

Food Standards (Proposal P1025 – Code Revision) Variation

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 2.1.1 Cereal and cereal products

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

2.1.1—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 2.1.1 – Cereal and cereal products*.

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.

Division 2 Bread and bread products

2.1.1—2 Definitions

Note In this Code (see section 1.1.2—3):

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.

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.

2.1.1—3 Requirement for food sold as bread

A food that is sold as bread must be bread.

2.1.1—4 Application of sections 2.1.1—5 and 2.1.1—6

Sections 2.1.1—5 and 2.1.1—6 do not apply to:

- (a) the following foods, or to wheat flour used to make those products:
 - (i) pizza bases;
 - (ii) breadcrumbs;
 - (iii) pastries;
 - (iv) cakes, including brioche, panettone and stollen;
 - (v) biscuits;
 - (vi) crackers; or
- (b) bread that is represented as organic.

2.1.1—5 Requirement for folic acid and thiamin in bread flour

Note This section applies in Australia only.

Wheat flour that is sold as suitable for making bread to which this section applies must contain:

- (a) no less than 2 mg/kg, and no more than 3 mg/kg, of folic acid; and
- (b) no less than 6.4 mg/kg thiamin.

2.1.1—6 Requirement for iodised salt in bread

- (1) Iodised salt must be used for making bread to which this section applies where salt would ordinarily be used.
- (2) This section does not prevent:
 - (a) the addition of salt other than iodised salt to the surface of bread; or
Example The addition of rock salt
 - (b) the addition of other food containing salt other than iodised salt during the making of bread.

Division 3 Wholegrain cereals and cereal products

2.1.1—7 Requirement for food sold as wholemeal or wholegrain product

A food that is sold as, or as being made from:

- (a) 'wholemeal'; or
- (b) 'wholegrain';

must consist of, or have as an ingredient, wholemeal or wholegrain as appropriate.

Food Standards (Proposal P1025 – Code Revision) Variation

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 2.3.1 Fruit and vegetables

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.

2.3.1—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 2.3.1 – Fruit and vegetables*.

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.

2.3.1—2 Definitions

Note In this Code (see section 1.1.2—3):

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.

2.3.1—3 Requirement for food sold as fruit and vegetables in brine, etc

- (1) A food that is fruit and vegetables in brine, oil, vinegar or water must not have a pH greater than 4.6.
- (2) Subsection (1) does not apply to commercially canned fruit and vegetables.

Food Standards (Proposal P1025 – Code Revision) Variation

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 2.3.2 Jam

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.

2.3.2—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 2.3.2 – Jam*.

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.

2.3.2—2 Definitions

Note In this Code (see section 1.1.2—3):

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.

2.3.2—3 Requirement for food sold as jam

- (1) A food that is sold as jam must:
 - (a) be jam; and
 - (b) contain no less than 650 g/kg of water-soluble solids.
- (2) A food that is sold as jam with the name of one or more fruits appearing in the labelling must be made from no less than 400 g/kg of those fruits.

Food Standards (Proposal P1025 – Code Revision) Variation

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 2.2.2 Eggs and egg products

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.

2.2.2—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 2.2.2 — Eggs and egg products*.

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.

2.2.2—2 Definitions

Note In section 2.2.2—3 and Standard 4.2.5:

unacceptable egg means –

- (a) a cracked egg or a dirty egg; or
- (b) egg product which has not been processed in accordance with clause 21; or
- (c) egg product which contains a pathogenic micro-organism, whether or not the egg product has been processed in accordance with clause 21.

In this definition, 'clause 21' is a reference to clause 21 of Standard 4.2.5, which relates to 'Processing egg product', and applies in Australia only.

2.2.2—3 Sale or supply of unacceptable eggs

- (1) Unacceptable eggs must not be sold in a retail sale or to a caterer.
- (2) In this section:

unacceptable egg has the same meaning as it has in Standard 4.2.5.

2.2.2—4 Traceability

Eggs for retail sale or for sale to a *caterer must be individually marked with the producer's or processor's unique identification.

Standard 2.2.1 Meat and meat products

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

2.2.1—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 2.2.1 – Meat and meat products*.

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.

2.2.1—2 Definitions

Note In this Code (see section 1.1.2—3):

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

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

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

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) foetuses or part of foetuses.

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.

offal includes blood, brain, heart, kidney, liver, pancreas, spleen, thymus, tongue and tripe, and excludes meat flesh, bone and bone marrow.

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

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.

Division 2 Requirements for sale

2.2.1—3 Requirement for food sold as sausage

A food that is sold as sausage must be sausage and:

- (a) contain no less than 500 g/kg of fat free meat flesh; and

- (b) have a proportion of fat that is no more than 500 g/kg of the fat free meat flesh content.

2.2.1—4 Requirement for food sold as meat pie

A food that is sold as a meat pie must be a meat pie.

2.2.1—5 Requirements for food sold as dried meat or cured and/or dried meat flesh in whole cuts or pieces, manufactured meat or processed meat

- (1) A food that is sold as a dried meat must be dried to a water activity of no more than 0.85.
- (2) A food that is sold as cured and/or dried meat flesh in whole cuts or pieces must contain not less than 160 g/kg of meat protein on a fat free basis.
- (3) A food that is sold as manufactured meat must contain not less than 660 g/kg of meat.
- (4) A food that is sold as processed meat must contain not less than 300 g/kg of meat.

Division 3 Information requirements

2.2.1—6 Statement indicating the presence of offal

For the labelling provisions:

- (a) brain, heart, kidney, liver, tongue or tripe must be identified as:
 - (i) offal; or
 - (ii) by the specific name of the type of offal; and
- (b) any other type of offal must be identified by the specific name of the type of offal.

Note The labelling provisions are set out in Standard 1.2.1.

2.2.1—7 Proportion of fat in minced meat

For the labelling provisions, a statement of the maximum proportion of fat in minced meat, in g/100 g, is required if a claim is made in relation to the fat content of minced meat.

Note The labelling provisions are set out in Standard 1.2.1.

2.2.1—8 Information about raw meat joined or formed into the semblance of a cut of meat

For the labelling provisions, for a food that consists of raw meat that has been formed or joined in the semblance of a cut of meat, whether coated or not, using a binding system without the application of heat, the following information is required:

- (a) a declaration that the food consists of meat that is formed or joined; and
- (b) in conjunction with that information, cooking instructions that would result in microbiological safety of the food being achieved.

Note The labelling provisions are set out in Standard 1.2.1.

2.2.1—9 Labelling of fermented comminuted processed meat

- (1) The *prescribed name for fermented comminuted processed meat is:
 - (a) if the meat has not been heat treated or cooked—'fermented processed meat – not heat treated'; and
 - (b) if the meat has been heat treated—'fermented processed meat – heat treated'; and
 - (c) if the meat has been cooked—'fermented processed meat – cooked'.

- (2) For the labelling provisions, if the label on a package containing fermented comminuted processed meat contains a trade name, the following words are required to be included on the label in association with the trade name:
 - (a) if the meat has not been heat treated or cooked—‘fermented’;
 - (b) if the meat has been heat treated—‘fermented heat treated’;
 - (c) if the meat has been cooked—‘fermented cooked’.

Note The labelling provisions are set out in Standard 1.2.1.
- (3) The labelling may refer to a heating process only if:
 - (a) the reference is included for compliance with this section; or
 - (b) the heating process is a cooking instruction for the consumer.

2.2.1—10 Labelling of fermented comminuted manufactured meat

- (1) The *prescribed name for fermented comminuted manufactured meat is:
 - (a) if the meat is not heat treated or cooked—‘fermented manufactured meat – not heat treated’; and
 - (b) if the meat has been heat treated—‘fermented manufactured meat – heat treated’; and
 - (c) if the meat has been cooked—‘fermented manufactured meat – cooked’.
- (2) For the labelling provisions, if the label on a package containing fermented comminuted manufactured meat contains a trade name, the following words are required to be included in association with the trade name:
 - (a) if the meat has not been heat treated or cooked—‘fermented’;
 - (b) if the meat has been heat treated—‘fermented heat treated’;
 - (c) if the meat has been cooked—‘fermented cooked’.

Note The labelling provisions are set out in Standard 1.2.1.
- (3) The labelling may refer to a heating process only if:
 - (a) the reference is included for compliance with this section; or
 - (b) the heating process is a cooking instruction for the consumer.

2.2.1—11 Fermented comminuted meat—unpackaged

- (1) This section applies to fermented comminuted meat that is not required to *bear a label because it is not in a package.

Note See subsections 1.2.1—6(4) and 1.2.1—9(4).
- (2) For the labelling provisions, despite paragraphs 2.2.1—9(1)(a) and 2.2.1—10(1)(a), the words ‘not heat treated’ need not be displayed.

Note The labelling provisions are set out in Standard 1.2.1.

Division 4 Sourcing requirements

2.2.1—12 Bovine must be free from bovine spongiform encephalopathy

Note This section applies in Australia only.

- (1) Bovine meat, and ingredients derived from bovines, must be derived from animals free from bovine spongiform encephalopathy.
- (2) Subsection (1) does not apply to:
 - (a) collagen from bovine skins and hides (including sausage casings produced from this type of collagen); or
 - (b) bovine fat or bovine tallow that:
 - (i) is an ingredient of a food; and

- (ii) comprises no more than 300 g/kg of the food; or
 - (c) gelatine sourced from bovine skins or hides; or
 - (d) dairy products sourced from bovines.
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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 2.2.1 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 2.2.1 was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00427— 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
2.2.1—1	157	F2015L01374 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	am	Incorrect section heading replaced.

Standard 2.2.3 Fish and fish products

- 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** This Code does not define specific names for fish. An Australian Fish Names Standard (AS SSA 5300) has been published which provides guidance on standard fish names to be used in Australia.
1. Hard copies of the Standard is available at https://infostore.saiglobal.com/en-au/Standards/AS-5300-2015-111200_SAIG_AS_AS_232622/.
 2. A searchable database of Australian Standard Fish Names is available at <http://www.fishnames.com.au>.
 3. New Zealand common, Maori, and scientific names for fish species are available at <https://www.mpi.govt.nz/food-business/seafood-processing-storage-testing/fish-names-labelling-requirements/>.

2.2.3—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 2.2.3 – Fish and fish products*.

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.

2.2.3—2 Definitions

Note In this Code (see section 1.1.2—3):

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

2.2.3—3 Labelling of formed or joined fish

For the labelling provisions, for a food that consists of raw fish that has been formed or joined in the semblance of a cut or fillet of fish using a binding system without the application of heat, whether coated or not, the following information is required:

- (a) a declaration that the food is either formed or joined;
- (b) in conjunction with that declaration, cooking instructions that would result in microbiological safety of the food being achieved.

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

Note 2 Section 1.4.1—3 and section S19—6 prescribe the maximum level of histamine permitted in fish and fish products.

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 2.2.3 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 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 2.2.3 was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00429— 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
Note 3	200	F2021L00684 2 June 2021 FSC141 3 June 2021	3 June	am	Note 3 links to documents amended.

Food Standards (Proposal P1025 – Code Revision) Variation

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 2.4.1 Edible oils

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.

2.4.1—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 2.4.1 – Edible oils*.

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.

2.4.1—2 Definitions

Note In this Code (see section 1.1.2—3):

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.

2.4.1—3 Requirement for food sold as edible oil

- (1) A food that is sold as an edible oil must be edible oil.
- (2) A representation that a food is a particular kind of edible oil is taken to be a representation that it is an edible oil.

2.4.1—4 Process declaration for edible oils

For the labelling provisions, if:

- (a) a food is, or has as an ingredient, an edible oil; and
- (b) the label lists the specific source name of the oil; and
- (c) the oil has undergone a process that has altered its fatty acid composition;

the required process declaration is a statement that describes the nature of that process.

Note 1 An example of a process that alters the fatty acid composition of fatty acids in edible oil is the process of hydrogenation.

Note 2 The labelling provisions are set out in Standard 1.2.1.

Standard 2.4.2 Edible oil spreads

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.

2.4.2—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 2.4.2 – Edible oil spreads*.

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.

2.4.2—2 Definitions

Note In this Code (see section 1.1.2—3):

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.

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

2.4.2—3 Requirements for sale as edible oil spread or margarine

Application of section to New Zealand

- (1) Subsections (3) and (5) do not apply to edible oil spread or margarine produced in, or imported into, New Zealand.

Requirement for food sold as edible oil spread

- (2) A food that is sold as an edible oil spread must be edible oil spread.

Requirement for food sold as table edible oil spread

- (3) A food that is sold as a 'table' edible oil spread must be edible oil spread containing no less than 55 µg/kg of vitamin D.

Requirement for food sold as margarine

- (4) A food that is sold as 'margarine' must be margarine.

Requirement for food sold as table margarine

- (5) A food that is sold as 'table margarine' must be margarine containing no less than 55 µg/kg of vitamin D.

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 2.4.2 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 2.4.2 was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00461 — 1 April 2015) and has since been amended as follows:

Section affected	A'ment No.	FRLI registration Gazette	Commencement (Cessation)	How affected	Description of amendment
2.4.2—2	161	F2016L00120 18 Feb 2016 FSC103 22 Feb 2016	1 March 2016	am	Correction of formatting error in Note.

Food Standards (Proposal P1025 – Code Revision) Variation

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 2.5.1 Milk

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 In Australia, dairy products must be processed in accordance with Standard 4.2.4.

2.5.1—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 2.5.1 – Milk*.

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.

2.5.1—2 Definitions

Note In this Code (see section 1.1.2—3):

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, phytostanols and their esters added.

skim milk means milk from which milkfat has been removed.

2.5.1—3 Requirement for food sold as milk

A food that is sold as ‘milk’ must be milk.

2.5.1—4 Requirement for retail sale as cow’s milk

- (1) This section applies to retail sales.
- (2) A food that is sold as cow’s milk must:
 - (a) be:
 - (i) milk from cows; or
 - (ii) milk from cows:
 - (A) to which milk components have been added, or from which they have been withdrawn in order for the product to comply with requirements of this section; and
 - (B) that has the same whey protein to casein ratio as the original milk; and
 - (b) contain no less than 32 g/kg of milkfat; and
 - (c) contain no less than 30 g/kg of protein (measured as crude protein).

2.5.1—5 Requirement for food sold as skim milk

A food that is sold as ‘skim milk’ must:

- (a) be skim milk; and
- (b) contain no more than 1.5 g/kg of milkfat; and
- (c) for skim milk derived from cow’s milk—contain no less than 30 g/kg of protein (measured as crude protein).

