AUSTRALIA NEW ZEALAND FOOD AUTHORITY

VARIATIONS TO THE *FOOD STANDARDS CODE*

(AMENDMENT NO. 55)

1. Preamble

The variations set forth in the Schedule below are variations to the *Food Standards Code* (hereinafter called 'the Code') which was published by the National Health and Medical Research Council in the *Commonwealth of Australia Gazette*, No. P 27, on 27 August 1987, and which has been varied from time to time.

The Schedule contains variations adopted by the Australia New Zealand Food Standards Council in July and August 2001.

These variations are published pursuant to section 32 of the *Australia New Zealand Food Authority Act 1991*.

2. Citation

These variations may be collectively known as *Amendment No. 55* to the Code.

3. Commencement

These variations commence on the date of gazettal, with the exception of Items [6] and [18] which will commence on 16 September 2001.

4. Correction of Typographical Error

Amendment 54 published on 14 June 2001 contained a typographical error on page 3 (Item [1.3]). The reference to the Formula weight for Bromo-chloro-dimethylhydantoin should read ‘241.5’ not ‘41.5’.

Note: These variations were published in the Commonwealth of Australia Gazette No. P 23 on 30 August 2001.

SCHEDULE

[1] ***Standard A1*** *is varied by –*

[1.1] *inserting in columns 1 and 2 respectively of the Schedule* Part 1, Food Additive Code Numbers (Alphabetical Order)*, immediately following the entry for* Natamycin –

Neotame	Number pending

[1.2] *inserting in columns 1 and 2 respectively of the Schedule* Part 2, Food Additive Code Numbers (Numerical Order)*, immediately before the entry for* Curcumin –

Neotame	Number pending

[2] ***Standard A5*** *is varied by omitting clause 2A, paragraphs (a) and (b) and associated note.*

[3] ***Standard A11*** *is varied by –*

[3.1] *inserting in columns 1 and 2 respectively of the Schedule, immediately following the entry for* Natamycin –

Neotame Addendum 10

[3.2] *inserting immediately following* ADDENDUM 9, SPECIFICATIONS FOR PHYTOSTEROL ESTERS DERIVED FROM VEGETABLE OILS**,** *the following –*

ADDENDUM 10

SPECIFICATION FOR NEOTAME

Neotame (CAS Number 165450-17-9) is a dipeptide methyl ester derivative, and is prepared by the reductive alkylation of N-L-α-aspartyl-L-phenylalanine 1-methyl ester (aspartame).

Formula:	$C_{20}H_{30}N_2O_5$
Molecular Weight:	378.47

Physical Tests

Appearance:	Powder
Colour:	White to off-white
Solubility in water:	4.75% (w/w) at 60°C, soluble in ethanol and ethyl acetate
Refractive index: (0.5% aqueous solution of Neotame at 20°C)	1.3338
pH: (0.5% aqueous solution of Neotame at 20°C)	5.80
Octanol/H_2O Partition coefficient:	$Log_{10}P=0.917$
pK_a:	3.03/8.08

Chemical

Melting Range:	80.9°C – 83.4°C
Assay:	Not less than 97.0% and not more than 102% of Neotame calculated on a dry basis.
N-(3,3-dimethylbutyl)-L -α-aspartyl-L-phenylalanine:	Not more than 1.5%
Lead (Pb):	Not more than 2 mg/kg
Other Related Substances:	Not more than 2.0%
Water:	Not more than 5.0%
Residue on Ignition:	Not more than 0.2%
Specific Rotation:	$[\alpha]^{20°}$: between –40.0° and –43.4°, calculated on a dried basis.

