

Australia New Zealand Food Standards Code – Amendment No. 95 – 2007

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. 95 – 2007*.

Commencement

These variations commence on 13 December 2007.

Note: These variations were published in the Commonwealth of Australia *Food Standards Gazette* No. FSC 37 on 13 December 2007.

SCHEDULE

[1] *Standard 1.4.2 is varied by omitting from Schedule 1 all entries for the following chemicals –*

Avoparcin
Oxolinic acid

[2] *Standard 1.5.1 is varied by –*

[2.1] *omitting the second paragraph of the Purpose*

[2.2] *omitting clause 1, substituting –*

1 Definitions

In this Standard –

non-traditional food means –

- (a) a food that does not have a history of human consumption in Australia or New Zealand; or
- (b) a substance derived from a food, where that substance does not have a history of human consumption in Australia or New Zealand other than as a component of that food; or

- (c) any other substance, where that substance, or the source from which it is derived, does not have a history of human consumption as a food in Australia or New Zealand.

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

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

[2.3] *omitting the Editorial note after clause 1, substituting –*

Editorial Note:

Novel food includes novel foods used as ingredients in another food.

Possible categories of novel foods are described in the Authority's guidelines. Categories of novel foods may include, but are not limited to: plants or animals and their components; plant or animal extracts; herbs, including extracts; dietary macro-components; single chemical entities; micro-organisms, including probiotics; foods produced from new sources, or by a process not previously applied to food.

[2.4] *inserting after clause 2 –*

3 Exclusive use of novel foods

(1) Despite clause 2, the novel food listed in column 1 of the Table to this clause may be sold as food or for use as a food ingredient for an exclusive period in the brand of food listed in column 2, in the class of food listed in column 3 and subject to the novel food complying with the conditions of use, if any, listed in column 4.

(2) The exclusive period commences on gazettal of the variation of this Standard to the Table to this clause.

(3) At the end of the exclusive period the novel food listed in column 1 of the Table to this clause, in the class of food listed in column 3 and the conditions of use, if any listed in column 4 is taken to continue as a novel food under clause 2 of this Standard.

(4) For the purpose of this clause, 'exclusive period' means the period of 15 months' exclusive use of the novel food listed in column 1 of the Table to this clause in the brand listed in column 2 and the class of food listed in column 3.

Table to clause 3

Column 1	Column 2	Column 3	Column 4
Novel Food	Brand	Class of Food	Conditions of Use

Editorial note:

Clause 3 of this Standard will be reviewed after 3 years and before 5 years from gazettal of this Standard in accordance with the request of the Ministerial Council on 4 May 2007 for review under section 113 of the *Food Standards Australia New Zealand Act 1991*.

Under subclause 3 the exclusive use permission reverts to a general permission under clause 2, after the 15-month period (exclusive period) has expired. The Table to clause 2 and the Table to clause 3 will be updated to reflect the operation of subclause 3. Note that the class of food and conditions of use, if any in the Table to clause 3 will be inserted in column 2 of the Table to clause 2.

For information purposes only, the exclusive period for the following novel foods listed in column 1 of the Table to clause 3 are as follows:

Novel food + gazettal commencement date + 15 months/end date

[3] *Standard 2.9.1 of the Australia New Zealand Food Standards Code is varied by omitting from sub clause 23(d) of approximately 2 substituting –*

that is not less than 1