AUSTRALIA NEW ZEALAND FOOD AUTHORITY

VARIATIONS TO THE *FOOD STANDARDS CODE*

(AMENDMENT NO. 61)

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 June 2002.

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. 61* to the Code.

3. Commencement

These variations commence on 20 December 2002.

Note: These variations were published in the Commonwealth of Australia Gazette No. FSC 3 on 28 June 2002.

SCHEDULE

[1] *The **Food Standards Code** is varied by deleting the* Standards *contained in* Volume 1.

[2] *The **Food Standards Code** is varied by deleting* -

[2.1] Transitional Standard for the operation of Volume 1 and Volume 2 of the Food Standards Code; *and*

[2.2] Standard 1.1.3.

[3] *The **Food Standards Code** is varied by –*

[3.1] *deleting clause 1 of Standard 1.1.1, substituting* -

1 Application of this Code

(1) Unless expressly provided elsewhere in this Code, the provisions of this Code apply to food products -

(a) sold or prepared for sale in Australia and/or New Zealand; and/or
(b) imported into Australia and/or New Zealand.

(2) Unless expressly provided elsewhere in this Code, a food product is taken to comply with any variation to this Code made from time to time, for a period of 12 months after the commencement of the variation, if the food product otherwise complied with this Code before the variation commenced.

(3) Subject to subclause (4) and prior to 20 December 2003, subclause (1) does not apply to food products –

(a) manufactured and packaged prior to 20 December 2002; and
(b) which complied with all applicable food standards in the case of Australia and all applicable food standards or New Zealand *Food Regulations (1984)* in the case of New Zealand as of the date of manufacture or packaging of the food product.

(4) Prior to 20 December 2004, subclause (1) does not apply to food products with a shelf life of more than twelve months –

(a) manufactured and packaged prior to 20 December 2002; and
(b) which complied with all applicable food standards in the case of Australia and all applicable food standards or New Zealand *Food Regulations (1984)* in the case of New Zealand, as of the date of manufacture or packaging of the food product.

(5) For the purposes of a Standard in this Code for which a corresponding transitional Standard in Part 1.1A applies, the reference to 'commencement of the variation' in subclause 2 is a reference to the date when that corresponding Standard in Part 1.1A ceases to have effect.

(6) Prior to 20 December 2003, Part 1.2, other than Standards 1.2.3, those parts of Standard 1.2.5 that refer to 'use-by dates', and 1.2.6, does not apply to food labelled on the premises for retail sale from which it is sold.

[4] *The **Food Standards Code** is varied by inserting immediately following Standard 1.1.1 -*

PART 1.1A TRANSITIONAL STANDARDS

STANDARD 1.1A.1

TRANSITIONAL STANDARD FOR INFANT FORMULA PRODUCTS

Purpose

In Australia, this Standard incorporates Standard R7 of the former Australian Food Standards Code, and operates as a transitional alternative standard to Standard 2.9.1 for a period of two years from the commencement of Standard 2.9.1. During this time, infant formula products must comply with Division 2 of this Standard or Standard 2.9.1 of this Code.

In New Zealand, this Standard incorporates Standard R7 of the Australian Food Standards Code and Regulation 242 of the New Zealand *Food Regulations (1984)*, and operates to allow Standard R7 and Regulation 242, as transitional alternative standards to Standard 2.9.1 for a period of two years from the commencement of Standard 2.9.1. During this time, infant formula products must comply with Division 2 or 3 of this Standard or Standard 2.9.1 of this Code.

'Stock-in-trade' provisions contained in Standard 1.1.1 should also be referred to.

Clauses

Division 1 - Application

(1A) For the matters regulated in this Standard, food produced in or imported into Australia, must comply with Division 2 of this Standard or Standard 2.9.1, but not a combination of both.

(1B) For the matters regulated in this Standard, food produced in or imported into New Zealand, must comply with Division 2 or 3 in this Standard or Standard 2.9.1, but not a combination of any of these.

(1C) This Standard ceases to have effect two years from the commencement of Standard 2.9.1.