[4] ***Standard A14*** *is varied by -*

[4.1] *inserting in columns 1 and 2 respectively of Schedule 1 each chemical (shown in bold type) and its associated food and maximum residue limit for that food listed below -*

Sulphadoxine		
Cattle milk	0.1	
Edible offal (mammalian)	0.1	
Meat (mammalian)		0.1

[4.2] *omitting from columns 1 and 2 respectively of Schedule 1 in relation to each chemical (shown in bold type), the food and maximum the maximum residue limit shown below -*

Neomycin		
Milks (in the fat)		0.02
Oxytetracycline		
Salmon, Pacific		0.2

[4.3] *inserting in columns 1 and 2 respectively of Schedule 1 each chemical (shown in bold type) and its associated food and maximum residue limit for that food, listed below -*

Chlortetracycline		
Cattle kidney	0.6	
Cattle liver	0.3	
Eggs	0.2	
Pig kidney	0.6	
Pig liver	0.3	
Lincomycin		
Cattle milk	0.02	
Eggs	0.2	
Poultry, edible offal of	0.1	
Poultry meat		0.1
Neomycin		
Milk	0.5	
Oxytetracycline		
Kidney of cattle, goats, pigs and sheep	0.6	
Liver of cattle, goats, pigs and sheep		0.3
Salmonids	0.2	
Spectinomycin		
Eggs	2	
Sulphadiazine		
Cattle milk	0.1	
Virginiamycin		
Sheep, edible offal of	0.2	
Sheep meat	0.1	

[4.4] *omitting from column 2 of Schedule 1 the maximum residue limit in relation to each chemical (shown in bold type) and each food, substituting the maximum residue limit shown below -*

Lasalocid	
Edible offal (mammalian)	0.7

Lincomycin		
Edible offal (mammalian)		
[except sheep, edible offal of]	0.2	
Meat (mammalian)		
[except sheep meat]	0.2	
Oxytetracycline		
Meat (mammalian)		0.1
Poultry, edible offal of		0.6
Poultry meat		0.1
Spectinomycin		
Poultry, edible offal of	1	
Poultry meat	1	

[5] ***Standard A18*** *is varied by inserting into column 1 of the Table to clause 2 –*

Food derived from insect and potato leafroll virus-protected potato lines RBMT21-129, RBMT21-350, and RBMT22-82.

Food derived from insect and potato virus Y-protected potato lines RBMT15-101, SEM15-02 and SEM15-15.

Food derived from insect-protected Bt-176 corn.

Food derived from insect-protected, glufosinate ammonium-tolerant Bt-11 corn.

Food derived from insect-protected potato lines BT-06, ATBT04-06, ATBT04-31, ATBT04-36, and SPBT02-05

[6] ***Standard C1*** *is varied by* -

[6.1] *inserting immediately after the Standard Heading* Meat, Game Meat and Related Products –

Subclauses 7(2) and 7(3) are Australia Only provisions

[6.2] *inserting immediately following subclause 7(1)* -

(2) Subject to subclause (3), bovine meat and food ingredients derived from bovines must be derived from animals free of bovine spongiform encephalopathy.

(3) Subclause (2) does not apply to -

(a) collagen from bovine skins and hides (including sausage casings produced from this type of collagen;
(b) bovine fats and bovine tallows;
(c) gelatine sourced from bovines; and
(d) milk and other dairy products sourced from bovines.

Editorial note:

Subclauses 7(1) and (2) apply exclusively for Australian purposes. Bovine products imported for sale in New Zealand are regulated by the New Zealand Food Standards.

[7] ***Standard 1.3.1 of Volume 1*** *is varied by –*

[7.1] *deleting the* Purpose *commentary and substituting –*

A food additive is any substance not normally consumed as a food in itself and not normally used as an ingredient of food, but which is intentionally added to a food to achieve one or more of the technological functions specified in Schedule 5. It or its by-products may remain in the food. Food additives are distinguishable from processing aids (see Standard 1.3.3) and vitamins and minerals added to food for nutritional purposes (see Standard 1.3.2).

This Standard regulates the use of food additives in the production and processing of food. A food additive may only be added to food where expressly permitted in this standard. Additives can only be added to food in order to achieve an identified technological function according to Good Manufacturing Practice.

Standard A11 prescribes standards for the identity and purity of food additives.

[8] ***Standard 1.1.2*** *is amended by -*

[8.1] *deleting the definition of chocolate under* Interpretation*, substituting -*

chocolate means the confectionery product characterised by the presence of cocoa bean derivatives –

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

[8.2] *inserting –*

peanut butter means a peanut based spread containing no less than 850 g/kg of peanuts.