2.5.1—6 Compositional requirement for phytosterols, phytostanols and their esters in milk

*Phytosterols, phytostanols and their esters may be added to milk only if:

- (a) the milk contains no more than 1.5 g total fat/100 g; and

- (b) the *total plant sterol equivalents content is no less than 3 g/L of milk and no more than 4 g/L of milk.

Food Standards (Proposal P1025 – Code Revision) Variation

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 2.5.2 Cream

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 In Australia, dairy products must be processed in accordance with Standard 4.2.4.

2.5.2—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 2.5.2 – Cream*.

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.

2.5.2—2 Definitions

Note In this Code (see section 1.1.2—3):

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 milk products obtained from milk.

2.5.2—3 Requirement for food sold as cream

A food that is sold as ‘cream’ must:

- (a) be cream; and
 - (b) contain no less than 350 g/kg of milkfat.
-

Food Standards (Proposal P1025 – Code Revision) Variation

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 2.5.3 Fermented milk products

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 In Australia, dairy products must be processed in accordance with Standard 4.2.4.

2.5.3—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 2.5.3 – Fermented milk products*.

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.

2.5.3—2 Definitions

Note In this Code (see section 1.1.2—3):

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.

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

2.5.3—3 Requirement for food sold as fermented milk or yoghurt

A food that is sold as fermented milk or 'yoghurt' must:

- (a) be fermented milk or yoghurt as appropriate, or of fermented milk or yoghurt with other foods added; and
- (b) have a pH of no more than 4.5; and
- (c) have no less than 10^6 cfu/g microorganisms used in the fermentation; and
- (d) if the food is derived from cow's milk—contain no less than 30 g/kg protein (measured as crude protein).

2.5.3—4 Compositional requirement for fermented milk or yoghurt used as an ingredient

If a food contains fermented milk or yoghurt as an ingredient, that ingredient must comply with paragraphs 2.5.3—3(a) to (d).

2.5.3—5 Compositional requirement for phytosterols, phytosterols and their esters in yoghurt

*Phytosterols, phytosterols and their esters may be added to yoghurt only if:

- (a) the yoghurt contains no more than 1.5 g total fat/100 g; and
- (b) the yoghurt is supplied in a package, the capacity of which is no more than 200 g; and
- (c) the *total plant sterol equivalents content added is no less than 0.8 g and no more than 1.0 g/package.

Food Standards (Proposal P1025 – Code Revision) Variation

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 2.5.4 Cheese

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 In Australia, dairy products must be processed in accordance with Standard 4.2.4.

2.5.4—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 2.5.4 – Cheese*.

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.

2.5.4—2 Definitions

Note In this Code (see section 1.1.2—3):

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 additional 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 this Standard.

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.

2.5.4—3 Requirement for food sold as cheese

A food that is sold as cheese or processed cheese must be cheese or processed cheese as appropriate.

2.5.4—4 Compositional requirement for tall oil phytosterol esters in cheese

Tall oil phytosterol esters may only be added to cheese or to processed cheese if:

- (a) the cheese or processed cheese contains no more than 12 g total fat/100 g; and
- (b) the tall oil phytosterol ester is added at no less than 70 g/kg and no more than 90 g/kg.

Food Standards (Proposal P1025 – Code Revision) Variation

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 2.5.5 Butter

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 In Australia, dairy products must be processed in accordance with Standard 4.2.4.

2.5.5—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 2.5.5 – Butter*.

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.

2.5.5—2 Definitions

Note In this Code (see section 1.1.2—3):

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.

2.5.5—3 Requirement for food sold as butter

A food that is sold as ‘butter’ must:

- (a) be butter; and
- (b) contain no less than 80.0% m/m milkfat.

Food Standards (Proposal P1025 – Code Revision) Variation

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 2.5.6 Ice cream

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 In Australia, dairy products must be processed in accordance with Standard 4.2.4.

2.5.6—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 2.5.6 – Ice cream*.

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.

2.5.6—2 Definitions

Note In this Code (see section 1.1.2—3):

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

2.5.6—3 Requirement for food sold as ice cream

A food that is sold as ‘ice cream’ must:

- (a) be ice cream; and
- (b) contain no less than:
 - (i) 100 g/kg of milk fat; and
 - (ii) 168 g/L of food solids.

Standard 2.5.7 Dried milk, evaporated milk and condensed milk

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 In Australia, dairy products must be processed in accordance with Standard 4.2.4.

2.5.7—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 2.5.7 – Dried milk, evaporated milk and condensed milk*.

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.

2.5.7—2 Definitions

Note In this Code (see section 1.1.2—3):

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.

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.

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

evaporated milk means:

- (a) a food obtained by the partial removal of water by heat from milk or adjusted 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.

2.5.7—3 Requirement for food sold as condensed milk

- (1) A food that is sold as condensed milk must:
 - (a) be condensed milk; and
 - (b) contain no less than 34% m/m milk protein in milk solids non-fat.
- (2) A food that is sold as condensed whole milk and derived from cow's milk must contain:
 - (a) no less than 8% m/m milkfat; and
 - (b) no less than 28% m/m milk solids.
- (3) A food that is sold as condensed skim milk and derived from cow's milk must contain:
 - (a) no more than 1% m/m milkfat; and
 - (b) no less than 24% m/m milk solids.

2.5.7—4 Requirement for food sold as dried milk

- (1) A food that is sold as dried milk must:
 - (a) be dried milk; and

- (b) contain no less than 34% m/m milk protein in milk solids non-fat.
- (2) A food that is sold as dried whole milk and derived from cow's milk must contain:
 - (a) no less than 26% m/m milkfat; and
 - (b) no more than 5% m/m water.
- (3) A food that is sold as dried skim milk and derived from cow's milk must contain:
 - (a) no more than 1.5% m/m milkfat; and
 - (b) no more than 5% m/m water.

2.5.7—5 Requirement for food sold as evaporated milk

- (1) A food that is sold as evaporated milk must:
 - (a) be evaporated milk; and
 - (b) contain no less than 34% m/m milk protein in milk solids non-fat.
 - (2) A food that is sold as evaporated whole milk and derived from cow's milk must contain:
 - (a) no less than 7.5% m/m milkfat; and
 - (b) no less than 25% m/m milk solids; and
 - (3) A food that is sold as evaporated skim milk and derived from cow's milk must contain:
 - (a) no more than 1% m/m milkfat; and
 - (b) no less than 20% m/m milk solids.
-

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 2.5.7 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 2.5.7 was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00425 — 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
2.5.7— 5(1)	168	F2017L00414 11 April 2017 FSC110 13 April 2017	13 April 2017	rs	Subsection to correct grammatical error.

Food Standards (Proposal P1025 – Code Revision) Variation

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 2.6.1 Fruit juice and vegetable juice

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.

2.6.1—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 2.6.1 – Fruit juice and vegetable juice*.

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.

2.6.1—2 Definitions

Note In this Code (see section 1.1.2—3):

fruit juice means juice made from a fruit.

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 a blend of more than one juice (including a blend of one or more fruit juices and one or more vegetable juices).

vegetable juice means juice made from a vegetable.

2.6.1—3 Requirement for food sold as fruit juice or vegetable juice

- (1) A food that is sold as fruit juice or as the juice of a specified fruit or fruits must be fruit juice or a blend of fruit juices, and may contain any of the following additional ingredients:
 - (a) no more than 40 g/kg of sugars;
 - (b) salt;
 - (c) herbs and spices.
- (2) A food that is sold as vegetable juice or as the juice of a specified vegetable or vegetables must be vegetable juice, or a blend of vegetable juices, and may contain any of the following additional ingredients:
 - (a) sugars;
 - (b) salt;
 - (c) herbs and spices.

2.6.1—4 Name and percentage by volume of juices in juice blend

For the labelling provisions, the name and percentage of each juice in juice blend is not required for orange juice which contains no more than 10% in total of:

- (a) mandarin juice; or
- (b) tangelo juice; or
- (c) mandarin juice and tangelo juice.

Note The labelling provisions are set out in Standard 1.2.1.

Standard 2.6.2 Non-alcoholic beverages and brewed soft drinks

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.

2.6.2—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 2.6.2 – Non-alcoholic beverages and brewed soft drinks*.

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.

2.6.2—2 Definitions

Note In this Code (see section 1.1.2—3):

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 by volume.

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.

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.

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; and
 - (iii) sugars.

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.

2.6.2—3 Composition requirement for packaged water

- (1) This section applies to a food for sale that consists of water presented in packaged form.
- (2) The food for sale may contain carbon dioxide, whether added or naturally occurring.
- (3) The food for sale must not contain:
 - (a) a chemical (other than fluoride) listed in Table A3.3 *Guideline values for chemicals that are of health significance in drinking-water* of Annex 3 Chemical summary tables in the *Guidelines for drinking-water quality, 4th edition incorporating the first addendum, 2017, World Health Organization, Geneva*, at a level greater than the guideline value for the chemical specified in that Table; or
 - (b) fluoride that is naturally-occurring in the water at a level greater than 1.0 mg/L.

2.6.2—4 Addition of fluoride to packaged water

A food for sale consisting of water presented in packaged form may contain added fluoride only if:

- (a) the water does not contain sugars, sweeteners, flavouring substances or other food; and
- (b) the water is not carbonated; and
- (c) the total amount of the naturally occurring and any added fluoride is no less than 0.6 mg/L and no more than 1.0 mg/L; and
- (d) the form of fluoride added is:
 - (i) hydrofluorosilicic acid (fluorosilicic acid); or
 - (ii) sodium fluoride; or
 - (iii) sodium fluorosilicate (sodium silicofluoride).

2.6.2—5 Labelling—composition of packaged water

- (1) For the labelling provisions, for water presented in packaged form that contains added fluoride, a statement to the effect that the water contains added fluoride is required.

Note The labelling provisions are set out in Standard 1.2.1.

- (2) For the labelling provisions, a typical analysis that lists the total concentration of any naturally occurring compound expressed in either mg/L or parts per million may be included.

Note The labelling provisions are set out in Standard 1.2.1.

- (3) The typical analysis may also include added fluoride provided that only the total amount of the naturally occurring and added fluoride is specified.
- (4) A typical analysis that complies with subsections (2) and (3) is not a nutrition content claim for the purposes of section 1.1.2—9.

2.6.2—6 Requirement for food sold as brewed soft drink

A food that is sold as a brewed soft drink must be a brewed soft drink.

2.6.2—7 Requirement for food sold as fruit drink

A food that is sold as fruit drink must:

- (a) be fruit drink, and;
- (b) contain no less than:
 - (i) in the case of passionfruit juice drink—35 mL/L of passionfruit; and
 - (ii) otherwise—50 mL/L of fruit.

2.6.2—8 Non-alcoholic beverages not to be labelled or presented as alcoholic beverages

A non-alcoholic beverage or brewed soft drink must not be labelled or otherwise presented for sale in a form which expressly or by implication suggests that the product is an alcoholic beverage.

2.6.2—9 Requirements for food sold as electrolyte drink or electrolyte drink base

- (1) A food that is sold as an electrolyte drink or an electrolyte drink base must:
 - (a) be an electrolyte drink or an electrolyte drink base, as appropriate; and
 - (b) contain:
 - (i) no less than 10 mmol/L of sodium; and
 - (ii) no less than 50 g/L and no more than 100 g/L in total of the following:
 - (A) dextrose;
 - (B) fructose;
 - (C) glucose syrup;
 - (D) maltodextrin;
 - (E) sucrose; and
 - (iii) no more than 50 g/L fructose.
- (2) For an electrolyte drink base, the amounts in paragraph (1)(b) apply to the electrolyte drink base as ready to drink.

2.6.2—10 Permission to add minerals to electrolyte drink and electrolyte drink base

The following may be added to an electrolyte drink or an electrolyte drink base:

- (a) calcium phosphates;
- (b) potassium phosphates;
- (c) calcium citrates;
- (d) potassium citrates;
- (e) sodium citrates;
- (f) potassium carbonates, including potassium bicarbonate;
- (g) potassium chloride;
- (h) calcium chloride;
- (i) sodium chloride;
- (j) calcium lactate;
- (k) magnesium lactate;
- (l) magnesium sulphate.

2.6.2—11 Labelling of electrolyte drinks and electrolyte drink bases

- (1) For the labelling provisions, the following information is required for an electrolyte drink or an electrolyte drink base:

- (a) the average per 100 mL, of:
 - (i) the average energy content; and
 - (ii) the *carbohydrate present, including each type of monosaccharide and disaccharide; and
 - (iii) added minerals and electrolytes, expressed as milligrams and millimoles;
- (b) the recommended volume and frequency of use.

Note The labelling provisions are set out in Standard 1.2.1.

- (2) For an electrolyte drink base, the declaration must be based on the electrolyte drink as ready to drink.

2.6.2—12 Claims in relation to the tonicity of electrolyte drinks

- (1) A claim that an electrolyte drink is isotonic may only be made if the electrolyte drink has an average osmolality of 250-340 mOsm/L.
- (2) For the labelling provisions, the osmolality of the electrolyte drink must be declared as measured in mOsm/L.

Note The labelling provisions are set out in Standard 1.2.1.

- (3) The label on a package of isotonic electrolyte drink may include words to the effect that the product is designed to promote the availability of energy and to prevent or treat mild dehydration that may occur as a result of sustained strenuous exercise.

2.6.2—13 Requirement for food sold as a formulated beverage

A food sold as a formulated beverage must be a formulated beverage.

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 2 of Standard 2.6.2 as in force on **7 September 2016** (up to Amendment No. 172). It includes any commenced amendment affecting the compilation to that date.

Prepared by Food Standards Australia New Zealand on **7 September 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 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 2.6.2 was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00465 — 1 April 2015) and has since been amended as follows:

Section affected	A'ment No.	FRL registration Gazette	Commencement (Cessation)	How affected	Description of amendment
2.6.2—3	157	F2015L01374 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	rep	Note following section.
2.6.2— 3(3)(a)	172	F2017L01142 6 Sept 2017 FSC114 7 Sept 2017	7 Sept 2017	am	Correction of typographical error.

Standard 2.6.3 Kava

- 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)(e) and (6)(i) provide that a food for sale must not consist of, or have as an ingredient or a component, kava or any substance derived from kava, unless expressly permitted by this Code. This Standard contains the relevant permissions.
- Note 4** In Australia, this Standard should be considered in conjunction with the *Customs (Prohibited Imports) Regulations 1956* (Cth) and certain State and Territory restrictions on the supply of kava which seek to minimise the detrimental effects associated with kava abuse. Where kava is permitted for supply, the requirements in this Standard complement those restrictions.