Division 2 – Infant Formula Products in Australia and New Zealand

(1) In this Division -

(a) 'infant' means a person aged up to 12 months;
(b) 'energy value' means energy expressed in kilojoules set out opposite and in relation to each of the following dietary sources -

1 g fat yields	37 kJ
1 g protein yields	17 kJ
1 g carbohydrate, expressed as monosaccharide, yields	16 kJ;

(c) the protein content of a food to which it applies shall be calculated -

(i) in the case of a product in which the major source of protein is cows' milk, by multiplying the nitrogen content by 6.38;
(ii) in any other case, by multiplying the nitrogen content by 6.25.

(2) (a) In this Division, infant formula is any food sold, described or advertised as an alternative to human milk for the feeding of infants. It is a product suitable for infant feeding prepared from milk of cows or other animals or other edible constituents of animal or plant origin or a mixture of all of them, save that infant formula described as 'suitable from birth' shall not contain cereal proteins. In the preparation of infant formula for use, the addition of water only shall be required.

(b) Infant formula may be specifically formulated to satisfy particular well-recognised dietary requirements that are a result of a specific physical or physiological condition, disease or disorder, but in all other respects shall comply with this Standard. All deviations from the requirements of this Standard necessary to suit the condition, disease or disorder shall be declared in the label on or attached to a package containing the food.

(c) A package containing infant formula powder except single serve sachets thereof shall enclose a scoop suitable for use in accordance with the directions contained in the label on or attached to the package.

(3) Infant formula when prepared in accordance with directions contained in the label on or attached to a package containing the food -

(a) shall -

(i) be free of lumps and of large, coarse particles and suitable for being fed through a soft rubber or plastic nipple;
(ii) have an energy value of not less than 2700 kJ/L and not more than 3000 kJ/L;
(iii) have an osmolality not more than 325 mOsm/kg;
(iv) not contain more than 20 mg/100 kJ of carbohydrate, other than lactose;
(v) not contain sesame oil, cottonseed oil or fats containing more than 80 g/kg fat of trans-isomer fatty acids;

(b) shall contain -

(i) protein of one of the following formulations -

(A) not less than 450 mg of protein/100 kJ and not more than 700 mg of protein/100 kJ and not less than the concentrations, expressed in mg/100 kJ, specified opposite and in relation to the following L-amino acids -

cystine	7
histidine	9
isoleucine	19
leucine	35
lysine	26
methionine	6
phenylalanine	14
taurine	1.5
threonine	17
tryptophan	8
tyrosine	11
valine	25;

(B) not less than 700 mg of protein/100 kJ and not more than 1.2 g of protein/100 kJ and not less than the concentrations, expressed in mg/100 kJ, specified opposite and in relation to the following L-amino acids -

cystine	7
histidine	21
isoleucine	38
leucine	70
lysine	56
methionine	20
phenylalanine	37
taurine	1.5
threonine	34
tryptophan	10
tyrosine	31
valine	51;

(ii) not less than 800 mg/100 kJ and not more than 1.5 g/100 kJ of fat. The fat shall contain not more than -

(A) 150 g/kg of lauric acid;
(B) 150 g/kg of myristic acid;

(iii) not less than 70 mg/100 kJ linoleic acid in the form of glycerides, calculated as linoleic acid;

(iv) vitamins as follows -

(A) not less than 18 µg/100 kJ and not more than 37 µg/100 kJ of vitamin A, calculated as retinol equivalents;
(B) not less than 0.25 µg/100 kJ and not more than 0.48 µg/100 kJ of vitamin D, calculated as cholecalciferol;
(C) not less than -

(1) 9 µg/100 kJ of vitamin B_6 save infant formula containing more than 600 mg/100 kJ of protein which shall contain not less than 15 µg/g protein of vitamin B_6;
(2) 0.04 µg/100 kJ of vitamin B_{12}, calculated as cyanocobalamin;
(3) 1.9 mg/100 kJ of vitamin C, calculated as L-ascorbic acid and dehydroascorbic acid;
(4) 150 µg/100 kJ of vitamin E, calculated as dl-α-tocopherol;
(5) 1 µg/100 kJ of vitamin K;
(6) 0.4 µg/100 kJ of biotin;
(7) 1 µg/100 kJ of folate, calculated as pteroyl monoglutamic acid;
(8) 60 µg/100 kJ of niacin, calculated as nicotinamide;
(9) 70 µg/100 kJ of pantothenic acid;
(10) 14 µg/100 kJ of riboflavin;
(11) 10 µg/100 kJ of thiamin;

