

# ***Australia New Zealand Food Standards Code – Amendment No. 89 – 2006***

## ***Food Standards Australia New Zealand Act 1991***

### **Preamble**

The variations set forth in the Schedule below are variations to Standards in the *Australia New Zealand Food Standards Code* published by the National Health and Medical Research Council in the *Commonwealth of Australia Gazette*, No. P 27, on 27 August 1987, which have been varied from time to time.

These variations are published pursuant to section 23A of the *Food Standards Australia New Zealand Act 1991*.

### **Citation**

These variations may be collectively known as the *Australia New Zealand Food Standards Code – Amendment No. 89 – 2006*.

### **Commencement**

These variations commence on Gazettal.

Note: These variations were published in the Commonwealth of Australia *Food Standards Gazette* No. FSC 31 on 9 November 2006.

## **SCHEDULE**

[1] ***Standard 1.1.1 is varied by –***

[1.1] *omitting from the Schedule, from Column 2, in relation to Pantothenic acid –*

No permitted form specified

*substituting*

Calcium pantothenate  
Dexpanthenol

[1.2] *omitting from the Schedule, from Column 2, in relation to Selenium –*

No permitted forms specified

*substituting –*

Seleno methionine  
Sodium selenate  
Sodium selenite

[2] ***Standard 1.2.3 is varied by omitting from the Table to clause 2 –***

Food regulated in Standard 2.4.2 containing phytosterol esters	<p>Statements to the effect that –</p> <ol style="list-style-type: none"> <li>1. the product should be consumed in moderation as part of a diet low in saturated fats and high in fruit and vegetables;</li> <li>2. the product is not recommended for infants, children and pregnant or lactating women unless under medical supervision; and</li> <li>3. consumers on cholesterol-lowering medication should seek medical advice on the use of this product in conjunction with their medication.</li> </ol>
Food regulated in Standard 2.4.2 containing tall oil phytosterols	<p>Statements to the effect that –</p> <ol style="list-style-type: none"> <li>1. the product should be consumed in moderation as part of a diet low in saturated fats and high in fruit and vegetables;</li> <li>2. the product is not recommended for infants, children and pregnant or lactating women unless under medical supervision; and</li> <li>3. consumers on cholesterol-lowering medication should seek medical advice on the use of this product in conjunction with their medication.</li> </ol>

*substituting –*

Foods containing added phytosterol esters	<p>Statements to the effect that –</p> <ol style="list-style-type: none"> <li>1. when consuming this product, it should be consumed as part of a healthy diet;</li> <li>2. this product may not be suitable for children under the age of five years and pregnant or lactating women; and</li> <li>3. plant sterols do not provide additional benefits when consumed in excess of three grams per day.</li> </ol>
Foods containing added tall oil phytosterols	<p>Statements to the effect that –</p> <ol style="list-style-type: none"> <li>1. when consuming this product, it should be consumed as part of a healthy diet;</li> <li>2. this product may not be suitable for children under 5 years and pregnant or lactating women; and</li> <li>3. plant sterols do not provide additional benefits when consumed in excess of three grams per day.</li> </ol>

[3] *Standard 1.2.9 is varied by inserting after subclause 2(1) –*

**Editorial note:**

The requirements of this Standard will not be met where prescribed information is placed other than on the outside of a package where it is readily accessible by a consumer prior to purchase, and during the life of the product, and not obscured by an outer covering. The requirements of this Standard will also not be met where prescribed information is printed in a small font so the statement cannot be read easily.

Within 24 months of the gazettal of this editorial note, Standard 1.2.9 Legibility Requirements will be reviewed.

[4] **Standard 1.3.1 is varied by –**

[4.1] *inserting in Schedule 1, after item 1.1.2 –*

**1.1.3 Liquid milk to which phytosterol esters have been added**

401	Sodium alginate	2	g/kg
407	Carrageenan	2	g/kg
412	Guar gum	2	g/kg
471	Mono- and diglycerides of fatty acids	2	g/kg

**1.1.4 Liquid milk to which tall oil phytosterols have been added**

460	Microcrystalline cellulose	5	g/kg
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[4.2] *inserting in Schedule 1 item 14.1.4 the heading –*

**Formulated Beverages\***

[4.3] *inserting in Schedule 1 item 14.1.4 after the heading Formulated Beverages\* –*

123	Amaranth	30	mg/kg	products containing fruit or vegetable juice only
160b	Annatto extracts	10	mg/kg	
200 201 202 203	Sorbic acid and sodium, potassium and calcium sorbates	400	mg/kg	products containing fruit or vegetable juice only
210 211 212 213	Benzoic acid and sodium, potassium and calcium benzoates	400	mg/kg	
220 221 222 223 224 225 228	Sulphur dioxide and sodium and potassium sulphites	115	mg/kg	products containing fruit or vegetable juice only
242	Dimethyl dicarbonate	250	mg/kg	
281	Sodium propionate	GMP		products containing fruit or vegetable juice only
282	Calcium propionate	GMP		
385	Calcium disodium EDTA	33	mg/kg	products containing fruit flavouring, juice or pulp or orange peel extract only
444	Sucrose acetate isobutyrate	200	mg/kg	