2.6.3—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 2.6.3 – Kava*.

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.

2.6.3—2 Definitions

Note In this Code (see section 1.1.2—3):

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 43rd Session of the joint Food and Agriculture Organization and World Health Organization Codex Alimentarius Commission (2020).

2.6.3—3 Exception to prohibition

The prohibition relating to the use of kava and substances derived from kava in paragraph 1.1.1—10(5)(e) does not apply to a food that is:

- (a) a beverage obtained by the aqueous suspension of kava root using cold water only, and not using any organic solvent; or
- (b) dried or raw kava root.

2.6.3—4 Labelling of foods containing kava

For the labelling provisions, the following *warning statements are required for a food referred to in paragraph 2.6.3—3(a) or 2.6.3—3(b):

- (a) 'Use in moderation'; and
- (b) 'May cause drowsiness'.

Note The labelling provisions are set out in Standard 1.2.1. For the labelling requirement for unpackaged kava, see paragraph 1.2.1—9(3)(f)

2.6.3—5 Prohibition on food additives and processing aids in kava

A food referred to in paragraph 2.6.3—3(a) or 2.6.3—3(b) 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 processing aid.

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 2.6.3 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 2.6.3 was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00466 — 1 April 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.
2.6.3—3	168	F2017L00414 11 April 2017 FSC110 13 April 2017	13 April 2017	am	Cross-reference.
1.2.8—1	200	F2021L00684 2 June 2021 FSC141 3 June 2021	3 June 2021	am	Cross-reference.
2.6.3—2	206	F2022L00308 11 Mar 2022 FSANZ Notification Circular 195-22 (Urgent Proposal) 23 March 2022	23 March 2022	rs	Omit and substitute definition.

Section affected	A'ment No.	FRL registration Gazette	Commencement (Cessation)	How affected	Description of amendment
2.6.3—5	206	F2022L00308 11 Mar 2022 FSANZ Notification Circular 195-22 (Urgent Proposal) 23 March 2022	23 March 2022	ad	Prohibition on food additives and processing aids in kava

Food Standards (Proposal P1025 – Code Revision) Variation

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 2.6.4 Formulated caffeinated beverages

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.

2.6.4—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 2.6.4 – Formulated caffeinated beverages*.

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.

2.6.4—2 Definitions

Note In this Code (see sections 1.1.2—3 and 1.1.2—6):

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.

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.

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 section S18—10.

In this Standard:

listed substance means a substance listed in Column 1 of the table in section S28—2.

2.6.4—3 Composition—formulated caffeinated beverages

A formulated caffeinated beverage:

- (a) must contain no less than 145 mg/L and no more than 320 mg/L of caffeine in total, from any source; and
- (b) may contain a listed substance.

2.6.4—4 Prohibition on mixing formulated caffeinated beverages

A food for sale (other than a formulated caffeinated beverage) must not be a mixture of a non-alcoholic beverage and a formulated caffeinated beverage.

2.6.4—5 Labelling requirements—formulated caffeinated beverage

Required declarations

- (1) For the labelling provisions, the required declarations of average quantities are a declaration of the *average quantity, per serving size and per 100 mL, of:
 - (a) caffeine, expressed in milligrams; and
 - (b) each listed substance (if any) that the beverage contains, expressed in the units in Column 2 of the table to section S28—2.

Note The labelling provisions are set out in Standard 1.2.1.

- (2) The declarations under subsection (1):
- (a) may be adjacent to or follow a nutrition information panel on the label; and
 - (b) may be set out in the format in section S12—5; and
 - (c) may not be set out in the nutrition information panel.

Required advisory statements

- (3) For the labelling provisions, the required advisory statements are statements to the effect that:
- (a) the food contains caffeine; and
 - (b) the food is not recommended for:
 - (i) children; or
 - (ii) pregnant or lactating women; or
 - (iii) individuals sensitive to caffeine; and
 - (c) if the food contains a listed substance—no more than a one-day quantity should be consumed per day.

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

Note 2 Subsection 1.2.1—9(7) and paragraph 1.2.1—9(8)(g) each contain a labelling requirement for formulated caffeinated beverages that are not required to bear a label.

Note 3 For a formulated caffeinated beverage, the **one-day quantity** is the maximum amount that should be consumed in a day. For each listed substance that the beverage contains, a one-day quantity will not contain more than the amount in the corresponding row of the table to section S28—2.

- (4) For the advisory statement required by paragraph (3)(c), the one-day quantity may be expressed as mL, or as cans or bottles, as appropriate.
- (5) For paragraph (3)(c), to determine the **one-day quantity**:
- (a) for each listed substance that the food contains, calculate the equivalent amount in accordance with the equation in subsection (6); and
 - (b) select, as the **one-day quantity**, the lowest of the equivalent amounts as so calculated.
- (6) For subsection (5), the equation is:

$$\text{equivalent amount} = \frac{\text{permitted amount}}{\text{concentration}} \times 1000$$

where:

permitted amount is, for a listed substance, the permitted amount identified in the table to section S28—2.

concentration is the concentration of the substance in the beverage, in mg/L.

Standard 2.7.1 Labelling of alcoholic beverages and food containing alcohol

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

2.7.1—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 2.7.1 – Labelling of alcoholic beverages and food containing alcohol*.

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.

2.7.1—2 Definitions

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

individual unit means a container that:

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

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

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

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

Division 2 Requisite statements

2.7.1—3 Statement of alcohol content

- (1) For the labelling provisions, a statement of the alcohol content is required for:
 - (a) a food (including an alcoholic beverage) that contains more than 1.15% alcohol by volume; or
 - (b) an alcoholic beverage that contains 1.15% or less alcohol by volume; or
 - (c) a beverage that contains not less than 0.5% but not more than 1.15% alcohol by volume.

Note The labelling provisions are set out in Standard 1.2.1.
- (2) For paragraph (1)(a), the alcohol content must be expressed in mL/100 g, mL/100 mL or as the percentage of alcohol by volume.
- (3) For paragraph (1)(b) or (c), the alcohol content must be expressed in words to the effect 'CONTAINS NOT MORE THAN X% ALCOHOL BY VOLUME'.
- (4) The statement must be accurate to within:
 - (a) for beer, cider or perry—0.3% alcohol by volume;
 - (b) for spirits, liqueurs, fortified wine, fortified fruit or vegetable wine, and all other alcoholic beverages containing more than 1.15% alcohol by volume—0.5% alcohol by volume;
 - (c) for wine and fruit wine (including sparkling forms), and wine products and fruit or vegetable wine products containing more than 6.5% alcohol by volume—1.5% alcohol by volume.

2.7.1—4 Statement of the number of standard drinks

- (1) For the labelling provisions, a statement of the approximate number of *standard drinks in the food for sale is required for a food that:
 - (a) is capable of being consumed as a beverage; and
 - (b) contains more than 0.5% alcohol by volume, measured at 20°C.

Note The labelling provisions are set out in Standard 1.2.1.
- (2) The statement must be accurate to:
 - (a) for a food for sale containing 10 or less *standard drinks—the first decimal place; or
 - (b) for a food for sale containing more than 10 standard drinks—the nearest whole number of standard drinks.
- (3) A statement is not required for beverages packaged prior to 20 December 2002.

Division 3 Restricted representations

2.7.1—5 Restriction on representations of low alcohol

An alcoholic beverage which contains more than 1.15% alcohol by volume must not be represented as a low alcohol beverage.

2.7.1—6 Restriction on representation of 'non-intoxicating'

The label on a package of a beverage containing more than 0.5% alcohol by volume must not include the words 'non intoxicating' or words of similar meaning.

2.7.1—7 Restriction on representation as non-alcoholic

A food containing alcohol must not be represented in a form which expressly or by implication suggests that the product is a non-alcoholic confection or non-alcoholic beverage.

Division 4 Pregnancy warning labels

2.7.1—8 Requirement to display a pregnancy warning label

- (1) A *prescribed alcoholic beverage that has one layer of packaging must display a *pregnancy warning label on its package.
- (2) A *prescribed alcoholic beverage that has more than one layer of packaging must display a *pregnancy warning label on:
 - (a) the outer package; and
 - (b) either:
 - (i) the *individual unit; or
 - (ii) each *individual unit—if the packaging includes more than one individual unit.
- (3) Subsection (2) does not require a *pregnancy warning label to be on the outer package if a pregnancy warning label on an *individual unit is clearly discernible and not obscured by the outer package.
- (4) Subsection (2) does not require a *pregnancy warning label to be on the bladder within a box of a *prescribed alcoholic beverage.

2.7.1—9 Pregnancy warning label for one layer of packaging

- (1) A *prescribed alcoholic beverage that:
 - (a) is required by subsection 2.7.1—8(1) to display a *pregnancy warning label on its package; and
 - (b) is listed in Column 1 of the table to subsection (3):
 must display the pregnancy warning label listed in Column 2 of that table on its package.
- (2) The pregnancy warning label required by subsection (1) must comply with any corresponding size requirements listed in Columns 3, 4 and 5 of the table to subsection (3).
- (3) The table to this subsection is:

Pregnancy warning label required

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Prescribed alcoholic beverage</i>	<i>Pregnancy warning label to be displayed</i>	<i>Size of the *pregnancy warning pictogram or the pictogram of a *pregnancy warning mark</i>	<i>*Size of type of the signal words</i>	<i>*Size of type of the statement of a pregnancy warning mark</i>
A *prescribed alcoholic beverage with a volume not more than 200 ml.	The *pregnancy warning pictogram.	At least 8 mm diameter	Not applicable	Not applicable
A *prescribed alcoholic beverage with a volume more than 200 ml but not more than 800 ml.	The *pregnancy warning mark.	At least 6 mm diameter	At least 2.1 mm	At least 1.6 mm
A *prescribed alcoholic beverage with a volume more than 800 ml.	The *pregnancy warning mark.	At least 9 mm diameter	At least 2.8 mm	At least 2.1 mm

2.7.1—10 Pregnancy warning label for an outer package

- (1) A *prescribed alcoholic beverage that:
 - (a) is required by paragraph 2.7.1—8(2)(a) to display a *pregnancy warning label on its outer package; and
 - (b) is listed in Column 1 of the table to subsection (3);
 must display the pregnancy warning label listed in Column 2 of that table on its outer package.
- (2) The pregnancy warning label required by subsection (1) must comply with any corresponding size requirements listed in Columns 3, 4 and 5 of the table to subsection (3).
- (3) The table to this subsection is:

Pregnancy warning label required

Column 1	Column 2	Column 3	Column 4	Column 5
<i>Prescribed alcoholic beverage</i>	<i>Pregnancy warning label to be displayed</i>	<i>Size of the *pregnancy warning pictogram or the pictogram of a *pregnancy warning mark</i>	<i>*Size of type of the signal words</i>	<i>*Size of type of the statement of a pregnancy warning mark</i>
A *prescribed alcoholic beverage with: a volume not more than 200 ml; and packaging that includes only one *individual unit.	The *pregnancy warning pictogram.	At least 8 mm diameter	Not applicable	Not applicable
All other *prescribed alcoholic beverages.	The *pregnancy warning mark.	At least 11 mm diameter	At least 3.5 mm	At least 2.7 mm

2.7.1—11 Pregnancy warning label for an individual unit

- (1) A *prescribed alcoholic beverage that:
 - (a) is required by paragraph 2.7.1—8(2)(b) to display a *pregnancy warning label on one or more individual units; and
 - (b) is an individual unit that is listed in Column 1 of the table to subsection (3);
 must display the pregnancy warning label listed in Column 2 of that table on each such individual unit.
- (2) The pregnancy warning label required by subsection (1) must comply with any corresponding size requirements listed in Columns 3, 4 and 5 of the table to subsection (3).
- (3) The table to this subsection is:

Pregnancy warning label required

Column 1	Column 2	Column 3	Column 4	Column 5
<i>Individual unit</i>	<i>Pregnancy warning label to be displayed</i>	<i>Size of the *pregnancy warning pictogram or the pictogram of a *pregnancy warning mark</i>	<i>*Size of type of the signal words</i>	<i>*Size of type of the statement of a pregnancy warning mark</i>
An *individual unit with a volume not more than 200 ml.	The *pregnancy warning pictogram.	At least 8 mm diameter	Not applicable	Not applicable
An *individual unit with a volume more than 200 ml but not more than 800 ml.	The *pregnancy warning mark.	At least 6 mm diameter	At least 2.1 mm	At least 1.6 mm
An *individual unit with a volume more than 800 ml.	The *pregnancy warning mark.	At least 9 mm diameter	At least 2.8 mm	At least 2.1 mm

2.7.1—12 Required form for pregnancy warning labels

- (1) A *pregnancy warning label required by this Division to be displayed must comply with this section.
- (2) The background of the *pregnancy warning label must be in the colour white.
- (3) The circle and strikethrough of the *pregnancy warning pictogram must be in the colour red.
- (4) The silhouette of a pregnant woman on the *pregnancy warning pictogram must be in the colour black.
- (5) The signal words of the *pregnancy warning mark must be:
 - (a) in the colour red; and
 - (b) in bold font; and
 - (c) in a sans-serif typeface; and
 - (d) in capital letters; and
 - (e) in English.
- (6) The statement of the *pregnancy warning mark must be:
 - (a) in the colour black; and
 - (b) in a sans-serif typeface; and
 - (c) in sentence case; and
 - (d) in English.
- (7) The border of the *pregnancy warning mark must be in the colour black.
- (8) The *pregnancy warning mark must be displayed on the package with a clear space that:
 - (a) surrounds the outside of the border of the pregnancy warning mark; and
 - (b) is at least 3mm in width.
- (9) The *pregnancy warning label must be displayed as a whole and without modification.

Application, saving and transitional provisions

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

Food Standards (Proposal P1050 – Pregnancy warning labels on alcoholic beverages) Variation				
Items [3.1] and [3.2] 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 [3.1] and [3.2] of the Schedule.</p> <p>The transition period is the period of time that commences on 31 July 2020 and ends on 31 July 2023.</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"> (a) the Code as in force without the above variations; (b) the Code as amended by the above variations. <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"> (a) the Code as in force without the above variations; (b) the Code as amended by the above variations.

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 2.7.1 as in force on **31 July 2020** (up to Amendment No. 194). It includes any commenced amendment affecting the compilation to that date.

Prepared by Food Standards Australia New Zealand on **3 August 2020**.

