals in food. There are also provisions in other standards that affect claims about specific foods. See for example:
- Standard 2.1.1 (cereal and cereal products);
  - Standard 2.4.2 (edible oil spreads);
  - Standard 2.9.1 (infant formula products);
  - Standard 2.9.2 (food for infants);
  - Standard 2.9.3 (formulated meal replacements and formulated supplementary foods);
  - Standard 2.9.4 (formulated supplementary sports foods);
  - Standard 2.9.5 (food for special medical purposes);
  - Standard 2.9.6 (transitional standard for special purpose foods (including amino acid modified foods)).

### 1.3.2—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 1.3.2 – Vitamins and minerals*.

**Note** Commencement:  
This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

### 1.3.2—2 Definitions and interpretation

**Note** In this Code (see section 1.1.2—2):

**meet the NPSC** means that the \*nutrient profiling score of a food described in Column 1 of the table to section S4—6 is less than the number specified for that food in Column 2 of that table.

**NPSC** means the nutrient profiling scoring criterion (see section S4—6).

**nutrient profiling score** means the final score calculated pursuant to the method referred to in section 1.2.7—25.

**property of food** means a \*component, ingredient, constituent or other feature of food.

**RDI**—see section 1.1.2—10.

**reference quantity** means:

- (a) for a food listed in the table to section S17—4, either:
  - (i) the amount specified in the table for that food; or
  - (ii) for a food that requires dilution or reconstitution according to directions—the amount of the food that, when diluted or reconstituted, produces the quantity referred to in subparagraph (i); or
- (b) for all other foods:
  - (i) a normal serving; or
  - (ii) for a food that requires dilution, reconstitution, draining or preparation according to directions—the amount of the food that, when diluted, reconstituted, drained or prepared produces a normal serving.

**used as a nutritive substance**—see section 1.1.2—12.

### 1.3.2—3 Listed vitamins and minerals may be used as nutritive substance in foods

Unless this Code provides otherwise, a vitamin or mineral may be \*used as a nutritive substance in a food if:

- (a) the vitamin or mineral is in a permitted form specified in section S17—2 or section S17—3; and

- (b) the vitamin or mineral is listed in relation to that type of food in section S17—4; and
- (c) the total amount of the naturally occurring and added vitamin or mineral present in a \*reference quantity of the food is no more than the amount (if any) specified in relation to that vitamin or mineral in section S17—4.

**1.3.2—4 Restrictions on claims in relation to vitamins and minerals added to foods**

- (1) This section applies if a vitamin or mineral has been \*used as a nutritive substance in a food listed in section S17—4.
- (2) A claim must not be made that the percentage \*RDI of the vitamin or mineral (including the amount added and the amount naturally present) in a \*reference quantity of the food is greater than the percentage that is specified as the maximum percentage RDI claim for that vitamin or mineral in the table to section S17—4.

**1.3.2—5 Calculation of maximum amount of a vitamin or mineral which may be claimed in a reference quantity of food**

- (1) If:
  - (a) a food for sale contains more than one ingredient; and
  - (b) at least one ingredient contains a vitamin or mineral that has been \*used as a nutritive substance in accordance with this Standard;

the maximum claim permitted in relation to that vitamin or mineral in a \*reference quantity of the food is calculated in accordance with this section.

- (2) First, the maximum amount permitted to be claimed in a \*reference quantity of the food,  $M_{rq}$ , is calculated using the following equation:

$$M_{rq} = Q_1 + Q_2 + \dots + Q_i$$

where:

$Q_i$ , for a particular ingredient that contains that vitamin or mineral, is:

- (a) for an unfortified ingredient—the \*average quantity of the vitamin or mineral present in the amount of the ingredient in a \*reference quantity of the food; and
  - (b) for a fortified ingredient—the maximum amount that may be claimed for that vitamin or mineral in the reference quantity of the ingredient adjusted to the amount of the ingredient in a reference quantity of the food.
- (3) Then,  $M_{rq}$  is rounded to the nearest 2 significant figures.

**1.3.2—6 Use of Vitamin D as a nutritive substance in breakfast cereal**

Vitamin D must not be used as a nutritive substance in breakfast cereal unless the breakfast cereal as purchased \*meets the NPSC.

**1.3.2—7 Labelling requirements for breakfast cereals that contain vitamin D**

- (1) This section applies to breakfast cereals that contain vitamin D that has been used as a nutritive substance in that food in accordance with this Standard.
- (2) For the labelling provisions:
  - (a) the particulars of a \*property of food in relation to a breakfast cereal must be declared in the \*nutrition information panel if:
    - (i) the property of food, other than fvnI, is relied upon to \*meet the NPSC; and
    - (ii) the particulars are not otherwise required to be included in the



nutrition information panel; and

- (b) if a breakfast cereal scores V points under section S5—4, the percentage of each element of *fvnl* that is relied on to meet the NPSC must be declared.

**Note** The labelling provisions are set out in Standard 1.2.1.

- (3) In this section:

*fvnl* is as defined in section S5—4 for the purpose of calculating V points.

### **1.3.2—8 Use of soy leghemoglobin as a nutritive substance**

- (1) Iron in the form of soy leghemoglobin must not be used as a nutritive substance in a food other than a meat analogue product to which section S17—4 applies.
  - (2) For the purposes of subsection (1), soy leghemoglobin must not be present in a meat analogue product in its raw state at a concentration greater than 0.8%.
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## Amendment History

The Amendment History provides information about each amendment to the Standard. The information includes commencement or cessation information for relevant amendments.

These amendments are made under section 92 of the *Food Standards Australia New Zealand Act 1991* unless otherwise indicated. Amendments do not have a specific date for cessation unless indicated as such.

### About this compilation

This is compilation No. 3 of Standard 1.3.2 as in force on **26 March 2021** (up to Amendment No. 198). It includes any commenced amendment affecting the compilation to that date.

Prepared by Food Standards Australia New Zealand on **26 March 2021**

### Uncommenced amendments or provisions ceasing to have effect

To assist stakeholders, the effect of any uncommenced amendments or provisions which will cease to have effect, may be reflected in the Standard as shaded boxed text with the relevant commencement or cessation date. These amendments will be reflected in a compilation registered on the Federal Register of Legislation including or omitting those amendments and provided in the Amendment History once the date is passed.

The following abbreviations may be used in the table below:

ad = added or inserted  
 exp = expired or ceased to have effect  
 rs = repealed and substituted  
 am = amended  
 rep = repealed

**Standard 1.3.2** was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00402 — 31 March 2015) and has since been amended as follows:

Section affected	A'ment No.	FRL registration Gazette	Commencement (Cessation)	How affected	Description of amendment
Note 3 to Std	168	F2017L00414 11 April 2017 FSC110 13 April 2017	13 April 2017	am	Cross-reference.
1.3.2—2	166	F2017L00023 5 Jan 2017 FSC108 12 Jan 2017	12 Jan 2017	am	Inclusion of additional definition references. In the Note.
1.3.2—6	166	F2017L00023 5 Jan 2017 FSC108 12 Jan 2017	12 Jan 2017	ad	New section relating to the use of vitamin D as a nutritive substance in breakfast cereals.
1.3.2—7	166	F2017L00023 5 Jan 2017 FSC108 12 Jan 2017	12 Jan 2017	ad	New section relating labelling requirements for breakfast cereals that contain vitamin D.
1.3.2—8	198	F2021L00326 25 March 2021 FSC 139 26 March 2021	26 March 2021	ad	New section relating use of soy leghemoglobin as a nutritive substance

## Standard 1.3.3 Processing aids

- Note 1** This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.
- Note 2** The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.
- Note 3** Paragraph 1.1.1—10(6)(c) provides that a food for sale must not have, as an ingredient or a component, a substance that is used as a processing aid, unless expressly permitted by this Code. Section 1.1.2—13 defines the expression 'used as a processing aid'. This Standard contains the relevant permissions.