445	Glycerol esters of wood rosins	100	mg/kg	} Clause 4 limits do not apply
480	Dioctyl sodium sulphosuccinate	10	mg/kg	
950	Acesulphame potassium	3000	mg/kg	
951	Aspartame	GMP		
954	Saccharin	150	mg/kg	
955	Sucralose	GMP		
956	Alitame	40	mg/kg	
957	Thaumatococin	GMP		
961	Neotame	GMP		
962	Aspartame-acesulphame salt	6800	mg/kg	

[5] *Standard 1.3.2 is varied by inserting in the Table to clause 3 –*

Formulated Beverages	600 mL	Folate	50 µg (25%)
		Vitamin C	40 mg (100%)
		Carotene forms of Vitamin A	200 µg (25%)
		Niacin	2.5 mg (25%)
		Thiamin-	0.28 mg (25%)
		Riboflavin	0.43 mg (25%)
		Calcium	200 mg (25%)
		Iron	3.0 mg (25%)
		Magnesium	80 mg (25%)
		Vitamin B6	0.4 mg (25%)
		Vitamin B12	0.5 µg (25%)
		Vitamin D	2.5 µg (25%)
		Vitamin E	2.5 mg (25%)
		Iodine	38 µg (25%)
Pantothenic acid	1.3 mg (25%)		
Selenium	17.5 µg (25%)		

[6] *Standard 1.3.4 is varied by omitting from the Schedule –*

**Specification for tall oil phytosterols derived from tall oils**

Tall oil phytosterols (non-esterified) are derived from tall oil soap, a by-product of the pulping process and then purified.

Total Phytosterol/phytostanol content (%)	min. 95
Loss on drying (water (%))	max. 5.0
Solvents (%)	max. 0.5
Residue on ignition (%)	max. 0.1
Total Heavy metals (ppm)	max. 10
Cadmium (ppm)	max. 1.0
Mercury (ppm)	max. 1.0
Arsenic (ppm)	max. 2.0
Lead (ppm)	max. 0.25
Total aerobic count (CFU/g)	max. 10,000
Combined moulds and yeasts (CFU/g)	max. 100
Coliforms	Negative to test
<i>E. coli</i>	Negative to test
<i>Salmonella</i>	Negative to test

Major Sterol profile (%) as below –		
Campesterol	min. 4.0	max. 25.0
Campestanol	min. 0.0	max. 14.0
β-Sitosterol	min. 36.0	max. 79.0
β-Sitostanol	min. 6.0	max. 34

*substituting –*

**Specification for tall oil phytosterols derived from tall oils**

Tall oil phytosterols (non-esterified) are derived from tall oil soap, a by-product of the pulping process and then purified.

Total Phytosterol/phytostanol content (%)	min. 97
Loss on drying (water (%))	max. 4.0
Solvents (%)	max. 0.5
Residue on ignition (%)	max. 0.1
Total Heavy metals (ppm)	max. 2
Cadmium (ppm)	max. 0.1
Mercury (ppm)	max. 0.1
Arsenic (ppm)	max. 0.1
Lead (ppm)	max. 0.1
Total aerobic count (CFU/g)	max. 10,000
Combined moulds and yeasts (CFU/g)	max. 100
Coliforms	Negative to test
<i>E. coli</i>	Negative to test
<i>Salmonella</i>	Negative to test

Major Sterol profile (%) as below –		
Campesterol	min. 4.0	max. 25.0
Campestanol	min. 0.0	max. 14.0
β-Sitosterol	min. 36.0	max. 79.0
β-Sitostanol	min. 6.0	max. 34

Minor sterols (%) max. 3.0

[7] **Standard 1.5.1** is varied by –

[7.1] *omitting from the* Table to clause 2 –

Phytosterol esters	<p>The requirements in clause 2 of Standard 1.2.3.</p> <p>The name ‘phytosterol esters’ or ‘plant sterol esters’ must be used when declaring the ingredient in the ingredient list, as prescribed in Standard 1.2.4.</p> <p>May only be added to food –</p> <p>(1) according to Standards 1.3.4 and 2.4.2; and</p> <p>(2) where the total saturated and trans fatty acids present in the food is no more than 28% of the total fatty acid content of the food.</p>
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Tall oil phytosterols	<p>The requirements in clause 2 of Standard 1.2.3.</p> <p>The name ‘tall oil phytosterols’ or ‘plant sterols’ must be used when declaring the ingredient in the ingredient list, as prescribed in Standard 1.2.4.</p> <p>May only be added to food -</p> <p>(1) according to Standards 1.3.4 and 2.4.2; and</p> <p>(2) where the total saturated and trans fatty acids present in the food is no more than 28% of the total fatty acid content of the food.</p>
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*substituting –*