(v) minerals as follows -

(A) not less than 1.2 µg/100 kJ and not more than 10 µg/100 kJ of iodine;
(B) not less than 100 µg/100 kJ and not more than 480 µg/100 kJ of iron;
(C) not less than 1.4 mg/100 kJ and not more than 3.6 mg/100 kJ of magnesium;
(D) not less than 6 mg/100 kJ and not more than 25 mg/100 kJ of phosphorus, provided that the ratio of calcium to phosphorus is not less than 1.2:1 and not more than 2:1;
(E) not less than -

(1) 12 mg/100 kJ of calcium;
(2) 14 µg/100 kJ of copper;
(3) 1.2 µg/100 kJ of manganese;
(4) 120 µg/100 kJ of zinc;

(vi) electrolytes as follows -

(A) not less than 14 mg/100 kJ and not more than 35 mg/100 kJ of chloride;
(B) not less than 20 mg/100 kJ and not more than 50 mg/100 kJ of potassium;
(C) not less than 5 mg/100 kJ of sodium;

(vii) not less than 0.27 mg/100 kJ of L-carnitine;

(c) may contain -

(i) L-amino acids as specified in clause (3)(b)(i) of this Standard;
(ii) L-carnitine;
(iii) citric acid and L(+)-lactic acid;
(iv) vitamins, minerals and electrolytes as specified in subparagraphs (iv), (v) and (vi) of paragraph (b) of this clause in the forms specified in the Table 1 in this Standard;
(v) not more than -

(A) 5 g/L of lecithin;
(B) 4 g/L in total of mono- and di-glycerides of fat-forming fatty acids;
(C) 1 g/L in total of guar gum and locust bean gum;
(D) 10 mg/L of tocopherols;
(E) in the case of liquid milk-based infant formula and liquid soy-based infant formula, 0.3 g/L of carrageenan;
(F) in the case of liquid hydrolysed protein-based infant formula and liquid amino acid-based infant formula, 1 g/L of carrageenan;
(G) in the case of hydrolysed protein-based infant formula and amino acid-based infant formula, 25 g/L in total of acetylated distarch phosphate, distarch phosphate and phosphated starch phosphate;

(H) in the case of soy-based infant formula, 5 g/L in total of acetylated distarch phosphate, distarch phosphate and phosphated starch phosphate.

(4) **Microbiological standards**. When examined by the methods prescribed by clause (7) of this Standard -

(a) infant formula powder shall -

(i) have a standard plate count not exceeding 1000 micro-organisms per gram;
(ii) be free from coliforms in 1 g;
(iii) be free from coagulase-positive staphylococci in 0.1 g;
(iv) be free from *Salmonella* in 25 g;
(v) have a *Bacillus cereus* count not exceeding 100 micro-organisms per gram;

(b) ultra heat treated liquid infant formula and sterilised liquid infant formula shall show no microbial growth.

(5) There shall be written in the label on or attached to a package containing infant formula -

(a) in standard type of 3 mm, the words -

'INFANT FORMULA'

immediately followed by -

(i) in the case of infant formula that complies with the protein requirement specified in clause (3)(b)(i)(A) of this Standard the statement -

'SUITABLE FROM BIRTH';

(ii) in the case of infant formula that complies with the protein requirement specified in clause (3)(b)(i)(B) of this Standard the statement -

'SUITABLE ONLY FOR INFANTS AGED OVER 6 MONTHS';

(b) subject to paragraph (5)(ba), in standard type of 3 mm, the statements -

(i) 'ATTENTION - BREAST MILK IS BEST FOR BABIES. BEFORE YOU DECIDE TO USE AN INFANT FORMULA, CONSULT YOUR DOCTOR OR CLINIC FOR ADVICE';
(ii) 'WARNING - UNBOILED WATER, UNBOILED BOTTLES OR INCORRECT DILUTION CAN MAKE YOUR BABY ILL. PREPARE ONLY ONE BOTTLE AT A TIME. FOLLOW INSTRUCTIONS EXACTLY';