### Division 1 Preliminary

#### 1.3.3—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 1.3.3 – Processing aids*.

**Note** Commencement:  
This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

#### 1.3.3—2 Definitions

**Note** Section 1.1.2—13 (Definition of *used as a processing aid*) provides as follows:

##### *References to substances that are used as a processing aid*

- (1) In this Code, a reference to a substance that is *used as a processing aid* in relation to a food is a reference to a substance that is used during the course of processing:
- (a) to perform a technological purpose in the course of processing; and
  - (b) does not perform a technological purpose in the food for sale; and
  - (c) is identified in subsection (3).

##### *References to foods that are used as a processing aid*

- (2) In this Code, a reference to a food that is *used as a processing aid* in relation to another food:
- (a) is a reference to a food that:
    - (i) is not a substance identified in subsection (3); and
    - (ii) is used or added to the other food during the course of processing to perform a technological purpose in the course of processing; and
    - (iii) does not perform a technological purpose in the food for sale; and
  - (b) is a reference to so much of the food as is necessary to perform the technological purpose.

**Note 1** This Code does not prohibit the use of foods as processing aids (other than foods that are substances referred to in subsection (3)). There are special labelling requirements that apply in relation to foods and substances that are used as processing aids—see paragraphs 1.2.4—3(2)(d), 1.2.4—3(2)(e) and subparagraph 1.2.8—5(a)(vii).

**Note 2** If a food is used as a processing aid in relation to another food, and the amount of the food used is greater than the amount that is necessary to perform the technological purpose, the excess amount of the food is not taken to be used as a processing aid in the other food and is not exempted from a requirement to declare ingredients—see section 1.2.4—3(2)(e).

- (3) For subsections (1) and (2), the substances are the following:
- (a) a substance that is listed in Schedule 18;
  - (b) an additive permitted at GMP.

**Note** 'additive permitted at GMP' is a defined term—see section 1.1.2—11.

#### 1.3.3—3 Permission to use substance as processing aid

A substance may be used as a processing aid in relation to food if:

- (a) the substance is permitted to be used as a processing aid for that food by this Standard; and
- (b) the proportion of the substance that is used is no more than the maximum level necessary to achieve the technological purpose under conditions of GMP.

**Note** No permission is required to use a food (other than a substance referred to in paragraph (2)(a) of the definition of *used as a food additive*) as a processing aid.

## Division 2 Processing aids that may be used with any food

### 1.3.3—4 Generally permitted processing aids for all foods

- (1) A substance listed in subsection (2) may be \*used as a processing aid in any food if it is used at a level necessary to achieve a technological purpose in the processing of that food.
- (2) For subsection (1), the substances are:
  - (a) an \*additive permitted at GMP; or
  - (b) any substance listed in section S18—2.

*Restriction on the use of carbon monoxide in the processing of fish*

- (3) Despite subsection (1), carbon monoxide (other than carbon monoxide that is naturally present or occurring in smoke used in the processing of fish) must not be used in the processing of fish if its use results in a change to or fixes the colour of the flesh of the fish.

### 1.3.3—5 Processing aids for certain purposes for all foods

A substance listed in section S18—3 may be \*used as a processing aid in any food, if the substance is:

- (a) used to perform a technological purpose listed in relation to that substance; and
- (b) not present in the food at a level greater than the maximum permitted level indicated in the corresponding row of the table.

**Note** The purposes listed in section S18—3 are the following:

- anti-foaming;
- catalysis;
- decolouring, clarifying, filtering or adsorbing;
- desiccating;
- ion exchange;
- lubricating, releasing or anti-stick;
- a carrier, solvent or diluent.

### 1.3.3—6 Enzymes

An enzyme listed in section S18—4 may be \*used as a processing aid to perform any technological purpose if the enzyme is derived from the corresponding source specified in the table.

**Note 1** Section S18—4 lists enzymes of animal origin, enzymes of plant origin and enzymes of microbial origin.

**Note 2** Some enzymes identified in section S18—4 are protein engineered. If such an enzyme is used as a processing aid, the resulting food may have as an ingredient a food produced using gene technology, and the labelling and other requirements relating to foods produced using gene technology will apply—see Standard 1.2.1 and Standard 1.5.2, in particular section 1.5.2—3(b).

### 1.3.3—7 Microbial nutrients and microbial nutrient adjuncts

A substance listed in section S18—5 may be \*used as a processing aid to perform the technological purpose of a microbial nutrient or a microbial nutrient adjunct in the course of manufacture of any food.

## Division 3 Processing aids that can be used with specified foods

### 1.3.3—8 Processing aids for water

A substance listed in section S18—6 may be \*used as a processing aid in the course of manufacture of:

- (a) packaged water; or
- (b) water that is used as an ingredient;

if the substance is not present in the water at a level greater than the maximum permitted indicated in the corresponding row of the table.

**Note** This section contains the permissions for fluoride to be used in water that is used as an ingredient in other foods, but not in water presented in packaged form. Standard 2.6.2 contains a permission to add fluoride to water presented in packaged form.

### **1.3.3—9 Bleaching, washing and peeling agents—various foods**

A substance listed in section S18—7 may be \*used as a processing aid to perform the technological purpose of:

- (a) a bleaching agent; or
- (b) a washing agent; or
- (c) a peeling agent;

for a food if the substance:

- (d) is used in relation to a food listed in the corresponding row of the table; and
- (e) is not present in the food at a level greater than the maximum permitted indicated in the corresponding row of the table.

### **1.3.3—10 Extraction solvents—various foods**

A substance listed in section S18—8 may be \*used as a processing aid to perform the technological purpose of an extraction solvent if the substance:

- (a) is used in relation to a food listed in the corresponding row of the table; and
- (b) is not present in the food at a level greater than the maximum permitted indicated in the corresponding row of the table.

### **1.3.3—11 Processing aids that perform various technological purposes**

A substance specified in a row in the table to section S18—9 may be \*used as a processing aid:

- (a) in relation to:
  - (i) if a food is specified in that row—that food; or
  - (ii) if no food is specified in that row—any food; and
- (b) for the corresponding technological purpose specified in that row; and
- (c) if the substance is not present in the food at a level greater than the maximum permitted level indicated in that row.

### **1.3.3—12 Microbial control agent—dimethyl dicarbonate**

- (1) Dimethyl dicarbonate may be \*used as a processing aid to perform the technological purpose of a microbial control agent during the manufacture of a food for sale listed in section S18—10 at a concentration no greater than the corresponding maximum permitted addition level indicated in the table.
  - (2) Dimethyl dicarbonate must not be present in a food for sale.
-

## Amendment History

The Amendment History provides information about each amendment to the Standard. The information includes commencement or cessation information for relevant amendments.

These amendments are made under section 92 of the *Food Standards Australia New Zealand Act 1991* unless otherwise indicated. Amendments do not have a specific date for cessation unless indicated as such.

About this compilation

This is a compilation of Standard 1.3.3 as in force on **1 March 2016** (up to Amendment No. 157). It includes any commenced amendment affecting the compilation to that date.

Prepared by Food Standards Australia New Zealand on **1 March 2016**.

Uncommenced amendments or provisions ceasing to have effect

To assist stakeholders, the effect of any uncommenced amendments or provisions which will cease to have effect, may be reflected in the Standard as shaded boxed text with the relevant commencement or cessation date. These amendments will be reflected in a compilation registered on the Federal Register of Legislative Instruments including or omitting those amendments and provided in the Amendment History once the date is passed.

The following abbreviations may be used in the table below:

ad = added or inserted  
exp = expired or ceased to have effect  
rs = repealed and substituted

am = amended  
rep = repealed

**Standard 1.3.3** was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00402 — 31 March 2015) and has since been amended as follows:

Section affected	A'ment No.	FRLI registration Gazette	Commencement (Cessation)	How affected	Description of amendment
1.3.3—3	157	F2015L01374 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	am	Correction of typographical error.