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 2.7.1 was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00469 — 1 April 2015) and has since been amended as follows:

Section affected	A'ment No.	FRLI registration Gazette	Commencement (Cessation)	How affected	Description of amendment
2.7.1—1	161	F2016L00120 18 Feb 2016 FSC103 22 Feb 2016	1 March 2016	am	Correction to name of Standard.
2.7.1—2	194	F2020L00952 28 July 2020 FSC 135 31 July 2020	31 July 2020	ad	Definitions of 'individual unit', 'pregnancy warning label', 'pregnancy warning pictogram', 'prescribed alcoholic beverage'. Division 4 'Pregnancy warning labels'. <i>For application, saving and transitional provisions, see above table.</i>

Food Standards (Proposal P1025 – Code Revision) Variation

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 2.7.2 Beer

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.

2.7.2—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 2.7.2 – Beer*.

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.

2.7.2—2 Definitions

Note In this Code (see section 1.1.2—3):

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.

Note A reference to beer includes a reference to ale, lager, pilsener, porter or stout.

2.7.2—3 Requirement for food sold as beer

A food that is sold as beer must be beer.

Food Standards (Proposal P1025 – Code Revision) Variation

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 2.7.3 Fruit wine, vegetable wine and mead

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.

2.7.3—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 2.7.3 – Fruit wine, vegetable wine and mead*.

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.

2.7.3—2 Definitions

Note In this Code (see section 1.1.2—3):

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.

fruit wine or vegetable wine means:

- (a) a food that:
 - (i) is prepared from the complete or partial fermentation of fruit, vegetable, grains, cereals or any combination or preparation of those foods; and
 - (ii) is not a 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.

mead means:

- (a) a food that is 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.

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.

2.7.3—3 Requirement for food sold as cider, mead, perry, fruit wine and vegetable wine

- (1) Perry may be named pear cider.
- (2) A food that is sold as a 'cider', 'mead', 'perry', a fruit wine or a vegetable wine must be cider, mead, perry, a fruit wine or a vegetable wine, as appropriate.

Standard 2.7.4 Wine and wine product

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 For Australia, the *Australian Grape and Wine Authority Act 2013* (Cth) is also relevant to the regulation of wine and geographical indications in relation to wine.

For New Zealand, the *Wine Act 2003* (NZ) is also relevant to the regulation of wine, and the *Geographical Indications (Wines and Spirits) Registration Act 2006* (NZ) is relevant to geographical indications in relation to wine.

2.7.4—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 2.7.4 – Wine and wine product*.

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.

2.7.4—2 Definitions

Note In this Code (see section 1.1.2—3):

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.

2.7.4—3 Requirement for food sold as wine

A food that is sold as wine must be wine.

2.7.4—4 Requirement for food sold as wine product

A food that is sold as wine product must be wine product.

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 2.7.4 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 2.7.4 was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00391 — 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	Update reference to legislation in Note 3.

Standard 2.7.5 Spirits

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.

2.7.5—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 2.7.5 – Spirits*.

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.

2.7.5—2 Definitions

Note In this Code (see section 1.1.2—3):

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.

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.

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.

2.7.5—3 Requirement for food sold as brandy, liqueur or spirit

- (1) A food that is sold as brandy must be brandy.
- (2) A food that is sold as a liqueur must be a liqueur.
- (3) A food that is sold as a spirit must:
 - (a) be a spirit, and;
 - (b) contain no less than:
 - (i) in the case of tequila—35% alcohol by volume; and
 - (ii) otherwise—37% alcohol by volume.

2.7.5—4 Restriction on use of geographical indications

- (1) A *geographical indication must not be used in relation to a spirit, even where the true origin of the spirit is indicated or the geographical indication is used in translation or accompanied by expressions such as 'kind', 'type', 'style', 'imitation' or the like, unless the spirit has been produced in the country, locality or region indicated.

- (2) A spirit lawfully exported under a geographical indication, but bottled other than in the territory, locality or region indicated by the geographical indication must not be sold under that geographical indication:
- (a) unless the concentration of alcohol by volume in the spirit is at a level permitted under the laws for that geographical indication of the territory, locality or region indicated by that geographical indication; or
 - (b) if any other distinctive quality or characteristic of the spirit is such as to mislead or deceive the public as to the nature of the product identified by the geographical indication.
- (3) In this section:
- geographical indication*** means an indication, whether express or implied:
- (a) which identifies a spirit as originating in a particular country, locality or region; and
 - (b) where a given quality, reputation or other characteristic of the spirit is essentially attributable to its origin in that particular country, locality or region.
-

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 1 of Standard 2.7.5 as in force on **5 December 2019** (up to Amendment No. 188). It includes any commenced amendment affecting the compilation to that date.

Prepared by Food Standards Australia New Zealand on **5 December 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 2.7.5 was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00399 — 1 April 2015) and has since been amended as follows:

Section affected	A'ment No.	FRL registration Gazette	Commencement (Cessation)	How affected	Description of amendment
2.7.5— 3(3)	188	F2019L01571 4 Dec 2019 FSC129 5 Dec 2019	5 December 2019	am	Omitting and inserting subsection 3(3)

Standard 2.8.1 Sugar and sugar products

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 The term 'sugars' is used, with different meaning, throughout the Code.

2.8.1—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 2.8.1 – Sugar and sugar products*.

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.

2.8.1—2 Definitions

Note In this Code (see sections 1.1.2—2 and 1.1.2—3):

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

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.

white sugar means purified crystallised sucrose.

2.8.1—3 Requirement for food sold as white sugar

A food that is sold as 'white sugar' must:

- (a) be white sugar; and
- (b) have no less than 99.7% sucrose content, calculated on a dry basis.

2.8.1—4 Requirement for food sold as icing

A food that is sold as 'icing' must be icing.

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 2.8.1 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 2.8.1 was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00405— 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
2.8.1—1	157	F2015L01374 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	am	Correction of typographical error.

Food Standards (Proposal P1025 – Code Revision) Variation

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 2.8.2 Honey

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.

2.8.2—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 2.8.2 – Honey*.

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.

2.8.2—2 Definitions

Note In this Code (see section 1.1.2—3):

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.

2.8.2—3 Requirement for food sold as honey

A food that is sold as 'honey' must:

- (a) be honey; and
- (b) contain:
 - (i) no less than 60% reducing sugars; and
 - (ii) no more than 21% moisture.

2.8.2—4 Prescribed name

'Honey' is a *prescribed name.

Food Standards (Proposal P1025 – Code Revision) Variation

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 2.10.1 Vinegar and related products

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.

2.10.1—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 2.10.1 – Vinegar and related products*.

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.

2.10.1—2 Definitions

Note In this Code (see section 1.1.2—3):

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

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.

2.10.1—3 Requirement for food sold as vinegar or imitation vinegar

A food that is sold as ‘imitation vinegar’ or ‘vinegar’ must be imitation vinegar or vinegar, as appropriate, and contain no less than 40 g/kg of acetic acid.

Standard 2.10.2 Salt and salt products

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.

2.10.2—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 2.10.2 – Salt and salt products*.

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.

2.10.2—2 Definitions

Note In this Code (see section 1.1.2—3):

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; and

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.

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.

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.

2.10.2—3 Requirement for food sold as salt

A food that is sold as 'salt' must be salt and contain no less than 970 g/kg sodium chloride on a dry basis, exclusive of permitted additives.

2.10.2—4 Requirement for food sold as reduced sodium salt mixture

A food that is sold as a reduced sodium salt mixture must be a reduced sodium salt mixture.

2.10.2—5 Requirement for food sold as salt substitute

A food that is sold as a salt substitute must be salt substitute.

2.10.2—6 Requirement for food sold as iodised salt

A food that is sold as 'iodised' salt must be iodised salt.

2.10.2—7 Requirement for food sold as iodised reduced sodium salt mixture

A food that is sold as 'iodised' reduced sodium salt mixture must be iodised reduced sodium salt mixture.

2.10.2—8 Labelling requirement for reduced sodium salt mixtures and salt substitutes

- (1) For the labelling provisions, the required information is a declaration of the sodium and potassium content, expressed per 100 g.
- (2) The label may include a declaration of the percentage reduction of sodium in the food, relative to salt.
- (3) Such a declaration is not a nutrition content claim or a health claim.

Note The labelling provisions are set out in Standard 1.2.1.

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 2.10.2 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 2.10.2 was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00485 — 2 April 2015) and has since been amended as follows:

Section affected	A'ment No.	FRLI registration Gazette	Commencement (Cessation)	How affected	Description of amendment
2.10.2—3	161	F2016L00120 18 Feb 2016 FSC103 22 Feb 2016	1 March 2016	am	Correction to formatting of section text.

Standard 2.10.3 Chewing gum

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.

2.10.3—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 2.10.3 – Chewing gum*.

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.

2.10.3—2 Definition

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

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.

small package means a package with a surface area of less than 100 cm².

2.10.3—3 Addition of calcium to chewing gum

Calcium may be added to chewing gum only if:

- (a) the chewing gum contains no more than 0.2% residual sugars; and
- (b) the calcium is in a permitted form specified in section S17—3.

2.10.3—4 Claims about the presence of calcium in chewing gum

- (1) Despite subsection 1.2.7—12(1), a claim to the effect that chewing gum is a good source of calcium or *releasable calcium must not be made.

Note Subsection 1.2.7—12(1) and the table to section S4—3 regulate when nutrition content claims may be made, including nutrition content claims about a food being a good source of vitamins or minerals.

- (2) A claim about the presence of *releasable calcium in chewing gum may be made only if:
 - (a) the chewing gum contains no more than 0.2% residual sugars; and
 - (b) the chewing gum contains no less than 80 mg (10% RDI) of releasable calcium per serving; and
 - (c) the amount claimed is no more than 200 mg (25% RDI) of releasable calcium per serving; and
 - (d) the *supplier who makes the claim or includes it on a label or in an advertisement:
 - (i) has records that substantiate the matters listed in paragraphs (b) and (c); and
 - (ii) makes the records available to the *relevant authority upon request.

2.10.3—5 Labelling requirements

- (1) If a claim is made in accordance with section 2.10.3—4, the nutrition information panel must include:
 - (a) for chewing gum in a small package:
 - (i) the *average quantity of *releasable calcium per serving; and
 - (ii) the serving size; and
 - (b) for chewing gum other than in a small package—the average quantity of releasable calcium per serving and per 100 g; and
 - (c) in any case:
 - (i) the proportion of the *RDI (for calcium) of releasable calcium per serving; and
 - (ii) a statement to the effect that the average quantity of calcium is released during 20 minutes of chewing.
 - (2) For chewing gum in a small package:
 - (a) the information need not be set out in a nutrition information panel; and
 - (b) to avoid doubt, paragraph 1.2.8—14(1)(b) does not apply in relation to a claim made in accordance with section 2.10.3—4.
 - (3) For chewing gum other than in a small package, the nutrition information panel may be set out in the form specified in section S12—7.
-

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 2.10.3 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 2.10.3 was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00486 — 2 April 2015) and has since been amended as follows:

Section affected	A'ment No.	FRL registration Gazette	Commencement (Cessation)	How affected	Description of amendment
2.10.3—4(2)	168	F2017L00414 11 April 2017 FSC110 13 April 2017	13 April 2017	am	References to 'serve' replaced with 'serving' for consistency.
2.10.3—5(1)	168	F2017L00414 11 April 2017 FSC110 13 April 2017	13 April 2017	am	References to 'serve' replaced with 'serving' for consistency.

Food Standards (Proposal P1025 – Code Revision) Variation

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 2.10.4 Miscellaneous standards for other 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.

2.10.4—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 2.10.4 – Miscellaneous standards for other 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.

2.10.4—2 Definitions

Note In this Code (see section 1.1.2—3):

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.

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

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

decaffeinated coffee means coffee from which most of the caffeine has been removed that contains no more than 1 g/kg of anhydrous caffeine on a dry basis.

decaffeinated tea means tea from which most of the caffeine has been removed that contains no more than 4 g/kg of anhydrous caffeine on a dry basis.

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

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.

peanut butter means a peanut based spread.

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.

2.10.4—3 Requirements for food sold as tea or coffee

Food that is sold on the basis that it is a product listed in Column 1 of the table to this section must satisfy the corresponding requirement in Column 2:

Requirements for tea and coffee	
Column 1	Column 2
<i>If food is sold on the basis that it is:</i>	<i>the food must be:</i>
‘coffee’	coffee
‘decaffeinated coffee’	decaffeinated coffee that contains no more than 1 g/kg of anhydrous caffeine on a dry basis
‘decaffeinated instant coffee’ or ‘decaffeinated soluble coffee’	instant coffee that contains no more than 3 g/kg of anhydrous caffeine on a dry basis.
‘decaffeinated instant tea’ or ‘decaffeinated soluble tea’	instant tea that contains no more than 3 g/kg of anhydrous caffeine on a dry basis.

Column 1	Column 2
<i>If food is sold on the basis that it is:</i>	<i>the food must be:</i>
'decaffeinated tea'	decaffeinated tea that contains no more than 4 g/kg of anhydrous caffeine on a dry basis
'instant coffee' or 'soluble coffee'	instant coffee
'instant tea' or 'soluble tea'	instant tea
'tea'	tea

2.10.4—4 Requirement for food sold as peanut butter

Food that is sold as 'peanut butter' must:

- (a) be peanut butter; and
- (b) contain not less than 850 g/kg of peanuts.

2.10.4—5 Requirement for food sold as chocolate

Food that is sold as 'chocolate' must be chocolate.

2.10.4—6 Requirement for food sold as cocoa

Food that is sold as 'cocoa' must be cocoa.

2.10.4—7 Requirement for food sold as gelatine

Food that is sold as 'gelatine' must be gelatine.

Standard 2.9.1 Infant formula products

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

2.9.1—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 2.9.1 – Infant formula products*.

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.

2.9.1—2 Outline of Standard

- (1) This Standard regulates various types of infant formula products.
- (2) Division 1 deals with preliminary matters.
- (3) Division 2 sets out general compositional requirements for infant formula products.
- (4) Division 3 sets out compositional requirements for infant formula and follow-on formula.
- (5) Division 4 sets out compositional requirements for infant formula products for special dietary use.
- (6) Division 5 sets out labelling and packaging requirements for infant formula products.
- (7) Division 6 sets out guidelines for infant formula products. The guidelines are not legally binding.

2.9.1—3 Definitions

Note In this Code (see sections 1.1.2—2 and 1.1.2—3):

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.

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 by itself either as the sole or principal liquid source of nourishment for infants, depending on the age of the infant.

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

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

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.

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

2.9.1—4 Interpretation

Interpretation of compositional requirements

- (1) Compositional requirements in this Standard apply to:
 - (a) a powdered or concentrated form of infant formula product that has been reconstituted with water according to directions; or
 - (b) an infant formula product in 'ready to drink' form.