[9] ***Standard 1.2.1*** *is varied by omitting paragraph 2(2)(l), substituting –*

(l) subclause 3(2) of Standard 2.6.3; and
(m) subclause 3(3) of Standard 2.6.4; and
(n) subclause 3(4) of Standard 2.6.4.

[10] ***Standard 1.2.4*** *is varied by –*

[10.1] *inserting in columns 1 and 2 respectively of Schedule 2,* Part 1, Food Additive Code Numbers (alphabetical order)*, immediately following the entry for* Natamycin or pimaricin –

Neotame -

[10.2] *inserting in columns 1 and 2 respectively of Schedule 1,* Part 2, Food Additive Code Numbers (numerical order)*, immediately before the entry for* Curcumin –

Neotame -

[11] ***Standard 1.2.8*** *is varied by –*

[11.1] *inserting in clause 1, immediately following the definition of* carbohydrate -

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

(a) are resistant to the digestion and absorption in the small intestine, usually with complete or partial fermentation in the large intestine; and
(b) promote one or more of the following beneficial physiological effects -

(i) laxation;
(ii) reduction in blood cholesterol;
(iii) modulation of blood glucose;

and includes polysaccharides, oligosaccharides (degree of polymerisation > 2) and lignins.

[11.2] *deleting subclause 5(5), substituting* -

(5) The nutrition information panel must include a declaration of the presence or absence of dietary fibre in accordance with subclause (7), where a nutrition claim is made in respect of -

(a) fibre; or
(b) any specifically named fibre; or
(c) sugars; or
(d) any other type of carbohydrate.

Editorial note:

Absence of dietary fibre must be declared as zero (0).

[11.3] *deleting clause 18, substituting* -

18 Methods of analysis to determine total dietary fibre and specifically named fibre content of food

(1) Subject to subclause (2), the methods set out in the Table to this subclause are the prescribed methods of analysis for the determination of total dietary fibre and any specifically named fibre content of food for the purposes of nutrition labelling in this standard.

Table to subclause 18(1)

Column 1	Column 2
Food Component	**Method of analysis**
Total dietary fibre	Section 985.29 of the A.O.A.C, 17th Edition (2000), or Section 991.43 of the A.O.A.C, 17th Edition (2000).
Inulin and fructooligosaccharide	Section 997.08 of the A.O.A.C, 17th Edition (2000)
Inulin	Section 999.03 of the A.O.A.C, 17th Edition (2000)

(2) The results obtained using the analytical methods outlined in column 2 of the Table to subclause 18(1) must be summed together after ensuring that there is no double counting of any specifically named fibre.

Editorial note:

For the purposes of subclause 18(2), where a manufacturer chooses to include a specifically named fibre in the declaration of dietary fibre, the manufacturer must first work out which food components in column 1 are present in the food and then use the appropriate methods of analysis in column 2, or in the case of total dietary fibre, choose which method of analysis to use. The results of the chosen methods of analysis are then added together. If any substance has been measured by more than one analysis, then allowance must then be made by discounting for double counting of that amount to arrive at the total figure.

For example, the dietary fibre content of a cereal bar with added inulin is calculated by adding the result of the analysis for total dietary fibre, using one of the two possible methods of analysis, to the result of the analysis for inulin, and subtracting from the total that part of the inulin content that was included in the result of the analysis for total dietary fibre.

[12] ***Standards 1.3.1 of Volumes 1 and 2*** *are varied by -*

[12.1] *omitting the maximum level of* 290 mg/kg *in relation to the entry for* preserved cherries known as maraschino cherries, cocktail cherries or glace cherries *in item 4.3 of Schedule 1, and substituting –*

200 mg/kg

[12.2] *inserting in columns 1 and 2 respectively of Schedule 2* (Alphabetical listing), *immediately following the entry for* Monostarch phosphate –

- Neotame (technological use consistent with clause 4 only)

[12.3] *inserting in columns 1 and 2 respectively of Schedule 2 (*Numeric listing*), immediately before the entry for* Calcium carbonates –

- Neotame (technological use consistent with clause 4 only)

[13] ***Standard 1.3.1 of Volume 2*** *is varied by deleting the* Purpose *commentary and substituting –*

A food additive is any substance not normally consumed as a food in itself and not normally used as an ingredient of food, but which is intentionally added to a food to achieve one or more of the technological functions specified in Schedule 5. It or its by-products may remain in the food. Food additives are distinguishable from processing aids (see Standard 1.3.3) and vitamins and minerals added to food for nutritional purposes (see Standard 1.3.2).