Phytosterol esters	<p>The requirements in clause 2 of Standard 1.2.3.</p> <p>The name ‘phytosterol esters’ or ‘plant sterol esters’ must be used when declaring the ingredient in the ingredient list, as prescribed in Standard 1.2.4.</p> <p>May only be added to edible oil spreads –</p> <p>(1) according to Standard 2.4.2; and</p> <p>(2) where the total saturated and trans fatty acids present in the food are no more than 28% of the total fatty acid content of the food.</p> <p>May only be added to breakfast cereals, not including breakfast cereal bars, if –</p> <p>(1) the total fibre content of the breakfast cereal is no less than 3 g/50 g serve;</p> <p>(2) the breakfast cereal contains no more than 30g/100g of total sugars; and</p> <p>(3) the total phytosterol ester added is no less than 26g/kg and no more than 32g/kg.</p> <p>Foods to which phytosterol esters have been added may not be used as ingredients in other foods.</p> <p>May only be added to milk in accordance with Standard 2.5.1.</p> <p>May only be added to yoghurt in accordance with Standard 2.5.3.</p>
Tall oil phytosterols	<p>The requirements in clause 2 of Standard 1.2.3.</p> <p>The name ‘tall oil phytosterols’ or ‘plant sterols’ must be used when declaring the ingredient in the ingredient list, as prescribed in Standard 1.2.4.</p> <p>May only be added to edible oil spreads –</p> <p>(1) according to Standard 2.4.2; and</p> <p>(2) where the total saturated and trans fatty acids</p>

	<p>present in the food is no more than 28% of the total fatty acid content of the food.</p> <p>May only be added to milk in accordance with Standard 2.5.1.</p> <p>Foods to which tall oil phytosterols have been added may not be used as ingredients in other foods.</p>
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[7.2] *omitting from the Editorial note after the Table to clause 2 –*

The Table to Clause 2 contains conditions relating to novel foods. Nothing contained in this Code permits the mixing of phytosterol esters and tall oil phytosterols.

[8] *Standard 2.5.1 is varied by inserting after the Editorial note to clause 4 –*

## 5 **Phytosterol Esters**

Phytosterol esters may only be added to milk –

- (a) such that the milk contains no more than 1.5 g total fat per 100 g; and
- (b) that is supplied in a package, the labelled volume of which is no more than 1 litre; and
- (c) where the total phytosterol ester added is no less than 5.2 g/litre of milk and no more than 6.4g/litre of milk.

## 6 **Tall oil phytosterols**

Tall oil phytosterols may only be added to milk –

- (a) such that the milk contains no more than 1.5 g total fat per 100 g; and
- (b) that is supplied in a package, the labelled volume of which is no more than 1 litre; and
- (c) where the total tall oil phytosterol added is no less than 3.2 g/litre of milk and no more than 4.0 g/litre of milk.

[9] *Standard 2.5.3 is varied by inserting after the Editorial note to clause 3 –*

## 4 **Phytosterol Esters**

Phytosterol esters may only be added to yoghurt –

- (a) such that the yoghurt contains no more than 1.5 g total fat per 100 g; and
- (b) that is supplied in a package, the capacity of which is no more than 200 g; and
- (c) where the total phytosterol ester added is no less than 1.3 g and no more than 1.6 g.

[10] *Standard 2.6.2 is varied by –*

[10.1] *omitting from the Purpose –*

The Standard defines a number of products and sets certain compositional requirements for packaged water, electrolyte drinks and brewed soft drinks.

*substituting –*

The Standard defines a number of products and sets certain compositional requirements for packaged water, electrolyte drinks, brewed soft drinks and formulated beverages.

[10.2] *inserting in the* Table of Provisions

9 Composition of formulated beverages

[10.3] *inserting in clause 1 –*

**Formulated beverage** means a non-carbonated, water-based flavoured beverage that contains added vitamins and/or minerals, prepared from one or more of the following –

- (a) water; and
- (b) fruit juice; and
- (c) fruit purée; and
- (d) concentrated fruit juice; and
- (e) concentrated fruit purée; and
- (f) comminuted fruit; and
- (g) orange peel extract; and
- (h) mineral water; and
- (i) sugars.

[10.4] *inserting after the* Editorial note *to clause 8 –*

## **9 Composition of formulated beverages**

(1) A formulated beverage must contain no more than –

- (a) 240 mL/L of fruit prepared from any of the sources specified in the definition for formulated beverage in paragraphs 1(b) to (g); and
- (b) 75 g/L of sugars.

(2) A formulated beverage must not contain –

- (a) carbon dioxide; or
- (b) caffeine.

(3) A formulated beverage must not be mixed with other beverages.

### **Editorial note:**

Formulated beverages are liquid products which are sold in a form designed to be consumed as is, that is, without the need to reconstitute or add further ingredients.