Calculation of energy, protein and potential renal solute load
- (2) In this Standard:
 - (a) energy must be calculated in accordance with section S29—2; and
 - (b) protein content must be calculated in accordance with the equation set out in section S29—3; and
 - (c) potential renal solute load must be calculated in accordance with section S29—4.

Division 2 General compositional requirements for infant formula products

2.9.1—5 Use of substances as nutritive substances

Use of nutritive substances

- (1) A substance listed in Column 1 of the table to section S29—5 may be *used as a nutritive substance in an infant formula product only if:
 - (a) it is in a permitted form listed in Column 2 of the table; and
 - (b) the amount of the substance in the product (including any naturally-occurring amount) is no more than the corresponding amount listed in Column 4 of the table.

Labelling of nutritive substances

- (2) For the labelling provisions, a label may include words or other indications to the effect that the product contains a substance that is listed in Column 1 or Column 2 of the table to section S29—5 only if the amount of the substance in the product (including any naturally-occurring amount) is at least the corresponding amount listed in Column 3 of that table.

Note The labelling provisions are set out in Standard 1.2.1.

2.9.1—6 Addition of lactic acid producing microorganisms

L(+) lactic acid producing microorganisms may be added to infant formula product.

2.9.1—7 Restriction on addition to infant formula product of inulin-type fructans and galacto-oligosaccharides

- (1) If an inulin-type fructan or a galacto-oligosaccharide is added to an infant formula product, the product must contain (taking into account both the naturally-occurring and added substances) no more than:
 - (a) if only *inulin-type fructans are added—110 mg/100 kJ of inulin-type fructans; or
 - (b) if only *galacto-oligosaccharides are added—290 mg/100 kJ of galacto-oligosaccharides; or
 - (c) if both inulin-type fructans and galacto-oligosaccharides are added:
 - (i) no more than 110 mg/100 kJ of inulin-type fructans; and
 - (ii) no more than 290 mg/100 kJ of combined inulin-type fructans and galacto-oligosaccharides.

- (2) An infant formula product to which an inulin-type fructan or a galacto-oligosaccharide is added must not contain any of the following added substances:
- (a) 2'- fucosyllactose; or
 - (b) a combination of 2'- fucosyllactose and lacto-N-neotetraose.

2.9.1—8 Restriction on levels of other substances in infant formula product

Infant formula product must not contain:

- (a) detectable gluten; or
- (b) more than 3.8 mg/100 kJ of nucleotide-5'-monophosphates; or
- (c) more than the following amounts of aluminium:
 - (i) for a pre-term formula—0.02 mg/100 mL;
 - (ii) for a soy-based formula—0.1 mg/100 mL;
 - (iii) otherwise—0.05 mg/100 mL.

Note Standard 1.4.1 contains the maximum level (ML) of lead contaminant in infant formula products.

Division 3 Infant formula and follow-on formula

2.9.1—9 Infant formula and follow-on formula—composition

- (1) Infant formula must have:
- (a) an energy content of no less than 2500 kJ/L and no more than 3150 kJ/L; and
 - (b) a protein content of no less than 0.45 g/100 kJ and no more than 0.7 g/100 kJ; and
 - (c) a fat content of no less than 1.05 g/100 kJ and no more than 1.5 g/100 kJ.
- (2) Follow-on formula must have:
- (a) an energy content of no less than 2500 kJ/L and no more than 3550 kJ/L; and
 - (b) the following protein content:
 - (i) for a milk-based follow-on formula—a protein content of no less than 0.38 g/100 kJ and no more than 1.3 g/100 kJ; and
 - (ii) for all other follow-on formulas—a protein content of no less than 0.45 g/100 kJ and no more than 1.3 g/100 kJ;
 - (c) a fat content of no less than 1.05 g/100 kJ and no more than 1.5 g/100 kJ; and
 - (d) a potential renal solute load value of no more than 8 mOsm/100 kJ.

Note Section 2.9.1—15 sets the protein content for infant formula and follow-on formula that are for special dietary use based on a *protein substitute.

2.9.1—10 Infant formula and follow-on formula—protein—further requirements

- (1) The L-amino acids listed in the table to section S29—6 must be present in infant formula and follow-on formula at a level no less than the corresponding minimum level specified in the table.
- (2) Despite subsection (1), L-amino acids listed in the table to section S29—6 may be added to infant formula or follow-on formula only in an amount necessary to improve protein quality.

2.9.1—11 Infant formula and follow-on formula—fat—further requirements

- (1) The fats in infant formula and follow-on formula:
- (a) may contain *medium chain triglycerides only if the medium chain

triglyceride is present as the result of its being:

- (i) a natural constituent of a milk-based ingredient of that formula; or
 - (ii) for a fat soluble vitamin that is specified in the table to section S29—9— a substance that was *used as a processing aid in the preparation of that permitted fat soluble vitamin for use in the formula; and
- (b) must have a ratio of linoleic acid to α -linolenic acid of no less than 5 to 1 and no more than 15 to 1; and
 - (c) must have a ratio of total long chain omega 6 series fatty acids ($C \geq 20$) to total long chain omega 3 series fatty acids ($C \geq 20$) that is not less than 1 in an infant formula or follow-on formula which contains those fatty acids; and
 - (d) for any long chain *polyunsaturated fatty acids that are present—must have an eicosapentaenoic acid (20:5 n-3) content of no more than the docosahexaenoic acid (22:6 n-3) content; and
 - (e) for a fatty acid that is listed in the table to section S29—8—must comply with the limits (if any) specified in the table.

2.9.1—12 Infant formula and follow-on formula—vitamins, minerals and electrolytes—further requirements

- (1) Infant formula and follow-on formula must contain the vitamins, minerals and electrolytes specified in Column 1 of the table to section S29—9 in an amount that is:
 - (a) no less than the minimum amount specified in Column 2 of the table; and
 - (b) no more than the maximum amount (if any) specified in Column 3 of the table.
- (2) Any vitamins, minerals or electrolytes that are used as nutritive substances must be in a permitted form as listed in the table to section S29—7.
- (3) Infant formula and follow-on formula must contain no less than 0.5 mg of vitamin E/g of polyunsaturated fatty acids.
- (4) The ratio of calcium to phosphorus in infant formula and follow-on formula must be no less than 1.2 to 1 and no more than 2 to 1.
- (5) The ratio of zinc to copper must be:
 - (a) for infant formula—no more than 15 to 1; and
 - (b) for follow-on formula—no more than 20 to 1.

Division 4 Infant formula products for special dietary use

2.9.1—13 Products formulated for premature or low birthweight infants

- (1) A compositional requirement of this Standard does not apply to the extent that it would prevent the sale of an infant formula product that has been specifically formulated for premature or low birthweight infants.
- (2) If an infant formula product would not comply with this Standard apart from this section, then for the labelling provisions:
 - (a) the following *warning statement is required: 'Suitable only for pre-term infants under specialist medical supervision'; and
 - (b) the name of food must include the words 'pre-term'.

Note The labelling provisions are set out in Standard 1.2.1.

2.9.1—14 Products for metabolic, immunological, renal, hepatic and malabsorptive conditions

- (1) A compositional requirement of this Standard does not apply to the extent that it would prevent the sale of an infant formula product that is specifically formulated to

satisfy particular metabolic, immunological, renal, hepatic or malabsorptive conditions.

- (2) If:
- (a) an infant formula product would not comply with this Standard apart from this section; and
 - (b) the label contains a statement that the infant formula product is suitable for infants with metabolic, immunological, renal, hepatic or malabsorptive conditions;

then for the labelling provisions, a statement indicating the following is required:

- (c) that the product is not suitable for general use and should be used under medical supervision; and
- (d) the condition, disease or disorder for which the product has been specially formulated; and
- (e) the nutritional modifications, if any, which have been made to the product.

Note The labelling provisions are set out in Standard 1.2.1.

Special requirements for food represented as lactose free and low lactose formulas

- (3) A compositional or labelling requirement of this Standard, other than a requirement that relates to lactose content, applies to an infant formula product that is represented as lactose free formula or low lactose formula.
- (4) If the formula is represented as lactose free, it must contain no detectable lactose.
- (5) If the formula is represented as low lactose, it must contain no more than 0.3 g lactose/100 mL of infant formula product.
- (6) For the labelling provisions, if a label contains a claim that the infant formula product is lactose free, low lactose or words of similar import:
 - (a) the name of food must include the following:
 - (i) for a formula represented as lactose free—the words ‘lactose free’; and
 - (ii) for a formula represented as low lactose—the words ‘low lactose’; and
 - (b) the following statements are required:
 - (i) the amount of lactose expressed in g/100 mL; and
 - (ii) the amount of galactose expressed in g/100 mL.

Note The labelling provisions are set out in Standard 1.2.1.

2.9.1—15 Products for specific dietary use based on a protein substitute

- (1) The protein content of an infant formula product based on a *protein substitute may be in the form of a protein substitute.
- (2) Such infant formula product must:
 - (a) have an energy content of:
 - (i) for an infant formula—no less than 2 500 kJ/L and no more than 3 150 kJ/L; and
 - (ii) for a follow-on formula—no less than 2 500 kJ/L and no more than 3 550 kJ/L; and
 - (b) have a potential renal solute load of no more than 8 mOsm/100 kJ; and
 - (c) have a protein content of no less than 0.45 g/100 kJ and no more than 1.4 g/100 kJ; and
 - (d) have a fat content of no less than 0.93 g/100 kJ and no more than 1.5 g/100 kJ; and
 - (e) contain:
 - (i) chromium in an amount of no less than 0.35 µg/100 kJ and no more

- than 2.0 µg/100 kJ; and
- (ii) molybdenum in an amount of no less than 0.36 µg/100 kJ and no more than 3.0 µg/100 kJ.
- (3) Section 2.9.1—10 applies to such infant formula product as if it were infant formula.
- (4) Such infant formula product may contain added medium chain triglycerides.

Division 5 Labelling and packaging requirements

2.9.1—16 Representations about food as an infant formula product

A food may only be represented as an infant formula product if it complies with this Standard.

2.9.1—17 Prescribed names

The following are *prescribed names:

- (a) 'Infant formula'; and
- (b) 'Follow-on formula'.

2.9.1—18 Requirement for measuring scoop

- (1) A package of infant formula product in a powdered form must contain a scoop to enable the use of the infant formula product in accordance with the directions contained in the label on the package.
- (2) Subsection (1) does not apply to single serve sachets, or packages containing single serve sachets, of an infant formula product in a powdered form.

2.9.1—19 Requirement for warning statements and directions

- (1) For the labelling provisions, the following *warning statements are required:
- (a) for infant formula product in powdered form—'Warning – follow instructions exactly. Prepare bottles and teats as directed. Do not change proportions of powder except on medical advice. Incorrect preparation can make your baby very ill';
- (b) for concentrated infant formula product—'Warning – follow instructions exactly. Prepare bottles and teats as directed. Do not change proportions of concentrate except on medical advice. Incorrect preparation can make your baby very ill';
- (c) for ready-to-drink infant formula product—'Warning – follow instructions exactly. Prepare bottles and teats as directed. Do not dilute or add anything to this 'ready to drink' formula except on medical advice. Incorrect preparation can make your baby very ill';
- (d) subject to subsection (2), a heading that states 'Important Notice' (or words to that effect), with under it the *warning statement—'Breast milk is best for babies. Before you decide to use this product, consult your doctor or health worker for advice'.

Note The labelling provisions are set out in Standard 1.2.1.

- (2) Paragraph (1)(d) does not apply to infant formula products for metabolic, immunological, renal, hepatic or malabsorptive conditions.
- (3) For the labelling provisions, directions (in words and pictures) for the preparation and use of the infant formula product are required, which instruct that:
- (a) each bottle should be prepared individually; and
- (b) if a bottle of made up formula is to be stored prior to use, it must be refrigerated and used within 24 hours; and
- (c) potable, previously boiled water should be used; and

- (d) if a package contains a measuring scoop—only the enclosed scoop should be used; and
- (e) formula left in the bottle after a feed must be discarded.

Note The labelling provisions are set out in Standard 1.2.1.

- (4) For the labelling provisions, the required statements are ones indicating that:
 - (a) for infant formula—the infant formula product may be used from birth; and
 - (b) for follow-on formula—the infant formula product should not be used for infants aged under the age of 6 months; and
 - (c) subject to subsection (5), it is recommended that infants from the age of 6 months should be offered foods in addition to the infant formula product.

Note The labelling provisions are set out in Standard 1.2.1.

- (5) Paragraph (4)(c) does not apply to packages of pre-term formula.

2.9.1—20 **Print size**

The statements required by subsections 2.9.1—19(1) and 2.9.1—13(2) must be in a *size of type of at least:

- (a) if the package of infant formula product has a net weight of more than 500 g—3 mm;
- (b) if the package of infant formula product has net weight of 500 g or less—1.5 mm.

2.9.1—21 **Declaration of nutrition information**

- (1) For the labelling provisions, a statement of the following nutrition information is required:
 - (a) for 'ready to drink' infant formula product, and for powdered or concentrated infant formula product:
 - (i) the *average energy content expressed in kJ/100 mL; and
 - (ii) the average amount of protein, fat and *carbohydrate expressed in g/100 mL; and
 - (iii) the average amount of each vitamin or mineral and any other substance *used as a nutritive substance permitted by this Standard expressed in weight/100 mL (including any naturally-occurring amount); and
 - (iv) if added, the average amount of the following, expressed in weight/100 mL:
 - (A) inulin-type fructans; or
 - (B) galacto-oligosaccharides; or
 - (C) a combination of *inulin-type fructans and galacto-oligosaccharides; and
 - (b) for a powdered or concentrated form of infant formula product, additionally, a declaration of:
 - (i) the proportion of powder or concentrate required to reconstitute the formula according to directions; and
 - (ii) for powdered infant formula product—the weight of one scoop.

Note The labelling provisions are set out in Standard 1.2.1.

- (2) For a powdered or concentrated form of infant formula product, the information mentioned in subsection (1) must be expressed in terms of the product as reconstituted according to directions on the package.

- (3) The information required by this section may be expressed in the form of a table.

Note For an example of how the nutrition information may be presented, see the guidelines set out in section S29—10.

2.9.1—22 Storage instructions

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

Note The labelling provisions are set out in Standard 1.2.1.