## Standard 1.4.1 Contaminants and natural toxicants

- Note 1** This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.
- Note 2** The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.
- Note 3** Subsection 1.1.1—10(6) provides that a food for sale must comply with any provisions of this Code relating to the composition of, or the presence of specified substances in, food of that kind. This Standard contains provisions relating to the presence of other substances in food.
- Note 4** Limits have been set under this Standard when it has been determined that there is a potential risk to public health and safety if the prescribed limits are exceeded, that should be managed by a standard. This Standard is to be read in the context of the requirements imposed in the application Acts that food must be safe and suitable for human consumption. For example, the concentration of contaminants and natural toxicants should be kept as low as reasonably achievable.

### 1.4.1—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 1.4.1 – Contaminants and natural toxicants*.

**Note** Commencement:  
This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

### 1.4.1—2 Interpretation

- (1) The limits prescribed by this Standard apply to the portion of foods that is ordinarily consumed.
- (2) In this Standard and Schedule 19, a reference to a particular food is to the food as described in Schedule 22.

### 1.4.1—3 Levels of contaminants and natural toxicants in food

- (1) The level of a contaminant or natural toxicant listed in section S19—4, S19—5 or S19—6 in a food listed in relation to that contaminant or toxicant must not be greater than the corresponding amount listed in that Schedule.

**Note** Schedule 19 sets out maximum levels of:

- metal contaminants;
  - non-metal contaminants;
  - natural toxicants; and
  - average and maximum levels of mercury in fish.
- (2) The level of mercury in fish and fish products, calculated in accordance with section S19—7, must comply with the requirements of subsection S19—7(1) or S19—7(2), as appropriate.
  - (3) For a food for sale with 2 or more ingredients, 1 or more of which is listed in Schedule 19, the level of a contaminant or toxicant listed in Schedule 19 in the food for sale must not be greater than the amount, **ML**, given by the following equation:

$$ML = \frac{\sum_{j=1}^N (ML_j \times Total_j) + CF \times (Total - \sum_{j=1}^N Total_j)}{Total}$$

where:

**N** is the number of ingredients of the food for sale for which a maximum level of a contaminant or toxicant is specified in Schedule 19.

**ML<sub>j</sub>** is:

- (a) in the case of mercury—the mean level of mercury that is permitted under section S19—7; or
- (b) otherwise—the maximum level of the contaminant or toxicant that is permitted, in accordance with subsection (1);

in a particular ingredient (the *j<sup>th</sup> ingredient*) of the food for sale.

**Total<sub>j</sub>** is the total weight of the *j<sup>th</sup>* ingredient of the food for sale (in g).

**CF** is:

- (a) in the case of lead—0.01 mg/kg; and
- (b) in the case of cadmium—0.005 mg/kg; and
- (c) for other substances—0 mg/kg.

**Note** **CF** is the background calculation factor, and allows for a representative contaminant level for those foods for which a maximum level is not specified in Schedule 19. The contaminants occur at low levels in such foods.

**Total** is the total weight of the food for sale (in g).

#### **1.4.1—4 Exception relating to honey and comb honey**

- (1) Section 1.1.1—9 does not apply to honey and comb honey for the purposes of section 1.4.1—3.
- (2) Despite section 1.4.1—3, honey and comb honey that was packaged for retail sale before the commencement of the *Food Standards (Proposal P1029 – Maximum Level for Tutin in Honey) Variation* is taken to comply with the level of Tutin listed in the table to section S19—6 if the product otherwise complied with the Code before that variation commenced.



## Amendment History

The Amendment History provides information about each amendment to the Standard. The information includes commencement or cessation information for relevant amendments.

These amendments are made under section 92 of the *Food Standards Australia New Zealand Act 1991* unless otherwise indicated. Amendments do not have a specific date for cessation unless indicated as such.

About this compilation

This is a compilation of Standard 1.4.1 as in force on **1 March 2016** (up to Amendment No. 161). It includes any commenced amendment affecting the compilation to that date.

Prepared by Food Standards Australia New Zealand on **1 March 2016**.

Uncommenced amendments or provisions ceasing to have effect

To assist stakeholders, the effect of any uncommenced amendments or provisions which will cease to have effect, may be reflected in the Standard as shaded boxed text with the relevant commencement or cessation date. These amendments will be reflected in a compilation registered on the Federal Register of Legislative Instruments including or omitting those amendments and provided in the Amendment History once the date is passed.

The following abbreviations may be used in the table below:

ad = added or inserted  
exp = expired or ceased to have effect  
rs = repealed and substituted

am = amended  
rep = repealed

**Standard 1.4.1** was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00408 — 31 March 2015) and has since been amended as follows:

Section affected	A'ment No.	FRLI registration Gazette	Commencement (Cessation)	How affected	Description of amendment
1.3.1—3(3)	161	F2016L00120 18 Feb 2016 FSC103 22 Feb 2016	1 March 2016	am	Correction of typographical error in formula.
1.4.1—4	157	F2015L01374 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	ad	New section relating to tutin in honey previously included in the Code as part of P1029.

## Standard 1.4.2 Agvet chemicals

- Note 1** This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.
- Note 2** This Standard is the Maximum Residue Limits Standard for the purposes of the FSANZ Act.
- Note 3** This Standard applies in Australia only. In New Zealand, maximum residue limits for agricultural compounds are set out in a Maximum Residue Limits Standard issued under the *Food Act 2014*.
- Note 4** The application Acts provide that food is unsuitable if the food contains, among other things, a chemical agent that is foreign to the nature of the food. Food is not unsuitable if, when it is sold, it does not contain an agvet chemical in an amount that contravenes the Code.

Paragraph 1.1.1—10(6)(d) provides that a food for sale must not have, as an ingredient or a component, a detectable amount of an agvet chemical or a metabolite or a degradation product of the agvet chemical; unless expressly permitted by this Code.

Sections 1.4.2—4 and 1.4.2—5 and associated Schedules set out the relevant permissions. Permitted residues are identified in section S20—3.

### 1.4.2—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 1.4.2 – Agvet chemicals*.

**Note** Commencement:  
This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

### 1.4.2—2 Purpose of Standard

The purpose of this Standard and Schedule 20, Schedule 21 and Schedule 22 is to set out the maximum residue limits and extraneous residue limits for agricultural or veterinary chemicals that are permitted in foods for sale.

**Note** Maximum residue limits have been determined:

- by the amount of residues of such chemicals that could be present in food when they are used at the minimum effective level and using Good Agricultural Practice (GAP); and
- after an assessment of the potential risk to public health and safety at that level.

### 1.4.2—3 Definitions and interpretation

**Note** In this Code (see section 1.1.2—2):

**agvet chemical** means an agricultural chemical product or a veterinary chemical product, within the meaning of the Agvet Code.

**Note** The Agvet Code is the Code set out in the Schedule to the *Agricultural and Veterinary Chemicals Code Act 1994* (Cth). See subsection 4(1) of the FSANZ Act.

**extraneous residue limit** or **ERL**, for an agvet chemical in a food, means the amount identified in Schedule 21 for the permitted residue of that agvet chemical in that food.

**maximum residue limit** or **MRL**, for an agvet chemical in a food, means the amount identified in Schedule 20 for the permitted residue of that agvet chemical in that food.

(1) In this Standard:

**permitted residue**, of an \*agvet chemical, means a chemical that is identified in Schedule 20 or Schedule 21 as being a permitted residue in relation to the agvet chemical.

(2) When calculating the amount of a permitted residue in a food:

- only calculate the amount that is in the portion of the commodity that is specified in Schedule 22; and
- if the permitted residue consists of more than 1 chemical, calculate the amount of all such chemicals that are present in the food.