This Standard regulates the use of food additives in the production and processing of food. A food additive may only be added to food where expressly permitted in this standard. Additives can only be added to food in order to achieve an identified technological function according to Good Manufacturing Practice.

[14] ***Standard 1.3.2*** *is varied by inserting into the* Purpose*, immediately after the words* Standard 2.4.2 –

, the addition of vitamins to formulated caffeinated beverages in Standard 2.6.4

[15] ***Standard 1.3.4*** *is varied by inserting in the Schedule, immediately following* Specification for phytosterol esters derived from vegetable oils –

Specification for Neotame

Neotame (CAS Number 165450-17-9) is a dipeptide methyl ester derivative, and is prepared by the reductive alkylation of N-L-α-aspartyl-L-phenylalanine 1-methyl ester (aspartame).

Formula:	$C_{20}H_{30}N_2O_5$
Molecular Weight:	378.47

Physical Tests

Appearance:	Powder
Colour:	White to off-white
Solubility in water:	4.75% (w/w) at 60°C, soluble in ethanol and ethyl acetate
Refractive index: (0.5% aqueous solution of Neotame at 20°C)	1.3338
pH: (0.5% aqueous solution of Neotame at 20°C)	5.80
Octanol/H_2O Partition coefficient:	$Log_{10}P=0.917$
pK_a:	3.03/8.08

Chemical

Melting Range:	80.9°C – 83.4°C
Assay:	Not less than 97.0% and not more than 102% of Neotame calculated on a dry basis.
N-(3,3-dimethylbutyl)-L -α-aspartyl-L-phenylalanine:	Not more than 1.5%
Lead (Pb):	Not more than 2 mg/kg
Other Related Substances:	Not more than 2.0%
Water:	Not more than 5.0%
Residue on Ignition:	Not more than 0.2%

Specific Rotation: $[\alpha]^{20^\circ}$: between –40.0° and –43.4°, calculated on a dried basis.

[16] ***Standard 1.4.2*** *is varied by -*

[16.1] *inserting in columns 1 and 2 respectively of Schedule 1 each chemical (shown in bold type) and its associated food and maximum residue limit for that food, listed below -*

SULPHADOXINE SULPHADOXINE	
CATTLE MILK	0.1
EDIBLE OFFAL (MAMMALIAN)	0.1
MEAT (MAMMALIAN)	0.1

[16.2] *omitting from columns 1 and 2 respectively of Schedule 1, in relation to each chemical (shown in bold type), the food and maximum the maximum residue limit shown below -*

NEOMYCIN INHIBITORY SUBSTANCE, IDENTIFIED AS NEOMYCIN	
MILKS (IN THE FAT)	*0.02
OXYTETRACYCLINE INHIBITORY SUBSTANCE, IDENTIFIED AS OXYTETRACYCLINE	
SALMON, PACIFIC	T*0.2

[16.3] *inserting in columns 1 and 2 respectively of Schedule 1 each chemical (shown in bold type) and its associated food and maximum residue limit for that food, listed below -*

CHLORTETRACYCLINE INHIBITORY SUBSTANCE, IDENTIFIED AS CHLORTETRACYCLINE	
CATTLE KIDNEY	0.6
CATTLE LIVER	0.3
EGGS	0.2
PIG KIDNEY	0.6
PIG LIVER	0.3
LINCOMYCIN INHIBITORY SUBSTANCE, IDENTIFIED AS LINCOMYCIN	
CATTLE MILK	0.02
EGGS	0.2
POULTRY, EDIBLE OFFAL OF	0.1
POULTRY MEAT	0.1
NEOMYCIN INHIBITORY SUBSTANCE, IDENTIFIED AS NEOMYCIN	
MILK	0.5