2.9.1—23 Statements of protein source and dental fluorosis

- (1) For the labelling provisions, the required statements are:
 - (a) a statement of the specific source, or sources, of protein in the product, immediately adjacent to the name of the product; and
 - (b) if the infant formula product is one to which subsection (2) applies:
 - (i) a statement to the effect that consumption of the formula has the potential to cause dental fluorosis; and
 - (ii) a statement recommending that the risk of dental fluorosis should be discussed with a medical practitioner or other health professional.

Note The labelling provisions are set out in Standard 1.2.1.

- (2) This subsection applies to an infant formula product that contains:
 - (a) for a powdered or concentrated infant formula product—more than 17 µg of fluoride/100 kJ prior to reconstitution; or
 - (b) for a ready-to-drink formula—more than 0.15 mg of fluoride/100 mL.

2.9.1—24 Prohibited representations

- (1) The label on a package of infant formula product must not contain:
 - (a) a picture of an infant; or
 - (b) a picture that idealises the use of infant formula product; or
 - (c) the word 'humanised' or 'maternalised' or any word or words having the same or similar effect; or
 - (ca) the words 'human milk oligosaccharide', 'human milk identical oligosaccharide' or any word or words having the same or similar effect; or
 - (cb) the abbreviations 'HMO' or 'HiMO' or any abbreviation having the same or similar effect; or
 - (d) words claiming that the formula is suitable for all infants; or
 - (e) information relating to the nutritional content of human milk; or
 - (f) subject to subsection 2.9.1—14(2), a reference to the presence of any nutrient or substance that may be used as a nutritive substance, except for a reference in:
 - (i) a statement relating to lactose under subsection 2.9.1—14(6); or
 - (ii) a statement of ingredients; or
 - (iii) a declaration of nutrition information under section 2.9.1—21; or
 - (g) subject to Division 4, a representation that the food is suitable for a particular condition, disease or disorder.
- (2) Subject to subsection 2.9.1—14(2), the label on a package of infant formula product must not contain a reference to *inulin-type fructans or *galacto-oligosaccharides except for a reference in:
 - (a) a statement of ingredients; or
 - (b) a declaration of nutrition information under section 2.9.1—21.

Division 6 Guidelines

2.9.1—25 Guidelines for infant formula product

Guidelines for infant formula product are set out in section S29—10.

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 2.9.1 as in force on **20 January 2022** (up to Amendment No. 205). It includes any commenced amendment affecting the compilation to that date.

Prepared by Food Standards Australia New Zealand on **20 January 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 2.9.1 was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00409 — 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
2.9.1—11(1)	168	F2017L00414 11 April 2017 FSC110 13 April 2017	13 April 2017	am	Cross-reference.
2.9.1—22	168	F2017L00414 11 April 2017 FSC110 13 April 2017	13 April 2017	rs	Section to clarify provision.
2.9.1—9(2)(b)	188	F2019L01576 5 Dec 2019 FSC129 5 Dec 2019	5 December 2019	am	Omitting and substituting paragraph 2.9.1—9(2)(b)
2.9.1—9(2)	188	F2019L01576 5 Dec 2019 FSC129 5 Dec 2019	5 December 2019	ad	Inserting note section 2.9.1—15
2.9.1—7	198	F2021L00332 25 March 2021 FSC139 26 March 2021	26 March 2021	am	Omitting and substituting section 2.9.1—7 'Restriction on addition to infant formula product of inulin-type fructans and galacto-oligosaccharides.'

Section affected	A'ment No.	FRL registration Gazette	Commencement (Cessation)	How affected	Description of amendment
2.9.1— 7(2)	205	F2022L00038 18 Jan 2022 FSC 146 20 Jan 2022	20 January 2022	am	Omitting 2'-O-fucosyllactose and substituting 2'-fucosyllactose

Standard 2.9.2 Food for infants

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.

2.9.2—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 2.9.2 – Food for infants*.

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.

2.9.2—2 Definitions

Note In this Code (see section 1.1.2—3):

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

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.

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

2.9.2—3 Food for infants—general compositional requirements

- (1) Food for infants must not contain:
 - (a) for a cereal-based food for infants—more than 50 mg/100 g of total iron on a moisture free basis; or
 - (b) honey, unless it has been treated to inactivate *Clostridium botulinum* spores; or
 - (c) more than the following amounts of sodium:
 - (i) for rusks—350 mg/100 g;
 - (ii) for biscuits—300 mg/100 g;
 - (iii) for any of the following—100 mg/100 g:
 - (A) flours and pasta;
 - (B) ready-to-eat foods for infants (including cereal-based foods for infants other than rusks and biscuits);
 - (C) fruit drink, vegetable juice and ready-to-eat fruit-based foods; or
 - (d) for fruit drink, vegetable juice or a ready-to-eat fruit-based food—added salt; or
 - (e) for fruit drink, vegetable juice or a non-alcoholic beverage—a total monosaccharide and disaccharide content of more than 4 g/100 g.
- (2) If *inulin-type fructans or *galacto-oligosaccharides are added to food for infants, the total amount of those substances in the food (including the amount added and the amount naturally occurring) must not be greater than 0.8 g/100 g, based on the product as consumed.
- (3) Food for infants may contain lactic acid producing microorganisms.
- (4) If food for infants is intended for infants under the age of 6 months, it must be formulated and manufactured to a consistency that minimises the risk of choking.

2.9.2—4 Additional compositional requirements for cereal-based food for infants from the age of 6 months

- (1) This section applies to cereal-based food for infants that:
 - (a) contains more than 70% cereal, on a moisture free basis; and
 - (b) is promoted as suitable for infants from the age of 6 months.
- (2) The food must contain at least 20 mg/100 g of iron on a moisture free basis.
- (3) The food may contain:
 - (a) added iron in the following forms:
 - (i) electrolytic iron; or
 - (ii) reduced iron; or
 - (iii) the forms permitted in the table to section S29—7; and
 - (b) added thiamin, niacin, vitamin B₆, vitamin C, folate, magnesium in permitted forms set out in the table to section S29—7; and
 - (c) added vitamin C to a maximum level of 90 mg/100 g on a moisture free basis.

2.9.2—5 Additional compositional requirements for cereal-based food for infants from the age of 4 months

- (1) This section applies to cereal-based food for infants that:
 - (a) contains more than 70% cereal, on a moisture free basis; and
 - (b) is promoted as suitable for infants from the age of 4 months.
- (2) The food may contain:
 - (a) added iron in the following forms:
 - (i) electrolytic iron; or
 - (ii) reduced iron; or
 - (iii) the forms permitted in the table to section S29—7; and
 - (b) added vitamin C in the forms permitted in the table to section S29—7 to a maximum amount of 90 mg/100 g on a moisture free basis.

2.9.2—6 Additional compositional requirements for non-cereal-based food for infants

- (1) This section applies to food for infants other than cereal-based food for infants.
- (2) If the food is vegetable juice, fruit drink or fruit gel, it must contain no less than 25 mg/100 g of vitamin C.
- (3) If the food is a fruit-based food, it may contain vitamin C or folate or both in the permitted forms set out in the table to section S29—7.

2.9.2—7 Labelling

- (1) This section does not apply to packaged water.
- (2) The label on a package of food for infants must not include a recommendation, whether express or implied, that the food is suitable for infants under the age of 4 months.
- (3) For the labelling provisions, the required information relating to composition is:
 - (a) a statement indicating the consistency of the food; and
 - (b) a statement indicating the minimum age, expressed in numbers, of the infants for whom the food is recommended; and
 - (c) if the food is recommended for infants under the age of 6 months—in association with the statement required by paragraph (b), the *warning statement 'Not recommended for infants under the age of 4 months'; and

- (d) if the monosaccharide and disaccharide content of added sugars and honey is more than 4 g/100 g—the word ‘sweetened’; and
- (e) if honey has been used as an ingredient—in association with the word ‘honey’, the word ‘sterilised’.

Note The labelling provisions are set out in Standard 1.2.1.

2.9.2—8 **Additional labelling requirements relating to specific nutrients and energy information**

- (1) For the labelling provisions, the required information relating to composition is:
 - (a) if a reference is made in the label (including in the name of the food) to milk, eggs, cheese, fish, meat (including poultry), nuts or legumes—the percentage of that ingredient in the food for sale; and
 - (b) if the food contains more than 3 g of protein/100 kJ—the *warning statement ‘Not suitable for infants under the age of 6 months’.

Note The labelling provisions are set out in Standard 1.2.1.

- (2) A claim must not be made that a food for infants is a source of protein unless at least 12% of the *average energy content of the food is derived from protein.

2.9.2—9 **Prohibited representations**

- (1) A food must not be represented as being the sole or principal source of nutrition for infants.
- (2) The label on a package of food for infants must not include a recommendation that the food can be added to bottle feeds of an infant formula product.

2.9.2—10 **Claims about vitamins and minerals**

- (1) A claim must not be made in relation to food for infants comparing the vitamin or mineral content of the food with that of any other food unless such a claim is expressly permitted elsewhere in this Standard.
- (2) A claim as to the presence of a vitamin or mineral in a food for infants may be made if the food contains in a normal serving at least 10% *RDI or *ESADDI, as appropriate, for that vitamin or mineral.

Note The RDIs and ESADDIs for vitamins and minerals are set out in Schedule 1.

- (3) A claim that food for infants is a good source of a vitamin or mineral may be made if a *reference quantity of the food contains at least 25% *RDI or *ESADDI, as appropriate, for that vitamin or mineral.

Note The RDIs and ESADDIs for vitamins and minerals are set out in Schedule 1.

- (4) A claim must not be made in relation to a fruit-based food for infants that the food contains more than:
 - (a) 60 mg/100 g of vitamin C; or
 - (b) 150 µg/100 g of folate.
- (5) If a vitamin or mineral has been *used as a nutritive substance in a cereal-based food for infants, a claim must not be made that a normal serving of the food contains that vitamin or mineral in an amount greater than that specified in relation to that vitamin or mineral in the table to section S29—11.

2.9.2—11 **Nutrition information**

- (1) Food for infants need not comply with:
 - (a) the requirement to include the *average quantity of saturated fat on a nutrition information panel (subparagraph 1.2.8—6(1)(d)(ii)); or
 - (b) subsections 1.2.8—6(3), 1.2.8—6(5) or 1.2.8—7(1); or
 - (c) sections 1.2.8—8, 1.2.8—11 or 1.2.8—14.

- (2) Food for infants need not comply with the requirement in subsection 1.2.8—6(12) to indicate the potassium content of a food in the nutrition information panel.
- (3) The nutrition information panel for food for infants must be set out in the format set out in section S12—6.

2.9.2—12 Food in dehydrated or concentrated form

- (1) This section applies to food for infants that is in dehydrated or concentrated form.
- (2) For the labelling provisions, directions are required for how the food should be reconstituted.

Note The labelling provisions are set out in Standard 1.2.1.

- (3) The particulars set out in each column of the nutrition information panel must be expressed as a proportion of the food as reconstituted according to those directions.
- (4) If more than one fluid for preparing the food is nominated in the label:
 - (a) the particulars set out in the column should be adjusted according to the first liquid nominated; and
 - (b) the name of this liquid must be included in the nutrition information panel.

2.9.2—13 Storage requirements

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

Note The labelling provisions are set out in Standard 1.2.1.

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 2.9.2 as in force on **13 April 2017** (up to Amendment No. 168). It includes any commenced amendment affecting the compilation to that date.

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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 2.9.2 was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00417 — 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
2.9.2— 8(1)	157	F2015L01374 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	am	Correction of typographical error in paragraph (b).
2.9.2— 11(2)	168	F2017L00414 11 April 2017 FSC110 13 April 2017	13 April 2017	am	Cross-reference.

Standard 2.9.3 Formulated meal replacements and formulated supplementary 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.

Division 1 Preliminary

2.9.3—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 2.9.3 – Formulated meal replacements and formulated supplementary 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.

2.9.3—2 Definitions

Note In this Code (see sections 1.1.2—2 and 1.1.2—3):

formulated meal replacement means a food for sale or a prepackaged selection of food for sale 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.

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.

Division 2 Formulated meal replacements

2.9.3—3 Compositional requirements for formulated meal replacements

- (1) A formulated meal replacement must contain in a serving no less than:
 - (a) 12 g protein; and
 - (b) 850 kJ; and
 - (c) 25% *RDI of each vitamin and mineral listed in Column 1 of the table to section S29—12.
- (2) A vitamin or mineral may be *used as a nutritive substance in a formulated meal replacement if:
 - (a) the vitamin or mineral is listed in Column 1 of:
 - (i) the table to section S29—12; or
 - (ii) the table to section S29—13; and
 - (b) the total of the naturally occurring and added vitamin or mineral in a serving is not greater than the amount, if any, specified in relation to that vitamin or mineral in Column 2 of the relevant table; and
 - (c) the vitamin or mineral is in a permitted form specified in:
 - (i) section S17—2 or S17—3; or
 - (ii) section S29—17; or
 - (iii) for vitamin K—section S29—7.

2.9.3—4 Labelling of formulated meal replacements

- (1) The nutrition information panel on the label on a package of formulated meal replacement must include a declaration of the average quantities of the vitamins and minerals that:
 - (a) in the case of vitamins and minerals listed in the table in section S29—12— are present in the food; and
 - (b) in the case of vitamins and minerals listed in the table in section S29—13— have been *used as a nutritive substance in the food.
 - (2) A claim as to the presence in a formulated meal replacement of a vitamin or mineral listed in the table to section S29—12 or S29—13 may be made on the label on a package of formulated meal replacement only if:
 - (a) no less than 10% *RDI or *ESADDI of that vitamin or mineral is present in a serving of the food; and
 - (b) for a vitamin or mineral that has been *used as a nutritive substance in the food—the claimed amount of that vitamin or mineral in a serving is no more than the amount set out in Column 3 of the relevant table to section S29—12 or S29—13.
- Note** If such a claim is made, subparagraph 1.2.8—6(1)(d)(iv) might be relevant.
- (3) A claim that a formulated meal replacement is a good source of a vitamin or mineral may be made if:
 - (a) the vitamin or mineral is listed in Column 1 of the table to section S29—12 or S29—13; and
 - (b) a serving of the food contains at least 25% *RDI or *ESADDI of that vitamin or mineral; and
 - (c) where the vitamin or mineral has been *used as a nutritive substance in the food, the claimed amount of that vitamin or mineral in a serving is no more than the amount set out in Column 3 of the table to section S29—12 or S29—13.
 - (4) 'Formulated meal replacement' is a *prescribed name.
 - (5) For the labelling provisions, the required statement is words to the effect that the product must not be used as a total diet replacement.

Note The labelling provisions are set out in Standard 1.2.1.