(3) Unless a maximum amount of a permitted residue of an \*agvet chemical is specified for a processed food, the same maximum amount applies to both the processed and the unprocessed food.

- (4) In this Standard, and in Schedule 20 and Schedule 21, a reference to a particular food is to the food as described in Schedule 22.

#### 1.4.2—4 **Maximum residue limit of agvet chemicals in foods**

- (1) A food for sale may contain a permitted residue of an \*agvet chemical if:
- (a) the agvet chemical is listed in Schedule 20; and
  - (b) the food consists of, or has as an ingredient, a food that is listed in relation to that agvet chemical in Schedule 20; and
  - (c) the amount of the permitted residue of the agvet chemical in the food complies with subsection (2) or subsection (3), as appropriate.
- (2) For a food for sale that consists of a food that is listed in relation to that \*agvet chemical in Schedule 20, the amount of the permitted residue of the agvet chemical in the food complies with this subsection if the amount is not greater than the amount identified in relation to that food for that agvet chemical in Schedule 20.
- (3) For a food for sale that has 2 or more ingredients, 1 or more of which is a food that is listed in relation to the \*agvet chemical in Schedule 20, the amount of the permitted residue of the agvet chemical in the food complies with this subsection if the amount is not greater than the amount **MRL** calculated in accordance with the following equation:

$$MRL = \sum_{j=1}^N \frac{Weight(j)}{Weight} \times MRL(j)$$

where:

**N** is the number of ingredients of the food that are listed in Schedule 20 in relation to that agvet chemical.

**Weight(j)** is the weight of the  $j^{\text{th}}$  such ingredient.

**Weight** is the total weight of the food.

**MRL(j)** is the amount identified in relation to the  $j^{\text{th}}$  ingredient for a permitted residue of that agvet chemical in Schedule 20.

#### 1.4.2—5 **Extraneous residue limit of agvet chemicals in foods**

- (1) A food for sale may contain a permitted residue of an \*agvet chemical if:
- (a) the agvet chemical is listed in Schedule 21; and
  - (b) the food consists of, or has as an ingredient, a food that is listed in relation to that agvet chemical in Schedule 21 and
  - (c) the amount of the permitted residue of the agvet chemical in the food complies with subsection 1.4.2—4(2) or subsection 1.4.2—4(3), as appropriate; and
  - (d) the presence of the permitted residue of the agvet chemical in the food arose from environmental sources, and not from direct or indirect use of an agvet chemical on food.
- (2) For a food for sale that consists of a food that is listed in relation to that \*agvet chemical in Schedule 21, the amount of the permitted residue of the agvet chemical in the food complies with this subsection if the amount is not greater than the amount identified in relation to that food for that agvet chemical in Schedule 21.
- (3) For a food for sale that has 2 or more ingredients, 1 or more of which is a food that is listed in relation to the \*agvet chemical in or Schedule 21, the amount of the agvet chemical in the food complies with this subsection if the amount is not greater than the amount **MRL** calculated in accordance with the following equation:

$$MRL = \sum_{j=1}^N \frac{Weight(j)}{Weight} \times MRL(j)$$

where:

**N** is the number of ingredients of the food that are listed in Schedule 21 in relation to that agvet chemical.

**Weight(j)** is the weight of the  $j^{\text{th}}$  such ingredient.

**Weight** is the total weight of the food.

**MRL(j)** is the amount identified in relation to the  $j^{\text{th}}$  ingredient for that agvet chemical in Schedule 21.

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## Amendment History

The Amendment History provides information about each amendment to the Standard. The information includes commencement or cessation information for relevant amendments.

These amendments are made under section 92 of the *Food Standards Australia New Zealand Act 1991* unless otherwise indicated. Amendments do not have a specific date for cessation unless indicated as such.

About this compilation

This is a compilation of Standard 1.4.2 as in force on **1 March 2016** (up to Amendment No. 161). It includes any commenced amendment affecting the compilation to that date.

Prepared by Food Standards Australia New Zealand on **1 March 2016**.

Uncommenced amendments or provisions ceasing to have effect

To assist stakeholders, the effect of any uncommenced amendments or provisions which will cease to have effect, may be reflected in the Standard as shaded boxed text with the relevant commencement or cessation date. These amendments will be reflected in a compilation registered on the Federal Register of Legislative Instruments including or omitting those amendments and provided in the Amendment History once the date is passed.

The following abbreviations may be used in the table below:

ad = added or inserted  
exp = expired or ceased to have effect  
rs = repealed and substituted

am = amended  
rep = repealed

**Standard 1.4.2** was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00415 — 31 March 2015) and has since been amended as follows:

Section affected	A'ment No.	FRLI registration Gazette	Commencement (Cessation)	How affected	Description of amendment
Std heading	161	F2016L00120 18 Feb 2016 FSC103 22 Feb 2016	1 March 2016	am	Correction of typographical error in Note 3.

## Standard 1.4.4 Prohibited and restricted plants and fungi

- Note 1** This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.
- Note 2** The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.
- Note 3** Paragraphs 1.1.1—10(5)(a) and (6)(e) provide that a food for sale must not consist of, or have as an ingredient or a component, a prohibited or restricted plant or fungus, or coca bush, unless expressly permitted by this Code. This Standard contains the relevant permissions.

### 1.4.4—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 1.4.4 – Prohibited and restricted plants and fungi*.

**Note** Commencement:  
This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

### 1.4.4—2 Definitions

**Note 1** In this Code (see sections 1.1.2—2 and 1.1.2—3):

**claim** means an express or implied statement, representation, design or information in relation to a food or a property of food which is not mandatory in this Code

**coca bush** means:

- (a) *Eurythroxyllum coca*; or
- (b) a substance derived from *Eurythroxyllum coca*.

**health claim** means a claim which states, suggests or implies that a food or a property of food has, or may have, a health effect

**health effect** means an effect on the human body, including an effect on one or more of the following:

- (a) a biochemical process or outcome;
- (b) a physiological process or outcome;
- (c) a functional process or outcome;
- (d) growth and development;
- (e) physical performance;
- (f) mental performance;
- (g) a disease, disorder or condition.

**label**, in relation to a food being sold, means any tag, brand, mark or statement in writing or any representation or design or descriptive matter that:

- (a) is attached to the food or is a part of or attached to its packaging; or
- (b) accompanies and is provided to the purchaser with the food; or
- (c) is displayed in connection with the food when it is sold.

**prohibited plant or fungus** means:

- (a) a plant or fungus listed in Schedule 23; or
- (b) a part or a derivative of such a plant or fungus; or
- (c) a substance derived from a plant, fungus, part or derivative referred to in paragraph (a) or (b).

**property of food** means a component, ingredient, constituent or other feature of food.

**restricted plant or fungus** means:

- (a) a plant or fungus listed in Schedule 24; or
- (b) a part or a derivative of such a plant or fungus; or
- (c) a substance derived from a plant, fungus, part or derivative referred to in paragraph (a) or (b).

**Note 2** Section 1.1.2—9 (Definition of **nutrition content claim**) provides as follows:

(1) In this Code:

**nutrition content claim** means a claim that:

- (a) is about:
  - (i) the presence or absence of any of the following:
    - (A) a biologically active substance;
    - (B) dietary fibre;

- (C) energy;
- (D) minerals;
- (E) potassium;
- (F) protein;
- (G) carbohydrate;
- (H) fat;
- (I) the components of any one of protein, carbohydrate or fat;
- (J) salt;
- (K) sodium;
- (L) vitamins; or
- (ii) glycaemic index or glycaemic load; and
- (b) does not refer to the presence or absence of alcohol; and
- (c) is not a health claim.