OXYTETRACYCLINE INHIBITORY SUBSTANCE, IDENTIFIED AS OXYTETRACYCLINE	
KIDNEY OF CATTLE, GOATS, PIGS AND SHEEP	0.6
LIVER OF CATTLE, GOATS, PIGS AND SHEEP	0.3
SALMONIDS	0.2
SPECTINOMYCIN INHIBITORY SUBSTANCE, IDENTIFIED AS SPECTINOMYCIN	
EGGS	2
SULPHADIAZINE SULPHADIAZINE	
CATTLE MILK	0.1
VIRGINIAMYCIN INHIBITORY SUBSTANCE, IDENTIFIED AS VIRGINIAMYCIN	
SHEEP, EDIBLE OFFAL OF	0.2
SHEEP MEAT	0.1

[16.4] *omitting from column 2 of Schedule 1 the maximum residue limit in relation to each chemical (shown in bold type) and each food, substituting the maximum residue limit shown below -*

LASALOCID LASALOCID	
EDIBLE OFFAL (MAMMALIAN)	0.7
LINCOMYCIN INHIBITORY SUBSTANCE, IDENTIFIED AS LINCOMYCIN	
EDIBLE OFFAL (MAMMALIAN) [EXCEPT SHEEP, EDIBLE OFFAL OF]	0.2
MEAT (MAMMALIAN) [EXCEPT SHEEP MEAT]	0.2
OXYTETRACYCLINE INHIBITORY SUBSTANCE, IDENTIFIED AS OXYTETRACYCLINE	
MEAT (MAMMALIAN)	0.1
POULTRY, EDIBLE OFFAL OF	0.6
POULTRY MEAT	0.1
SPECTINOMYCIN INHIBITORY SUBSTANCE, IDENTIFIED AS SPECTINOMYCIN	
POULTRY, EDIBLE OFFAL OF	1
POULTRY MEAT	1

[17] ***Standard 1.5.2*** *is varied by inserting into column 1 of the Table to clause 2 -*

Food derived from insect and potato leafroll virus-protected potato lines RBMT21-129, RBMT21-350, and RBMT22-82.

Food derived from insect and potato virus Y-protected potato lines RBMT15-101, SEM15-02 and SEM15-15.

Food derived from insect-protected Bt-176 corn.

Food derived from insect-protected, glufosinate ammonium-tolerant Bt-11 corn.

Food derived from insect-protected potato lines BT-06, ATBT04-06, ATBT04-31, ATBT04-36, and SPBT02-05

[18] ***Standard 2.2.1*** *is varied by* -

[18.1] *inserting immediately after the Standard Heading* Meat and Meat Products -

Clause 11 is an Australia only provision

[18.2] *inserting immediately following clause 10* -

11 Meat and meat products must be derived from cattle free of bovine spongiform encephalopathy

(1) Subject to subclause (2), bovine meat and food ingredients derived from bovines must be derived from animals free from bovine spongiform encephalopathy.

(2) Subclause (1) does not apply to -

(a) collagen from bovine skins and hides (including sausage casings produced from this type of collagen; and
(b) bovine fats and bovine tallows; and
(c) gelatine sourced from bovines; and
(d) milk and other dairy products sourced from bovines.

Editorial note:

Clause 11 applies exclusively for Australian purposes. Bovine products imported for sale in New Zealand are regulated by the New Zealand Food Standards.

[19] ***Volume 2*** *is amended by inserting immediately following Standard 2.3.1* -

STANDARD 2.3.2

JAM AND RELATED PRODUCTS

Purpose

This Standard defines jam and marmalade and includes compositional requirements for the manufacture of those products.

Table of Provisions

Clauses

1 Interpretation

In this Code -

jam means the product prepared by processing one or more of the following –

(a) fruit; and
(b) sugars or honey; and
(c) fruit juice; and
(d) concentrated fruit juice; and
(e) water extracts of fruit;

and includes conserve, but excludes marmalade.