Division 3 Formulated supplementary foods

2.9.3—5 Compositional requirements for formulated supplementary foods

- (1) A formulated supplementary food must contain in a serving no less than:
 - (a) 8 g protein; and
 - (b) 550 kJ; and
 - (c) 20% *RDI of at least 1 vitamin or mineral listed in Column 1 of the table to section S29—14.
- (2) A vitamin or mineral may be *used as a nutritive substance in a formulated supplementary food if:
 - (a) the vitamin or mineral is listed in Column 1 of the table to section S29—14; and
 - (b) the total of the naturally occurring and added amount of each vitamin or mineral in a serving is not more than the amount, if any, set out in relation to that vitamin or mineral in Column 2 of the table; and
 - (c) the vitamin or mineral is in a permitted form specified in the table in section S17—2 or S17—3.

2.9.3—6 **Labelling of formulated supplementary foods**

- (1) The nutrition information panel on the label on a package of formulated supplementary food must include a declaration of the average quantities of any vitamin or mineral that:
 - (a) is listed in Column 1 of the table to section S29—14; and
 - (b) is present in the food.
- (2) A claim as to the presence in a formulated supplementary food of a vitamin or mineral listed in section S17—2, S17—3 or S29—14 may be made on the label on a package of formulated supplementary food if:
 - (a) no less than 10% *RDI or *ESADDI, as appropriate, of the vitamin or mineral listed in Column 1 of the table to section S29—14 is in a serving of the food; and
 - (b) for a vitamin or mineral that has been *used as a nutritive substance in the food, the claimed amount in a serving of the food is no more than the amount set out in Column 3 of the table.
- (3) A claim that a formulated supplementary food is a good source of a vitamin or mineral may be made if:
 - (a) the vitamin or mineral is listed in section S17—2, S17—3 or S29—14; and
 - (b) a serving of the food contains at least 25% *RDI or *ESADDI of that vitamin or mineral; and
 - (c) where the vitamin or mineral has been *used as a nutritive substance in the food, the claimed amount of that vitamin or mineral in a serving is no more than the amount set out in Column 3 of the table to section S29—14.
- (4) For the labelling provisions, the required statement is a description of the role of the food as 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.

Note The labelling provisions are set out in Standard 1.2.1.
- (5) 'Formulated supplementary food' is a *prescribed name.

Division 4 **Formulated supplementary foods for young children**

2.9.3—7 **Compositional requirements for formulated supplementary foods for young children**

- (1) A formulated supplementary food for young children must contain in a serving no less than:
 - (a) 2.5 g protein; and
 - (b) 330 kJ; and
 - (c) 20% *RDI of at least 1 vitamin or mineral listed in Column 1 of the table to section S29—15.
- (2) A vitamin or mineral may be *used as a nutritive substance in a formulated supplementary food for young children if:
 - (a) the vitamin or mineral is listed in Column 1 of the table to section S29—15; and
 - (b) the total of the naturally occurring and added amount of each vitamin or mineral in a serving is not more than the amount, if any, set out in relation to that vitamin or mineral in column 2 of the table; and
 - (c) the vitamin or mineral is in a permitted form specified in the table in section S17—2 or S17—3.
- (3) If *inulin-type fructans or *galacto-oligosaccharides are added to a formulated supplementary food for young children, the total amount of those substances, both added and naturally occurring, must not be more than 1.6 g/serving.

- (4) Lutein may be *used as a nutritive substance in a formulated supplementary food for young children only if:
 - (a) the lutein is derived from *Tagetes erecta L.*; and
 - (b) the total amount of lutein, both added and naturally occurring, is not more than 100 µg/serving.

2.9.3—8 Labelling of formulated supplementary foods for young children

- (1) The nutrition information panel on the label on a package of formulated supplementary foods for young children must include a declaration of the *average quantity of any vitamin or mineral that:
 - (a) is listed in Column 1 of the table to section S29—15; and
 - (b) is *used as a nutritive substance in the food.
 - (2) A claim as to the presence in a formulated supplementary food for young children of a vitamin or mineral in section S17—2, S17—3 or S29—15 may be made on the label on a package of formulated supplementary food for young children if:
 - (a) no less than 10% *RDI or *ESADDI, as appropriate, of the vitamin or mineral listed in Column 1 of the table is present in a serving of the food; and
 - (b) for a vitamin or mineral that has been *used as a nutritive substance in the food, the claimed amount of that vitamin or mineral in a serving of the food is no more than the amount set out in Column 3 of the table.
 - (3) A claim that a formulated supplementary food for young children is a good source of a vitamin or mineral may be made if:
 - (a) the vitamin or mineral is listed in section S17—2, S17—3 or S29—15; and
 - (b) a serving of the food contains at least 25% *RDI or *ESADDI of that vitamin or mineral; and
 - (c) where the vitamin or mineral has been *used as a nutritive substance in the food, the claimed amount of that vitamin or mineral in a serving is no more than the amount set out in Column 3 of the table to section S29—15.
 - (4) For the labelling provisions, the required statement is a description of the role of the food as 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.

Note The labelling provisions are set out in Standard 1.2.1.
 - (5) 'Formulated supplementary food for young children' is a *prescribed name.
 - (6) The label on a package of formulated supplementary food for young children must not include any words indicating, or any other indication, that the product contains lutein unless the total amount of lutein is no less than 30 µg/serving.
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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 2.9.3 as in force on **13 April 2017** (up to Amendment No. 168). It includes any commenced amendment affecting the compilation to that date.

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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 2.9.3 was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00419 — 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
2.9.3—2	157	F2015L01374 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	rep	Note 2 to section.
2.9.3—5(1)	168	F2017L00414 11 April 2017 FSC110 13 April 2017	13 April 2017	am	Cross-reference.
2.9.3—5(2)	168	F2017L00414 11 April 2017 FSC110 13 April 2017	13 April 2017	am	Cross-reference.
2.9.3—6(1)	168	F2017L00414 11 April 2017 FSC110 13 April 2017	13 April 2017	am	Cross-reference.
2.9.3—8(3)	157	F2015L01374 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	rs	Paragraph (a) to add cross-references.

Standard 2.9.4 Formulated supplementary sports 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.

Division 1 Preliminary

2.9.4—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 2.9.4 – Formulated supplementary sports 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.

Division 2 Formulated supplementary sports foods generally

2.9.4—2 Definitions

Note In this Code (see sections 1.1.2—2 and 1.1.2—3):

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

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 2 **Average energy content** is calculated using the equation in section S11—2.

2.9.4—3 Composition of formulated supplementary sports foods

- (1) Formulated supplementary sports food may contain:
 - (a) a vitamin or mineral if:
 - (i) the vitamin or mineral is listed in the table to section S29—16; and
 - (ii) it is added in a permitted form specified in:
 - (A) section S17—2 or S17—3; or
 - (B) section S29—17; and
 - (iii) the amount of the vitamin or mineral in the food is no more than the amount, if any, specified in Column 2 of the table in section S29—16; and
 - (b) an amino acid that is *used as a nutritive substance, if:
 - (i) the amino acid is listed in the table to section S29—18; and
 - (ii) the amount of the amino acid added is no more than the amount specified in Column 2 of the table; and
 - (c) any other substance that is *used as a nutritive substance, if:
 - (i) the substance is listed in the table to section S29—19; and
 - (ii) the amount of the substance added is no more than the amount specified in relation to that substance in Column 2 of the table.
- (2) Formulated supplementary sports food must not contain, in a *one-day quantity, more than:
 - (a) 70 mmol sodium; or
 - (b) 95 mmol potassium.

2.9.4—4 Labelling information

- (1) For the labelling provisions:

- (a) the required statements are:
 - (i) a statement to the effect that the food is not a sole source of nutrition and should be consumed in conjunction with a nutritious diet; and
 - (ii) a statement to the effect that the food should be used in conjunction with an appropriate physical training or exercise program; and
 - (iii) the *warning statement 'Not suitable for children under 15 years of age or pregnant women: Should only be used under medical or dietetic supervision'; and
 - (iv) if the food contains added phenylalanine—the warning statement 'Phenylketonurics: Contains phenylalanine'; and
- (b) the required information is:
 - (i) directions stating the recommended amount and frequency of intake of the food; and
 - (ii) a statement of the recommended consumption in one day; and
 - (iii) a nutrition information panel.

Note The labelling provisions are set out in Standard 1.2.1.

- (2) 'Formulated supplementary sports food' is a *prescribed name.

2.9.4—5 Nutritive substance claims

- (1) This section applies in relation to a package of formulated supplementary sports food if:
 - (a) the label on the package includes a statement referring to the presence of a substance that is *used as a nutritive substance in the food; and
 - (b) the substance is not a vitamin or a mineral; and
 - (c) the statement is not required by another provision of this Code.
- (2) The label must either:
 - (a) state the amount by weight (expressed as /100 g food or as a percentage) of the substance, either:
 - (i) immediately after the statement referring to the presence of the substance; or
 - (ii) immediately following the name of the substance in the statement of ingredients; or
 - (b) list, in the nutrition information panel, the substance and the *average quantity by weight of the substance in:
 - (i) a serving of the food; and
 - (ii) a *unit quantity of the food.

2.9.4—6 Vitamin and mineral claims

- (1) The label on a package of formulated supplementary sports food must not claim the presence of a vitamin or mineral unless:
 - (a) the reference is required elsewhere in this Code; or
 - (b) the reference is specifically permitted by this section.
- (2) The label on a package of formulated supplementary sports food may claim the presence of a vitamin or mineral in the food only if:
 - (a) a serving of the food, or, for a food that requires dilution or reconstitution according to directions, the amount of the food that produces a normal serving, contains at least 10% *RDI or *ESADDI for that vitamin or mineral specified in Column 3 of the tables to sections S1—2 or S1—3, as appropriate; and
 - (b) the amount claimed is no more than the amount specified in Column 3 of the table to section S29—16 for that vitamin or mineral.

2.9.4—7 Prohibited representations

Unless specific permission is given in Division 3, the label on a package of formulated supplementary sports food must not include an express or implied representation that relates any property or proposed use of the food to enhanced athletic performance or beneficial physiological effects.

Division 3 Particular formulated supplementary sports foods

2.9.4—8 High carbohydrate supplement

- (1) For the labelling provisions, for a package of high carbohydrate supplement, the following statements are required:
 - (a) a statement to the effect that, if used during exercise, the food should be consumed in accordance with directions, to avoid the possibility of gastrointestinal upset; and
 - (b) a statement to the effect that the food must be consumed with an appropriate fluid intake.

Note The labelling provisions are set out in Standard 1.2.1.
- (2) The label on a package of a high carbohydrate supplement may include statements to the effect that:
 - (a) the food is useful before, during, or after sustained strenuous exercise; and
 - (b) appropriate usage may assist in the provision of energy in the form of carbohydrates.
- (3) In this section:

high carbohydrate supplement means a formulated supplementary sports food for which:

 - (a) not less than 90% of the *average energy content of the product is derived from carbohydrate; and
 - (b) more than 15% of the product by weight is *carbohydrate when prepared as directed.

2.9.4—9 Protein energy supplement

- (1) For the labelling provisions, for a package of protein energy supplement, a statement to the effect that the food must be consumed with an appropriate fluid intake is required.

Note The labelling provisions are set out in Standard 1.2.1.
- (2) The label on a package of protein energy supplement may include statements to the effect that:
 - (a) the product may assist in providing a low-bulk diet as may be required during training; and
 - (b) the product may assist in supplementing the diet with a high energy source as may be required during training; and
 - (c) usage as directed may assist in the development of muscle bulk; and
 - (d) the product is useful before, during, or after sustained strenuous exercise.
- (3) In this section:

protein energy supplement means a formulated supplementary sports food for which:

 - (a) not more than 30% and not less than 15% of the *average energy content of the product is derived from protein; and
 - (b) not more than 25% of the average energy content of the product is derived from fat; and

- (c) not more than 70% of the average energy content of the product is derived from carbohydrate.

2.9.4—10 Energy supplement

- (1) For the labelling provisions, for a package of energy supplement, the following statements are required:
 - (a) a statement to the effect that, if used during exercise, the food should be consumed in accordance with directions, to avoid the possibility of gastrointestinal upset; and
 - (b) a statement to the effect that the food must be consumed with an appropriate fluid intake; and
 - (c) if more than 30% of the *average energy content of the food is derived from fat—a statement to the effect that the product is a high fat food and should be used for special fat loading strategies rather than everyday use.
- Note** The labelling provisions are set out in Standard 1.2.1.
- (2) The label on a package of energy supplement may include statements to the effect that:
 - (a) the product may assist in supplementing the diet with an energy source as may be required during training; and
 - (b) the product is useful before, during or after sustained strenuous exercise.
- (3) In this section:

energy supplement means a formulated supplementary sports food for which not more than 20% of the *average energy content of the food is derived from protein.

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 2.9.4 as in force on **13 April 2017** (up to Amendment No. 168). It includes any commenced amendment affecting the compilation to that date.

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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 2.9.4 was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00421 — 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
2.9.4—5(2)	157	F2015L01374 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	am	Correction of typographical error in paragraph (a).
2.9.4—6(2)	157	F2015L01374 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	am	Correction of typographical error in paragraph (a).
2.9.4—6(2)	161	F2016L00120 18 Feb 2016 FSC103 22 Feb 2016	1 March 2016	am	Correction of typographical error in paragraph (a).
2.9.4—6(2)	168	F2017L00414 11 April 2017 FSC110 13 April 2017	13 April 2017	rs	Subsection to clarify provision and correct grammatical error.

Standard 2.9.5 Food for special medical purposes

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

2.9.5—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 2.9.5 – Food for special medical purposes*.

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.

2.9.5—2 Definitions

Note 1 Section 1.1.2—5 (Definition of **food for special medical purposes**) provides as follows:

(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.

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

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.

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.

Note 3 In this Standard (see section 1.1.2—2), a reference to a **package** does not include a reference to a 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 of the responsible institution.

2.9.5—3 Application of other standards

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

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

- (b) unless the contrary intention appears, Part 1.2 of Chapter 1 (labelling and other information requirements); and
- (c) Standard 2.9.2, Standard 2.9.3 or Standard 2.9.4 (food for infants, formulated meal replacements and formulated supplementary foods, formulated supplementary sports foods).

2.9.5—4 Claims must not be therapeutic in nature

A claim in relation to food for special medical purposes must not:

- (a) refer to the prevention, diagnosis, cure or alleviation of a disease, disorder or condition; or
- (b) compare the 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.