**Note** See also subsections 1.1.2—9(2) to (4), 2.6.2—5(4) and 2.10.2—8(3).

**Note 3** Standard 1.2.7 prescribes requirements for making health claims and nutrition content claims.

#### **1.4.4—3 Exception to prohibition relating to restricted plants and fungi**

A restricted plant or fungus may be used as an ingredient in a food only if it complies with the requirements for natural toxicants in section 1.4.1—3 and subsection S19—6(1).

#### **1.4.4—4 Exception relating to coca bush**

Coca bush may be used as an ingredient in a food if the cocaine has been removed.

#### **1.4.4—5 Exception relating to raw apricot kernels**

Raw apricot kernels may be used as an ingredient in a food for sale if the kernels have been or will be subject to processing or a treatment that renders them safe for human consumption.

#### 1.4.4—6

##### Exception relating to *Cannabis sativa* seeds and seed products

- (1) *Cannabis sativa* seeds may be a food for sale or used as an ingredient in a food for sale if:
  - (a) the seeds:
    - (i) are seeds of low THC *Cannabis sativa*; and
    - (ii) contain not more than 5 mg/kg of total THC; and
    - (iii) if the food is for retail sale – are non-viable and hulled; and
  - (b) the only cannabinoids in or on the seeds are naturally present.
- (2) Subject to subsection (3), all or any of the following seed products may be a food for sale or used as an ingredient in a food for sale:
  - (a) oil extracted from seeds of low THC *Cannabis sativa* if the oil contains not more than 10 mg/kg of total THC;
  - (b) a beverage derived from seeds of low THC *Cannabis sativa* if the beverage contains not more than 0.2 mg/kg of total THC;
  - (c) any other product that is extracted or derived from seeds of low THC *Cannabis sativa* and contains not more than 5 mg/kg of total THC.
- (3) The only cannabinoids in the product must be those that were naturally present in or on the seeds from which the product was extracted or derived.
- (4) In subsection (2):

**seeds of low THC *Cannabis sativa*** includes viable and unhulled seeds.
- (5) In this section:

**hulled seeds** means seeds from which the outer coat or hull of seeds has been removed.

**low THC *Cannabis sativa*** has the meaning given by subsection (6).

**non-viable seeds** means seeds that are not able to germinate.

**seeds** includes a part of a seed.

**total THC** means the total amount of delta 9-tetrahydrocannabinol and delta 9-tetrahydrocannabinolic acid.
- (6) *Cannabis sativa* is low THC *Cannabis sativa* if the leaves and flowering heads of the *Cannabis sativa* do not contain more than 1% delta 9-tetrahydrocannabinol.

#### 1.4.4—7

##### Restriction on claims and representations about foods that are or which contain hemp food products

- (1) This section applies to a food for sale that consists of, or has as an ingredient, a hemp food product.
- (2) The food for sale must not be labelled or otherwise presented for sale in a form which expressly or by implication suggests that the product has a psychoactive effect.
- (3) The label for the food for sale must not include:
  - (a) a nutrition content claim about cannabidiol; or
  - (b) a \*health claim about cannabidiol; or
  - (c) an image or representation of any part of the *Cannabis sativa* plant (including the leaf of that plant) other than the seed; or
  - (d) the words 'cannabis', 'marijuana' or words of similar meaning.
- (4) The label for the food for sale may include the word 'hemp'.
- (5) In this section:



**Hemp food product** means *Cannabis sativa* seeds and/or a seed product that are permitted by section 1.4.4—6 to be a food for sale or used as an ingredient in a food for sale.

**Psychoactive effect** means:

- (a) stimulation or depression of a person's central nervous system, resulting in hallucinations or in a significant disturbance in, or significant change to, motor function, thinking, behaviour, perception, awareness or mood; or
- (b) causing a state of dependence, including physical or psychological addiction.

#### 1.4.4—8

#### **Level of cannabidiol in food for sale**

Cannabidiol must not be present in any food for sale at a level greater than 75 mg/kg.

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## Amendment History

The Amendment History provides information about each amendment to the Standard. The information includes commencement or cessation information for relevant amendments.

These amendments are made under section 92 of the *Food Standards Australia New Zealand Act 1991* unless otherwise indicated. Amendments do not have a specific date for cessation unless indicated as such.

### About this compilation

This is a compilation No. 2 of Standard 1.4.4 as in force on **12 November 2017** (up to Amendment No. 169). It includes any commenced amendment affecting the compilation to that date.

Prepared by Food Standards Australia New Zealand on **12 November 2017**.

### Uncommenced amendments or provisions ceasing to have effect

To assist stakeholders, the effect of any uncommenced amendments or provisions which will cease to have effect, may be reflected in the Standard as shaded boxed text with the relevant commencement or cessation date. These amendments will be reflected in a compilation registered on the Federal Register of Legislation including or omitting those amendments and provided in the Amendment History once the date is passed.

The following abbreviations may be used in the table below:

ad = added or inserted

exp = expired or ceased to have effect

rs = repealed and substituted

am = amended

rep = repealed

**Standard 1.4.4** was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00416 — 31 March 2015) and has since been amended as follows:

Section affected	A'ment No.	FRL registration Gazette	Commencement (Cessation)	How affected	Description of amendment
Note 1.4.4—2	169	F2017L0499 4 May 2017 FSC111 11 May 2017	12 Nov 2017	rs	Note replaced with Notes 1, 2 and 3
1.4.4—5	159	F2015L01913 2 Dec 2015 FSC101 7 Dec 2015	1 March 2016	ad	Section relating to raw apricot kernels.
1.4.4—6	169	F2017L0499 4 May 2017 FSC111 11 May 2017	12 Nov 2017	ad	Section relating to exception for <i>Cannabis sativa</i> seeds and seed products.
1.4.4—7	169	F2017L0499 4 May 2017 FSC111 11 May 2017	12 Nov 2017	ad	Section relating to restrictions on claims and representations about foods that are or which contain hemp food products.
1.4.4—8	169	F2017L0499 4 May 2017 FSC111 11 May 2017	12 Nov 2017	ad	Section relating to restrictions on claims and representations about foods that are or which contain hemp food products.

## Standard 1.5.1 Novel foods

- Note 1** This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.
- Note 2** The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.
- Note 3** Paragraphs 1.1.1—10(5)(b) and (6)(f) provide that a food for sale must not consist of, or have as an ingredient or a component, a novel food, if the food is offered for retail sale, unless expressly permitted by this Code. This Standard contains the relevant permissions.

### 1.5.1—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 1.5.1 – Novel foods*.

**Note** Commencement:  
This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

### 1.5.1—2 Definitions

**Note** Section 1.1.2—8 (Definition of **novel food**) provides as follows:

- (1) In this Code:
- novel food** means a non-traditional food that requires an assessment of the public health and safety considerations having regard to:
- (a) the potential for adverse effects in humans; or
  - (b) the composition or structure of the food; or
  - (c) the process by which the food has been prepared; or
  - (d) the source from which it is derived; or
  - (e) patterns and levels of consumption of the food; or
  - (f) any other relevant matters.

**Note** Possible categories of novel foods are described in guidelines issued by FSANZ. Categories of novel foods may include, but are not limited to, the following:

- plants or animals and their components;
- plant or animal extracts;
- herbs, including extracts;
- dietary macro-components;
- single chemical entities;
- microorganisms, including probiotics;
- foods produced from new sources, or by a process not previously applied to food.

**non-traditional food** means:

- (a) a food that does not have a history of human consumption in Australia or New Zealand; or
  - (b) a substance derived from a food, where that substance does not have a history of human consumption in Australia or New Zealand other than as a component of that food; or
  - (c) any other substance, where that substance, or the source from which it is derived, does not have a history of human consumption as a food in Australia or New Zealand.
- (2) The presence of a food in a food for special medical purposes or the use of a food as a food for special medical purposes does not constitute a history of human consumption in Australia or New Zealand in relation to that food for the purposes of this section.