2 Composition of jam

(1) Each kilogram of jam must be made from no less than 400 grams of the fruit or fruits named in the label.

(2) Jam must contain no less than 650 g/kg of water-soluble solids.

[20] ***Standard 2.5.1*** *is varied by-*

[20.1] *deleting the Table to subclause 2(1), substituting –*

Table to subclause 2(1)

Column 1	Column 2
milkfat	minimum 32 g/kg
protein (measured as crude protein)	minimum 30 g/kg

[20.2] *deleting the Table to subclause 3(1) of Standard 2.5.1, substituting –*

Table to subclause 3(1)

Column 1	Column 2
milkfat	maximum 1.5 g/kg
protein (measured as crude protein)	minimum 30 g/kg

[21] ***Standard 2.5.2*** *is varied by deleting subclause 2(1), substituting -*

(1) Subject to subclause (2), cream must contain no less than 350 g/kg of milk fat.

[22] ***Standard 2.5.3*** *is varied by deleting the Table to subclause 2(3), substituting –*

Table to subclause 2(3)

Column 1	**Column 2**
Component or parameter	**Proportion**
protein (measured as crude protein)	minimum 30 g/kg
pH	maximum 4.5
microorganisms from the added culture	minimum 1 000 000 cfu/g

[23] ***Standard 2.5.6*** *varied by deleting clause 1 and clause 2, substituting -*

1 Interpretation

In this Code –

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

2 Composition

Ice cream must contain no less than –

(a) 100 g/kg of milk fat; and
(b) 168 g/litre of food solids.

[24] ***Standard 2.6.1*** *is varied by deleting clause 2, inserting –*

2 Composition

Fruit juice or vegetable juice may have added to it any of the following foods –

(a) for vegetable juice, sugars;
(b) for fruit juice, no more than 40 g/kg of sugars; and
(c) salt; and
(d) herbs and spices.

[25] ***Volume 2*** *is amended by deleting Standard 2.6.2 substituting -*

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STANDARD 2.6.2

NON-ALCOHOLIC BEVERAGES AND BREWED SOFT DRINKS

Purpose

This Standard deals with packaged waters and water-based beverages which contain food additives and in certain cases, nutritive substances. The Standard defines a number of products and sets certain compositional requirements for packaged water, electrolyte drinks and brewed soft drinks. Labelling requirements specific to electrolyte drinks are included in this Standard. This Standard also prohibits the labelling or presentation of non-alcoholic beverages in such a way as to suggest the product is an alcoholic beverage.

Table of Provisions

Clauses

1 Interpretation

In this Code –

brewed soft drink means the product prepared by a fermentation process from water with fruit and/or vegetable extractives or fruit and/or vegetable infusions, and sugar.

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.

fruit drink means a product prepared from one or more of the following -

(a) fruit juice; and
(b) fruit purée; and
(c) concentrated fruit juice; and
(d) concentrated fruit puree; and
(e) comminuted fruit; and
(f) orange peel extract; and
(g) water; and

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(h) mineral water; and
(i) mineralised water.

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 means -

(a) packaged water; or
(b) a water-based beverage which may or may not contain other foods, except for alcoholic beverages; or
(c) electrolyte drinks.

2 Composition of packaged water

(1) Water presented in packaged form may or may not contain added carbon dioxide.

(2) Water presented in packaged form must not contain the substances listed in column 1 of the Table in greater corresponding proportion than that specified in column 2 of the Table to this subclause.

Table to subclause (2)2

Column 1	Column 2 mg/L
Arsenic	0.05
Barium	1.0
Borate	30 (calculated as H_3BO_3)
Cadmium	0.01
Chromium VI	0.05
Copper	1.0
Cyanide	0.01 (calculated as CN^-)
Fluoride	2.0 (calculated as F^-)
Lead	0.05
Manganese	2.0
Mercury	0.001
Nitrate	45 (calculated as NO_3^-)
Nitrite	0.005 (calculated as NO_2^-)
Organic matter	3.0 ($KMnO_3$ digested as O_2)
Selenium	0.01
Sulphide	0.05 (calculated as H_2S)
Zinc	5.0

3 Composition of brewed soft drink

Brewed soft drink must contain no more than 1.15% alcohol/volume.