Division 2 Sale of food for special medical purposes

2.9.5—5 Restriction on the persons by whom, and the premises at which, food for special medical purposes may be sold

- (1) A food for special medical purposes must not be sold to a consumer, other than from or by:
 - (a) a medical practitioner or dietitian; or
 - (b) a medical practice, pharmacy or responsible institution; or
 - (c) a majority seller of that food for special medical purposes.

- (2) In this section:

medical practitioner means a person registered or licensed as a medical practitioner under legislation in Australia or New Zealand, as the case requires, for the registration or licensing of medical practitioners.

majority seller: a person is a **majority seller** of a food for special medical purposes during any 24 month period if:

- (a) during the period, the person sold that food for special medical purposes to medical practitioners, dietitians, medical practices, pharmacies or responsible institutions; and
- (b) the sales mentioned in paragraph (a) represent more than one half of the total amount of that food for special medical purposes sold by the person during the period.

Division 3 Composition

2.9.5—6 Permitted forms of particular substances

- (1) The following substances may be added to food for special medical purposes:
 - (a) a substance that is listed in Column 1 of the table to section S29—20 and that is in a corresponding form listed in Column 2 of that table;
 - (b) a substance that is listed in Column 1 of the table to section S29—7 and that is in a corresponding form listed in Column 2 of that table;
 - (c) any other substance, regardless of its form, that is permitted under this Code to be added to a food, if that substance is added in accordance with any applicable requirement of this Code.
- (2) If a provision of this Code limits the amount of a substance referred to in paragraph (1)(a) or (b) that may be added to a food, that limit does not apply in relation to food for special medical purposes.

2.9.5—7 Compositional requirements for food represented as being suitable for use as sole source of nutrition

- (1) If food for special medical purposes is represented as being suitable for use as a sole source of nutrition, the food must contain:
 - (a) not less than the minimum amount, as specified in column 2 of the table to section S29—21, of each vitamin, mineral and electrolyte listed in Column 1 of that table; and
 - (b) if applicable, not more than the maximum amount, as specified in Column 3 of that table, of each vitamin and mineral listed in Column 1.
- (2) However, the food is not required to comply with subsection (1) to the extent that:
 - (a) a variation from a maximum or minimum amount is required for a particular medical purpose; and
 - (b) the labelling complies with subparagraph 2.9.5—10(1)(g)(ii).

Division 4 Labelling

2.9.5—8 Labelling and related requirements

- (1) If a food for sale consisting of food for special medical purposes is not in a package:
 - (a) the food for sale must either *bear a label, or have labelling that is displayed in connection with its sale, with the information relating to irradiated foods (see section 1.5.3—9); and
 - (b) there is no other labelling requirement under this Code.
- (2) If the food for sale is in a package, it is required to *bear a label that complies with section 2.9.5—9.
- (3) If the food for sale is in an *inner package:
 - (a) the inner package is required to *bear a label that complies with section 2.9.5—16; and
 - (b) there is no labelling requirement under this Code for any other packaging associated with the food for sale.
- (4) If the food for sale is in a *transportation outer:
 - (a) the transportation outer or package containing the food for sale is required to *bear a label that complies with section 2.9.5—17; and
 - (b) there is no labelling requirement under this Code for any other packaging associated with the food for sale.

2.9.5—9 Mandatory labelling information

- (1) Subject to this section, the label that is required for food for special medical purposes must state the following information in accordance with the provision indicated:
 - (a) a name or description sufficient to indicate the true nature of the food (see section 1.2.2—2);
 - (b) lot identification (see section 1.2.2—3);
 - (c) if the sale of the food for sale is one to which Division 2 or Division 3 of Standard 1.2.1 applies—information relating to irradiated food (see section 1.5.3—9);
 - (d) any required advisory statements, *warning statements, other statements, and declarations (see section 2.9.5—10);
 - (e) information relating to ingredients (see section 2.9.5—11);
 - (f) date marking information (see section 2.9.5—12);

- (g) directions for the use or the storage of the food, if the food is of such a nature to require such directions for health or safety reasons;
 - (h) nutrition information (see section 2.9.5—13);
 - (i) if appropriate, the information required by subsection 2.9.5—14(4) or 2.9.5—15(5).
- (2) The label must comply with Division 6 of Standard 1.2.1.

2.9.5—10 Mandatory statements and declarations—food for special medical purposes

- (1) For paragraph 2.9.5—9(1)(d), the following statements are required:
- (a) a statement to the effect that the food must be used under medical supervision;
 - (b) a statement indicating, if applicable, any precautions and contraindications associated with consumption of the food;
 - (c) a statement indicating the medical purpose of the food, which may include a disease, disorder or medical condition for which the food has been formulated;
 - (d) a statement describing the properties or characteristics which make the food appropriate for the medical purpose indicated in paragraph (c);
 - (e) if the food has been formulated for a specific age group—a statement to the effect that the food is intended for persons within the specified age group;
 - (f) a statement indicating whether or not the food is suitable for use as a sole source of nutrition;
 - (g) if the food is represented as being suitable for use as a sole source of nutrition:
 - (i) a statement to the effect that the food is not for parenteral use; and
 - (ii) if the food has been modified to vary from the compositional requirements of section 2.9.5—7 such that the content of one or more nutrients falls short of the prescribed minimum, or exceeds the prescribed maximum (if applicable):
 - (A) a statement indicating the nutrient or nutrients which have been modified; and
 - (B) unless provided in other documentation about the food—a statement indicating whether each modified nutrient has been increased, decreased, or eliminated from the food, as appropriate.
- (2) For paragraph 2.9.5—9(1)(d), the required advisory statements and declarations are any that are required by:
- (a) items 1, 4, 6 or 9 of the table to section S9—2; or
 - (b) subsection 1.2.3—2(2); or
 - (c) section 1.2.3—4.
- (3) For paragraph 2.9.5—9(1)(d), the *warning statement referred to in section 1.2.3—3, if applicable, is required.

2.9.5—11 Information relating to ingredients—food for special medical purposes

For paragraph 2.9.5—9(1)(e), the information relating to ingredients is:

- (a) a statement of ingredients; or
- (b) information that complies with Articles 18, 19, 20 of Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers; or
- (c) information that complies with 21 CFR § 101.4.

2.9.5—12 Date marking information—food for special medical purposes

- (1) For paragraph 2.9.5—9(1)(f), the required date marking information is date marking information in accordance with Standard 1.2.5.
- (2) Despite subsection (1), for subparagraph 1.2.5—5(2)(a)(ii), the words ‘Expiry Date’, or similar words, may be used on the label.

2.9.5—13 Nutrition information—food for special medical purposes

For paragraph 2.9.5—9(1)(h), the nutrition information is the following, expressed per given amount of the food:

- (a) the minimum or average energy content; and
- (b) the minimum amount or *average quantity of:
 - (i) protein, fat and carbohydrate; and
 - (ii) any vitamin, mineral or electrolyte that has been *used as a nutritive substance in the food; and
 - (iii) any substance listed in the table to section S29—20 that has been *used as a nutritive substance in the food; and
 - (iv) subject to paragraph 2.9.5—9(1)(i), any other substance in respect of which a nutrition content claim has been made.

2.9.5—14 Claims in relation to lactose content

- (1) A claim in relation to the lactose content of a food for special medical purposes must not be made unless expressly permitted by this section.
- (2) A claim to the effect that a food for special medical purposes is lactose free may be made if the food for sale contains no detectable lactose.
- (3) A claim to the effect that a food for special medical purposes is low lactose may be made if the food for sale contains not more than 2 g of lactose per 100 g of the food.
- (4) If a claim in relation to the lactose content of a food for special medical purposes is made, the information required is the *average quantity of the lactose and galactose in the food, expressed per given quantity of the food.

Note See paragraph 2.9.5—9(1)(i).

2.9.5—15 Claims in relation to gluten content

- (1) A claim in relation to the *gluten content of a food for special medical purposes is prohibited unless expressly permitted by this section.
- (2) A claim to the effect that a food for special medical purposes is gluten free may be made if the food contains:
 - (a) no detectable gluten; and
 - (b) no oats or oat products; and
 - (c) no cereals containing *gluten that have been malted, or products of such cereals.
- (3) A claim to the effect that a food for special medical purposes has a low gluten content may be made if the food contains no more than 20 mg *gluten per 100 g of the food.
- (4) A claim to the effect that a food for special medical purposes contains *gluten or is high in gluten may be made.
- (5) If a claim is made in relation to the *gluten content of a food for special medical purposes, the information required is the *average quantity of the gluten in the food, expressed per given amount of the food.

Note See paragraph 2.9.5—9(1)(i).

2.9.5—16 Labelling requirement—food for special medical purposes in inner package

- (1) The label on an *inner package that contains food for special medical purposes must state the following information in accordance with the provision indicated:
 - (a) a name or description sufficient to indicate the true nature of the food (see section 1.2.2—2);
 - (b) lot identification (see section 1.2.2—3);
 - (c) any declaration that is required by section 1.2.3—4;
 - (d) date marking information (see section 2.9.5—12).
- (2) The label must comply with Division 6 of Standard 1.2.1.
- (3) To avoid doubt, this section continues to apply to the label on the *inner package if a *responsible institution subsequently supplies the inner package to a patient or resident of the responsible institution.

2.9.5—17 Labelling requirement—food for special medical purposes in transportation outer

- (1) If packages of food for special medical purposes are contained in a transportation outer, the information specified in subsection (2) must be:
 - (a) contained in a label on the transportation outer; or
 - (b) contained in a label on a package of the food for sale, and clearly discernible through the transportation outer.
 - (2) For subsection (1), the information is:
 - (a) a name or description sufficient to indicate the true nature of the food (see section 1.2.2—2); and
 - (b) lot identification (see section 1.2.2—3); and
 - (c) unless it is provided in accompanying documentation—the name and address of the *supplier (see section 1.2.2—4).
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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.

Food Standards (Proposal P1044 – Plain English Allergen Labelling) Variation				
Instrument items affected	A'ment No.	FRL registration Gazette	Instrument's transitional provision	Description of transitional arrangement
Item [5] 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 [5.1], [5.2], and [5.3] of the Schedule.</p> <p>The transition period is the period of time that commences on 25 February 2021 and ends on 25 February 2024.</p> <p>The post-transition period is the period of time that commences 26 February 2024 and ends on 26 February 2026.</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"> (a) the Code as in force without the above variations; (b) the Code as amended by the above variations. <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"> (a) the Code as in force without the above variations; (b) the Code as amended by the above variations.

Section affected	A'ment No.	FRL registration Gazette	Commencement (Cessation)	How affected	Description of amendment
2.9.5—10	197	F2021L00145 24 Feb 2021 FSC138 25 Feb 2021	25 Feb 2021	am	Heading for 2.9.5—10 amended and paragraph 2.9.5—10(2) amended to include 'declarations'. <i>For application, saving and transitional provisions, see above table.</i>

Standard 2.9.6 Transitional standard for special purpose foods (including amino acid modified 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** This Standard incorporates the provisions of regulations 237 and 239A of the former New Zealand *Food Regulations (1984)*, in so far as they relate to special purpose foods and the labelling of amino acid modified foods.
- Note 4** This Standard operates solely in relation to food sold or imported into New Zealand.

2.9.6—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 2.9.6 – Transitional standard for special purpose foods (including amino acid modified 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.

2.9.6—2 Definitions of amino acid modified food and special purpose food

(1) In this Standard:

amino acid modified food means a special purpose food if, in the preparation of the food:

- (a) there is a restriction in the use of ingredients containing one or more particular amino acids; or
- (b) there is a reduction of the content of one or more particular amino acids in any of the ingredients of the food.

special purpose food means a food specially processed or formulated to satisfy particular dietary requirements that exist because of:

- (a) a particular physical or physiological condition; or
- (b) a specific disease or disorder; or
- (c) both such a condition and a disease or disorder;

and are presented as such.

(2) Other than in Division 2 of Standard 2.9.3 (Formulated meal replacements), a reference in this Code to a special purpose food is taken to be a reference to formulated meal replacement.

Note The effect of subsection (2) is that additives permitted in formulated meal replacements are permitted in special purpose foods. Subsection (2) exempts special purpose foods from the requirements for minimum levels for protein, kJ; and the minimum and maximum levels for vitamins and minerals. The definition of formulated meal replacements is not intended to be taken literally in relation to special purpose foods. i.e. special purpose foods are not necessarily intended as a meal replacement.

2.9.6—3 Application

- (1) This Standard applies in relation to food produced in, or imported into, New Zealand.
- (2) Despite subsection (1), this Standard does not apply to food produced in, or imported into, Australia.
- (3) This Standard ceases to have effect 2 years after the commencement of any alternative applicable provisions elsewhere in this Code.

Note Standard 2.9.5 regulates amino acid modified foods and other special purpose foods, except for foods formulated and represented as being for the dietary management of obesity or overweight, also known as food for very low energy diets (VLEDs). This Standard will continue to apply to VLEDs until a joint standard is published.

2.9.6—4 Composition

A special purpose food may contain any of the vitamins and minerals specified in Column 1 of the table to section S29—12 or S29—13.

2.9.6—5 Labelling of special purpose foods

For the labelling provisions, the required information for special purpose foods is a statement of the special purpose of the food.

Note The labelling provisions are set out in Standard 1.2.1.

2.9.6—6 Labelling of amino acid modified foods

For the labelling provisions, the required information for *amino acid modified foods is:

- (a) one or more of the following:
 - (i) the words 'amino acid modified food';
 - (ii) the name of the amino acid or amino acids that have been restricted;
 - (iii) the name of the disease, or a name describing the condition of the group of people, for which the product is intended;
 - (iv) the words 'low protein', where applicable; and
- (b) in the nutrition information panel, a statement of each of the following:
 - (i) the amount of carbohydrate, protein, and fat in the food, expressed in g;
 - (ii) the energy content of the food, expressed in kJ;
 - (iii) the amount of sodium, and of potassium, in the food, expressed in mg;
 - (iv) the amount of the particular amino acid or protein present in the food, or both, as appropriate for the intended use of the food; and
- (c) in the principal display panel, in 3 mm lettering, the words 'Take only on medical advice'.

Note The labelling provisions are set out in Standard 1.2.1.

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 2.9.6 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 2.9.6 was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00473 — 1 April 2015) and has since been amended as follows:

Section affected	A'ment No.	FRLI registration Gazette	Commencement (Cessation)	How affected	Description of amendment
2.9.6—3	161	F2016L00120 18 Feb 2016 FSC103 22 Feb 2016	1 March 2016	am	Correction of formatting error in Note.