### 1.5.1—3 Sale of novel foods

Despite paragraphs 1.1.1—10(5)(b) and (6)(f), a food offered for retail sale may consist of, or have as an ingredient, a \*novel food if:

- (a) the novel food is listed in the table to section S25—2; and

(b) any conditions of use specified in the corresponding row of that table are complied with.

**Note** Novel foods are added to the table to section S25—2 by variations to the Code. When added for the first time, the conditions may include some that apply to the novel food only during the first 15 months after gazettal of the variation. Conditions may also deal with matters such as the following:

- the need for preparation or cooking instructions, warning statements or other advice;
  - the need to meet specific requirements of composition or purity;
  - the class of food within which the food must be sold;
  - during the first 15 months after gazettal, the brand under which the food may be sold.
-

## Amendment History

The Amendment History provides information about each amendment to the Standard. The information includes commencement or cessation information for relevant amendments.

These amendments are made under section 92 of the *Food Standards Australia New Zealand Act 1991* unless otherwise indicated. Amendments do not have a specific date for cessation unless indicated as such.

### About this compilation

This is compilation No. 1 of Standard 1.5.1 as in force on **13 April 2017** (up to Amendment No. 168). It includes any commenced amendment affecting the compilation to that date.

Prepared by Food Standards Australia New Zealand on **13 April 2017**.

### Uncommenced amendments or provisions ceasing to have effect

To assist stakeholders, the effect of any uncommenced amendments or provisions which will cease to have effect, may be reflected in the Standard as shaded boxed text with the relevant commencement or cessation date. These amendments will be reflected in a compilation registered on the Federal Register of Legislation including or omitting those amendments and provided in the Amendment History once the date is passed.

The following abbreviations may be used in the table below:

ad = added or inserted  
exp = expired or ceased to have effect  
rs = repealed and substituted

am = amended  
rep = repealed

**Standard 1.5.1** was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00403 — 31 March 2015) and has since been amended as follows:

Section affected	A'ment No.	FRL registration Gazette	Commencement (Cessation)	How affected	Description of amendment
Note 3 to Std	168	F2017L00414 11 April 2017 FSC110 13 April 2017	13 April 2017	am	Cross-reference.
1.5.1— 3	168	F2017L00414 11 April 2017 FSC110 13 April 2017	13 April 2017	am	Cross-reference.

## Standard 1.5.2 Food produced using gene technology

- Note 1** This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.
- Note 2** The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.
- Note 3** Paragraphs 1.1.1—10(5)(c) and (6)(g) provide that a food for sale must not consist of, or have as an ingredient or a component, a food produced using gene technology, unless expressly permitted by this Code. This Standard contains the relevant permissions. Schedule 26 provides definitions of the terms ‘conventional breeding’, ‘line’ and ‘transformation event’, and lists approved foods produced using gene technology and any conditions for use of the food.

### 1.5.2—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 1.5.2 – Food produced using gene technology*.

**Note** Commencement:  
This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

### 1.5.2—2 Definitions

**Note 1** In this Code (see section 1.1.2—2):

**food produced using gene technology** means a food which has been derived or developed from an organism which has been modified by gene technology.

**Note** This definition does not include food derived from an animal or other organism which has been fed food produced using gene technology, unless the animal or other organism is itself a product of gene technology.

**gene technology** means recombinant DNA techniques that alter the heritable genetic material of living cells or organisms.

**Note 2** Definitions for genetically modified food, novel DNA and novel protein are in section 1.5.2—4.

**Note 3** Definitions for conventional breeding, line and transformation event are in Schedule 26.

### 1.5.2—3 When food produced using gene technology is permitted for sale

A food for sale may consist of, or have as an ingredient, a \*food produced using gene technology if the food produced using gene technology:

- (a) is listed in Schedule 26 and complies with any corresponding conditions listed in that Schedule; or
- (b) is a substance that is permitted for use as a food additive by Standard 1.3.1 or as a processing aid by Standard 1.3.3.

### 1.5.2—4 Requirement to label food as ‘genetically modified’

- (1) This section applies to a food for sale that consists of, or has as an ingredient, food that is a genetically modified food, unless:
  - (a) the genetically modified food:
    - (i) has been highly refined where the effect of the refining process is to remove novel DNA or novel protein; and
    - (ii) is not listed in section S26—3 as subject to the condition that its labelling must comply with this section; or
  - (b) both of the following are satisfied:
    - (i) the genetically modified food is a substance \*used as a processing aid or \*used as a food additive in the food in accordance with this Code;
    - (ii) no novel DNA or novel protein from the substance remains present in the food; or
  - (c) the genetically modified food is a \*flavouring substance that is present in the food in a concentration of no more than 1 g of flavouring/kg of food; or

- (d) the genetically modified food is:
    - (i) unintentionally present in the food; and
    - (ii) present in an amount of no more than 10 g in a kilogram of each ingredient; or
  - (e) the food is:
    - (i) intended for immediate consumption; and
    - (ii) prepared and sold from food premises and vending vehicles, including restaurants, take away outlets, caterers, or self-catering institutions.
- (2) For the labelling provisions, the information relating to \*foods produced using gene technology includes the statement 'genetically modified' in conjunction with the name of the genetically modified food.

**Note** The labelling provisions are set out in Standard 1.2.1. Labelling provisions apply to both packaged and unpackaged foods produced using gene technology.

- (3) If the genetically modified food is an ingredient, \*used as a food additive or \*used as a processing aid the information may be included in the statement of ingredients.

**Example** Ingredients: Soy Protein Isolate (genetically modified).

- (4) To avoid doubt, this Code does not require any statement about the genetic status of a food or one of its ingredients other than as required by this section or by a condition in Schedule 26.

- (5) In this section:

**novel DNA** and **novel protein** mean DNA or protein which, as a result of the use of gene technology, is different in chemical sequence or structure from DNA or protein present in counterpart food that has not been produced using gene technology, other than protein that:

- (a) is \*used as a processing aid or \*used as a food additive; and
- (b) has an amino acid sequence that is found in nature.

**genetically modified food** means a \*food produced using gene technology that

- (a) contains novel DNA or novel protein; or
  - (b) is listed in Section S26—3 as subject to the condition that its labelling must comply with this section.
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## Amendment History

The Amendment History provides information about each amendment to the Standard. The information includes commencement or cessation information for relevant amendments.

These amendments are made under section 92 of the *Food Standards Australia New Zealand Act 1991* unless otherwise indicated. Amendments do not have a specific date for cessation unless indicated as such.

### About this compilation

This is compilation No. 2 of Standard 1.5.2 as in force on **22 February 2018** (up to Amendment No. 177). It includes any commenced amendment affecting the compilation to that date.

Prepared by Food Standards Australia New Zealand on **22 February 2018**.

### Uncommenced amendments or provisions ceasing to have effect

To assist stakeholders, the effect of any uncommenced amendments or provisions which will cease to have effect, may be reflected in the Standard as shaded boxed text with the relevant commencement or cessation date. These amendments will be reflected in a compilation registered on the Federal Register of Legislation including or omitting those amendments and provided in the Amendment History once the date is passed.

The following abbreviations may be used in the table below:

ad = added or inserted  
exp = expired or ceased to have effect  
rs = repealed and substituted  
am = amended  
rep = repealed

**Standard 1.5.2** was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00404 — 31 March 2015) and has since been amended as follows:

Section affected	A'ment No.	FRL registration Gazette	Commencement (Cessation)	How affected	Description of amendment
Std heading	161	F2016L00120 18 Feb 2016 FSC103 22 Feb 2016	1 March 2016	am	Correction of typographical error in Note 3.
1.5.2—2	157	F2015L01374 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	am	Correction of numbering error for Note 1.
1.5.2—4	177	F2018L00131 21 Feb 2018 FSC118 22 Feb 2018	22 February 2018	am	Omitting 'subsections S26—3(2) and (3)' from subparagraph 1.5.2—4(1)(a)(ii), substituting 'section S26—3'.