4 Composition of fruit drinks

Fruit drinks must contain no less than 50 mL/L of fruit, except in the case of passionfruit drink which must contain no less than 35 mL/L of passionfruit, prepared from any of the sources specified in the definition for fruit drink in paragraphs 1(a) to (f).

5 Non alcoholic beverages not to be labelled/presented as alcoholic beverages

Non alcoholic beverages 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.

6 Composition of electrolyte drinks and electrolyte drink bases

(1) An electrolyte drink, or an electrolyte drink base when made up, must contain no less than 10 mmol/L of sodium.

(2) An electrolyte, or an electrolyte drink base when made up according to directions, must contain –

(a) no less than 50 g/L and no more than 100 g/L total -

(i) glucose syrup; and
(ii) dextrose; and
(iii) fructose; and
(iv) maltodextrin; and

(b) no more than 50 g/L fructose.

(3) An electrolyte drink, or an electrolyte drink base when made up, may contain:

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

7 Labelling of electrolyte drinks and electrolyte drink bases

The label on a package of electrolyte drink or electrolyte drink base, must include a declaration, as ready to drink -

(a) the average per 100 mL -

(i) energy value; and

(ii) total carbohydrate present, including each type of monosaccharide and disaccharide; and
(iii) milligrams and millimoles of the added minerals and electrolytes; and

(b) the recommended volume and frequency of use.

Editorial note:

When determining the values to be included in the declaration in this clause, it should be done so on the basis that the water added to the electrolyte drink base, to make up the electrolyte drink does not contribute to the declared values.

8 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 milliOsmol/L.

(2) Where a claim is made that an electrolyte drink is isotonic, hypertonic or hypotonic, the osmolality of the electrolyte drink as measured in milliOsmol/L must be declared on the label of the package.

(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.

Editorial note:

A claim that an electrolyte drink is isotonic is not considered a nutrition claim for the purposes of Standard 1.2.8 of this Code.

For New Zealand purposes, if a claim is made on a product under subclause 7(3), the claim would contravene the New Zealand Medicines Act, unless the claim has been approved by the Minister.

[26] ***The Food Standards Code*** *is varied by inserting immediately following Standard 2.6.3 -*

Standard 2.6.4

Formulated Caffeinated Beverages

Purpose

The purpose of this Standard is to regulate non-alcoholic water-based flavoured formulated caffeinated beverages that are manufactured for the purpose of enhancing mental performance.

Table of Provisions

1 Interpretation

In this Standard –

caffeine means all caffeine present from whatever source in a formulated caffeinated beverage.

formulated caffeinated beverage means a non-alcoholic water-based flavoured beverage which contains caffeine and may contain carbohydrates, amino acids, vitamins and other substances, including other foods, for the purpose of enhancing mental performance.

one day quantity in relation to formulated caffeinated beverage, means the maximum amount of that food that should be consumed in one day in accordance with the directions specified in the label.

2 Composition

(1) A formulated caffeinated beverage must contain no less than 145 mg/L and no more than 320 mg/L of caffeine.

Editorial note:

Standard 1.3.1 (Item 14.1.3 of Schedule 1) regulates food additives for the purposes of this standard.

The addition of caffeine to formulated caffeinated beverages goes beyond a technological function under Standard 1.3.1 and, therefore, the permission for the addition of caffeine is located in this Standard rather than in Standard 1.3.1.

(2) A formulated caffeinated beverage may contain the substances listed in column 1 of the Table to this subclause, provided the amount of that substance present in the food is no more than the amount specified in relation to that substance in column 2 of the Table.

Table to subclause 2(2)

Column 1	Column 2
Substance	**Maximum amount per one-day quantity**
Thiamin	40 mg
Riboflavin	20 mg
Niacin	40 mg
Vitamin B_6	10 mg
Vitamin B_{12}	10 µg
Pantothenic acid	10 mg
Taurine	2000 mg

Glucuronolactone	1200 mg
Inositol	100 mg

(3) A formulated caffeinated beverage must not be mixed with a non-alcoholic beverage as standardised under Standard 2.6.2.

Editorial note:

Other foods such as herbal substances may be added to formulated caffeinated beverages unless this is proscribed elsewhere in the *Food Standards Code*.

Standard 1.4.4 regulates prohibited and restricted plants and fungi, and Standard 1.3.1 regulates food additives.

3 Labelling

(1) The label on a package of formulated caffeinated beverage must include declarations of the average quantities, per serving size and per 100 mL of –

(a) caffeine, expressed in milligrams; and
(b) the substances listed in column 1 of the Table to subclause 2(2) expressed in the units included in column 2 of the Table.

(2) The declarations under subclause 3(1) may be adjacent to or follow a nutrition information panel on the label of a package of formulated caffeinated beverage, provided that the declarations are clearly distinguished from the nutrition information required by Standard 1.2.8.

Editorial note:

An example of the placement of the declarations required under subclause 3(1) adjacent to or following a nutrition information panel as permitted under subclause 3(2) is set out below.

NUTRITION INFORMATION		
Servings per package: (insert number of servings)		
Serving size: 250 mL		
	Quantity per Serving	Quantity per 100 mL
Energy	kJ (Cal)	kJ (Cal)
Protein	g	g
Fat, total	g	g
- saturated	g	g
Carbohydrate, total		
- sugars	g	g
	g	g
Sodium	mg (mmol)	mg (mmol)
COMPOSITION INFORMATION		
Caffeine	mg	mg
Thiamin	mg	mg
Riboflavin	mg	mg
Niacin	mg	mg
Vitamin B_6	mg	mg
Vitamin B_{12}	µg	µg
Pantothenic acid	mg	mg
Taurine	mg	mg
Glucuronolactone	mg	mg
Inositol	mg	mg

(3) The label on a package of formulated caffeinated beverage must include advisory statements to the effect that –

(a) the food contains caffeine; and
(b) the food is not recommended for –

(i) children; and
(ii) pregnant or lactating women; and
(iii) individuals sensitive to caffeine.

(4) The label on a package of formulated caffeinated beverage that contains one or more of the substances in the Table to subclause 2(2) must include an advisory statement to the effect that -

'Consume no more than [amount of one-day quantity (as cans, bottles or mL)] per day'.

(5) Where a formulated caffeinated beverage is not required to bear a label pursuant to clause 2 of Standard 1.2.1, the advisory statements under subclauses 3(3) and 3(4) must be -

(a) displayed on or in connection with the display of the food; or
(b) provided to the purchaser on request.

Editorial note:

The advised one-day quantity is calculated from the permissions in the Table to subclause 2(2) as it relates to the concentration of substances in the product. The substance that yields the lowest equivalent amount will determine the advised consumption limit.

For example:

Column 1	Column 2	Column 3	Column 4
Product X formulation	Concentration (mg/L)	Maximum permitted one-day quantity (refer to Table to subclause 2(2))	Equivalent amount of product X (mL)
Riboflavin	30	20	666
Niacin	80	40	500
Pantothenic acid	15	10	666
Taurine	2000	2000	1000

The equivalent amount in Column 4 is calculated as $\frac{\text{Column 3 x 1000}}{\text{Column 2}}$

In this example niacin presents as the most limiting substance, and therefore, the advised consumption limit for product X would be 500 mL. If product X is packaged in 250 mL cans, the advised consumption limit may also be expressed as 'two cans' – for example –

'consume no more than 500 mL per day' or 'consume no more than two cans per day'.

(6) A formulated caffeinated beverage is not a 'claimable food' in Standard 1.3.2.

(7) The label on a package of formulated caffeinated beverage must not include declarations of the quantities of vitamins present in the food expressed as a proportion or multiple of the -

(a) Recommended Dietary Intakes; or
(b) Estimated Safe and Adequate Daily Dietary Intakes;

of that vitamin.