## Standard 1.5.3 Irradiation of food

**Note 1** This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

**Note 2** The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

**Note 3** Paragraphs 1.1.1—10(5)(d) and (6)(h) provide that a food for sale must not consist of, or have as an ingredient or a component, a food that has been irradiated, unless expressly permitted by this Code. Division 2 of this Standard contains the relevant permissions.

Subsection 1.1.1—14(2) provides that, if this Code sets requirements for record-keeping in relation to food, those requirements must be complied with. Division 3 contains such requirements.

### Division 1 Preliminary

#### 1.5.3—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 1.5.3 – Irradiation of food*.

**Note** Commencement:  
This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

#### 1.5.3—2 Definitions

**Note** In this Code (see section 1.1.2—2):

**irradiation**, in relation to food, means subjecting the food to ionising radiation, other than ionising radiation imparted to food by measuring or inspection instruments, and **irradiate** and **irradiated** have corresponding meanings.

### Division 2 Irradiation of food

#### 1.5.3—3 Irradiation of fresh fruit and vegetables

(1) Fresh fruit and fresh vegetables may be irradiated for the purpose of pest disinfestation for a phytosanitary objective, if the absorbed dose is:

- (a) no lower than 150 Gy; and
- (b) no higher than 1 kGy.

(2) In this section:

**fruit** includes (but is not limited to) a fruit described in Schedule 22; and

**vegetables** includes (but is not limited to) a vegetable described in Schedule 22.

(3) Despite subsection (2), any of the following is not a fruit or a vegetable for the purposes of this section: dried pulses; legumes; nuts; or seeds.

#### 1.5.3—4 Irradiation of herbs and spices

(1) Herbs and spices may be irradiated for the purpose of controlling sprouting and pest disinfestation, including the control of weeds, if the absorbed dose is no higher than 6 kGy.

(2) Herbs and spices may be irradiated for the purpose of bacterial decontamination, if the absorbed dose is:

- (a) no lower than 2 kGy; and
- (b) no higher than 30 kGy.

(3) In this section:

**herbs and spices** includes (but is not limited to) a herb or a spice described in Schedule 22.

### 1.5.3—5      **Irradiation of plant material for a herbal infusion**

- (1) Plant material for a herbal infusion may be irradiated for the purpose of controlling sprouting and pest disinfestation, including the control of weeds, if the absorbed dose is no higher than 6 kGy.
- (2) Plant material for a herbal infusion may be irradiated for the purpose of bacterial decontamination, if the absorbed dose is:
  - (a) no lower than 2 kGy; and
  - (b) no higher than 10 kGy.
- (3) In this section:

***plant material for a herbal infusion*** means fresh, dried or fermented leaves, flowers and other parts of plants used to make beverages, but does not include tea.

### 1.5.3—6      **Re-irradiation of food**

Food that has been irradiated may be re-irradiated if any of the following conditions is met:

- (a) the food is prepared from food, including ingredients, that have been irradiated at levels that do not exceed 1 kGy;
- (b) the food contains less than 50 g/kg of irradiated ingredients;
- (c) the required full dose of ionising radiation was applied to the food in divided doses for a specific technological reason.

### 1.5.3—7 Sources of radiation that may be used

Food may be irradiated in accordance with this Division using any of the following forms of ionising radiation:

- (a) gamma rays from the radionuclide cobalt 60;
- (b) X-rays generated by or from machine sources operated at an energy level not exceeding 5 megaelectronvolts;
- (c) electrons generated by or from machine sources operated at an energy level not exceeding 10 megaelectronvolts.

## Division 3 Record-keeping for and labelling of irradiated food

### 1.5.3—8 Record-keeping

- (1) A person who irradiates food must keep records in relation to:
  - (a) the nature and quality of the food treated; and
  - (b) the \*lot identification; and
  - (c) the minimum durable life of the food treated; and
  - (d) the process used; and
  - (e) compliance with the process used; and
  - (f) the minimum and maximum dose absorbed by the food; and
  - (g) an indication whether or not the product has been irradiated previously and if so, details of such treatment; and
  - (h) the date of \*irradiation.
- (2) The records must be kept at the facility where the food was irradiated.
- (3) The records must be kept for a period of time that exceeds the minimum durable life of the irradiated food by 1 year.

### 1.5.3—9 Labelling and other information—retail and catering

For the labelling provisions, the information relating to irradiated foods is:

- (a) if the food has been irradiated—a statement to the effect that the food has been treated with ionising radiation; and
- (b) if the food has as an ingredient or \*component a food that has been irradiated—a statement to the effect that the ingredient or component has been treated with ionising radiation.

**Note 1** The labelling provisions are set out in Standard 1.2.1. Labelling provisions apply to both packaged and unpackaged irradiated foods.

**Note 2** For paragraph (b), the statement may be on the statement of ingredients or elsewhere on the label.

## Amendment History

The Amendment History provides information about each amendment to the Standard. The information includes commencement or cessation information for relevant amendments.

These amendments are made under section 92 of the *Food Standards Australia New Zealand Act 1991* unless otherwise indicated. Amendments do not have a specific date for cessation unless indicated as such.

### About this compilation

This is compilation No. 4 of Standard 1.5.3 as in force on **22 July 2021** (up to Amendment No. 201). It includes any commenced amendment affecting the compilation to that date.

Prepared by Food Standards Australia New Zealand on **22 July 2021**.

### Uncommenced amendments or provisions ceasing to have effect

To assist stakeholders, the effect of any uncommenced amendments or provisions which will cease to have effect, may be reflected in the Standard as shaded boxed text with the relevant commencement or cessation date. These amendments will be reflected in a compilation registered on the Federal Register of Legislation including or omitting those amendments and provided in the Amendment History once the date is passed.

The following abbreviations may be used in the table below:

ad = added or inserted  
exp = expired or ceased to have effect  
rs = repealed and substituted

am = amended  
rep = repealed

**Standard 1.5.3** was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00406 — 31 March 2015) and has since been amended as follows:

Section affected	A'ment No.	FRL registration Gazette	Commencement (Cessation)	How affected	Description of amendment
table to 1.5.3—3(2)	157	F2015L01374 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	ad	Permissions for certain fruits and vegetables previously included in the Code as part of A1092.
table to 1.5.3—3(2)	166	F2017L00025 5 Jan 2017 FSC108 12 Jan 2017	12 Jan 2017	ad	Permissions for blueberries and raspberries.
table to 1.5.3—4(3)	190	F2020L00024 15 Jan 2020 FSC131 17 Jan 2020	17 January 2020	am	Permissions for irradiated herbs and spices
1.5.3—3	201	F2021L00983 14 Jul 2021 FSC142 22 July 2021	22 July 2021	am	Permissions for fresh fruit and vegetables

## Standard 1.6.1 Microbiological limits in food

**Note 1** This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

**Note 2** The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

**Note 3** Section 1.1.1—11 provides that a food for sale must not have an unacceptable level of microorganisms, as determined in accordance with this standard. This standard sets out how to determine whether a lot of food has an unacceptable level of microorganisms.

### 1.6.1—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 1.6.1 – Microbiological limits in food*.

**Note** Commencement:

This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

### 1.6.1—2 Unacceptable microbiological levels

A \*lot of a food has an unacceptable level of microorganisms if:

- (a) the food is listed in the table to section S27—4; and
- (b) the lot is tested in accordance with section 1.6.1—3; and
- (c) the test indicates that:
  - (i) the number of sample units having a level of a microorganism greater than that listed in the corresponding row of Column 4 (*m*) is greater than the number listed in the corresponding row of Column 3 (*c*); or
  - (ii) the level of the microorganism in any of the sample units is greater than the number (if any) listed in the corresponding row of Column 5 (*M*).

**Note** For the meaning of *lot*, see section 1.1.2—2.

### 1.6.1—3 Assessment of microbiological levels

- (1) Microbiological levels in food must be assessed in accordance with this section.
- (2) For a particular \*lot of a food listed in Column 1 of the table section S27—4, the number of sample units taken must be the number of sample units set out in the corresponding row of Column 2 (*n*).
- (3) Despite subsection (2), if the food is the subject of a consumer complaint or a suspected food poisoning incident, an \*authorised officer may take or otherwise obtain fewer sample units than the number referred to in that subsection or take smaller samples.
- (4) An \*authorised officer who takes or otherwise obtains a sample of food for the purpose of submitting it for microbiological analysis:
  - (a) must not divide that sample into separate parts; and
  - (b) where the sample consists of one or more sealed packages of a kind ordinarily sold by retail—must submit for such analysis that sample in that package or those packages in an unopened and intact condition.
- (5) The following reference methods must be used to determine whether a food has exceeded the maximum permissible levels of microorganisms specified in the table to section S27—4 in relation to that food:
  - (a) for a food other than packaged water, packaged ice or mineral water
    - (i) the relevant method prescribed by Australian Standard AS5013; or
    - (ii) the relevant method referenced by Australian Standard AS5013 and prescribed by the International Organization for Standardization; or
    - (iii) any equivalent method as determined by:

- (A) Australian New Zealand Standard \*AS/NZS 4659; or
  - (B) ISO 16140.2:2016; and
- (b) for packaged water, packaged ice or mineral water—the relevant method prescribed by Australian New Zealand Standard AS/NZS 4276.
- (6) A reference to a Standard in subsection (5) is a reference to that Standard as in force at the commencement of this provision.

**1.6.1—4 Food in which growth of *Listeria monocytogenes* will not occur**

- (1) For the purposes of the table to section S27—4, growth of *Listeria monocytogenes* will not occur in a \*ready-to-eat food if:
- (a) the food has a pH less than 4.4 regardless of water activity; or
  - (b) the food has a water activity less than 0.92 regardless of pH; or
  - (c) the food has a pH less than 5.0 in combination with a water activity of less than 0.94; or
  - (d) the food has a refrigerated shelf life no greater than 5 days; or
  - (e) the food is frozen (including foods consumed frozen and those intended to be thawed immediately before consumption); or
  - (f) it can be validated that the level of *Listeria monocytogenes* will not increase by greater than 0.5 log cfu/g over the food's stated shelf life.
- (2) For the purposes of the table to section S27—4, a \*ready-to-eat food that does not receive a \*listericidal process during manufacture is taken to be a food in which growth of *Listeria monocytogenes* will not occur if the level of *Listeria monocytogenes* will not exceed 100 cfu/g within the food's expected shelf life.
- (3) For the purposes of subclause (2), a \*ready-to-eat food that does not receive a \*listericidal process during manufacture is taken to include:
- (a) ready-to-eat processed finfish; and
  - (b) fresh cut and packaged horticultural produce.
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## Amendment History

The Amendment History provides information about each amendment to the Standard. The information includes commencement or cessation information for relevant amendments.

These amendments are made under section 92 of the *Food Standards Australia New Zealand Act 1991* unless otherwise indicated. Amendments do not have a specific date for cessation unless indicated as such.

### About this compilation

This is compilation No. 3 of Standard 1.6.1 as in force on **3 June 2021** (up to Amendment No. 200). It includes any commenced amendment affecting the compilation to that date.

Prepared by Food Standards Australia New Zealand on **3 June 2021**.

### Uncommenced amendments or provisions ceasing to have effect

To assist stakeholders, the effect of any uncommenced amendments or provisions which will cease to have effect, may be reflected in the Standard as shaded boxed text with the relevant commencement or cessation date. These amendments will be reflected in a compilation registered on the Federal Register of Legislation including or omitting those amendments and provided in the Amendment History once the date is passed.

The following abbreviations may be used in the table below:

ad = added or inserted  
 exp = expired or ceased to have effect  
 rs = repealed and substituted  
 am = amended  
 rep = repealed

**Standard 1.6.1** was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00411 — 31 March 2015) and has since been amended as follows:

Section affected	A'ment No.	FRL registration Gazette	Commencement (Cessation)	How affected	Description of amendment
Std title	157	F2015L01374 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	am	Correction of typographical error in title of Standard as a consequential amendment from amendment to Standard 1.1.1.
1.6.1—1	157	F2015L01374 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	am	Correction of typographical error in title of Standard as a consequential amendment from amendment to Standard 1.1.1.
1.6.1—2	157	F2015L01374 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	am	Correction to cross-reference.
1.6.1—3(5)	157	F2015L01374 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	am	Correction to cross-reference.
1.6.1—4	157	F2015L01374 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	am	Correction to cross-references.

<b>Section affected</b>	<b>A'ment No.</b>	<b>FRL registration Gazette</b>	<b>Commencement (Cessation)</b>	<b>How affected</b>	<b>Description of amendment</b>
1.6.1— 3(5)	182	F2018L01594 23 Nov 2018 FSC123 29 Nov 2018	29 November 2018	am	Correction to cross-reference
1.6.1— 3(2)	200	F2021L00684 2 June 2021 FSC141 3 June 2021	3 June 2021	Am	Correction to cross-reference



**Food Standards (Proposal P1025 – Code Revision) Variation**

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The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*. The Standard commences on 1 March 2016.

Dated 25 March 2015



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

**Note:**

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

## Standard 1.6.2 Processing requirements for meat

**Note 1** This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

**Note 2** This Standard applies in Australia only. For New Zealand purposes, processing requirements for meat products are regulated under the *Animal Products Act 1999* (NZ) and the *Food Act 2014* (NZ).

### 1.6.2—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 1.6.2 – Processing requirements for meat*.

**Note** Commencement:  
This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

### 1.6.2—2 Game meat

- (1) Game meat, except game birds, must be obtained:
  - (a) from a game carcass that has been subjected to a post mortem inspection that is conducted in accordance with relevant State or Territory law; or
  - (b) in accordance with a quality assurance program that:
    - (i) is conducted in accordance with relevant State or Territory law; and
    - (ii) is designed to ensure that the game meat is fit for human consumption.
- (2) A food for sale must not consist of, or have as an ingredient, game offal, other than bone or cartilage attached to game meat flesh.
- (3) In this section:

**game meat** means the whole or part of the carcass of any bird, buffalo, camel, deer, donkey, goat, hare, horse, kangaroo, rabbit, pig, possum or wallaby that has been slaughtered in the wild state, but does not include avian eggs, foetuses, parts of foetuses or pouch young.

**game meat flesh** means skeletal game meat muscle, including any attached fat, connective tissue, nerve, blood, blood vessels and, in the case of birds, skin.

**game offal** means game meat other than game meat flesh.

### 1.6.2—3 Fermented meat products

- (1) Fermented comminuted processed meat is heat treated if it has had its core temperature maintained at 55°C for a period of at least 20 minutes, or an equivalent combination of time and higher temperature.

**Note** Standard 1.2.1 and Standard 2.2.1 provide for the labelling of heat treated fermented comminuted processed meat.
- (2) Fermented comminuted processed meat is cooked if it has had its core temperature maintained at 65°C for a period of at least 10 minutes, or an equivalent combination of time and higher temperature.

**Note** Standard 1.2.1 and Standard 2.2.1 provide for the labelling of cooked fermented comminuted processed meat.
- (3) A fermented meat product must not contain mechanically separated meat or rendered trimmings unless it has been cooked so that its core temperature is maintained at 65°C for a period of at least 10 minutes, or an equivalent combination of time and higher temperature.
- (4) In this section:

***mechanically separated meat*** means meat that has been separated from bone by a mechanical process that results in \*comminuted meat.

***rendered trimmings*** means the cooked meat fractions derived from the rendering of meat trimmings, excluding ligamentum nuchae.

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