(iii) 'USING MORE OR LESS POWDER OR LIQUID CONCENTRATE THAN INDICATED WILL EITHER LEAD TO DEHYDRATION OR DEPRIVE YOUR BABY OF PROPER NUTRITION. DO NOT CHANGE PROPORTIONS WITHOUT MEDICAL ADVICE';

(iv) 'AFTER 4-6 MONTHS OF AGE YOUR BABY MAY NEED ADDITIONAL NOURISHMENT. CONSULT YOUR DOCTOR';

(v) in the case of infant formula powder, except when sold in single serve sachets -

'USE ONLY THE ENCLOSED SCOOP';

(ba) in the case of infant formula in packages having a net weight of less than 1 kg - the statements referred to in subparagraphs (5)(b)(ii), (5)(b)(iii), (5)(b)(iv) and (5)(b)(v) in standard type of 1.5 mm;

(c) in standard type -

(i) directions as to its preparation and use using pictograms and -

(A) in the case of infant formula powder or infant formula liquid concentrate with a protein content of not more than 700 mg/100 kJ a feeding table in the form -

FEEDING TABLE

Age of infant	Quantities per feed		Feeds per day
	Previously boiled water in mL	Level measuring scoops or number of sachets or, as the case may be, volume of liquid concentrate in mL	
up to 2 weeks up to 1 month up to 2 months up to 4 months up to 6 months over 6 months			

(B) in the case of ready-to-feed liquid infant formula with a protein content of not more than 700 mg/100 kJ, a feeding table in the form -

FEEDING TABLE

Age of infant	Volume per feed in mL	Feeds per day
up to 2 weeks up to 1 month up to 2 months up to 4 months up to 6 months over 6 months		

(C) in the case of infant formula powder or infant formula liquid concentrate with a protein content of more than 700 mg/100 kJ, a feeding table in the form -

FEEDING TABLE

Age of infant	Quantities per feed		Feeds per day	
	Previously boiled water in mL	Level measuring scoops or number of sachets or, as the case may be, volume of liquid concentrate in mL	Formula	Other feeds
over 6 months				

(D) in the case of ready-to-feed liquid infant formula with a protein content of more than 700 mg/100 kJ, a feeding table in the form -

FEEDING TABLE

Age of infant	Volume per feed in mL	Feeds per day	
		Formula	Other feeds
over 6 months			

(E) in the case of other infant formula, information on the quantity of formula required per feed and the number of feeds of formula required per day;

(ii) a nutrition information table, for infant formula prepared in accordance with the directions contained in the label in the form -

NUTRITION INFORMATION

	Per 100 mL as prepared
Energy	kJ
Protein	g
Fat	g
Carbohydrate	g
Vitamin A	µg
Vitamin B_6	µg
Vitamin B_{12}	µg
Vitamin C	mg
Vitamin D	µg
Vitamin E	µg
Vitamin K	µg
Biotin	µg
Niacin	µg
Folate	µg
Pantothenic acid	µg
Riboflavin	µg
Thiamin	µg
Calcium	mg
Copper	µg
Iodine	µg
Iron	mg
Magnesium	mg
Manganese	µg
Phosphorus	mg
Zinc	µg
Chloride	mg
Potassium	mg
Sodium	mg

(iii) the statement -

‘IF CORRECTLY STORED AND MADE UP IN ACCORDANCE WITH THE DIRECTIONS CONTAINED IN THE LABEL, NO FURTHER VITAMIN OR MINERAL PREPARATIONS ARE NECESSARY’;

(iv) storage instructions covering both the period before and after it is opened;

(v) the source of protein in the product.

(6) There shall not be written in the label on or attached to a package containing infant formula -

(a) a pictorial representation of an infant;

(b) a pictorial representation that idealises the use of infant formula;

(c) the word ‘humanised’ or ‘maternalised’ or any word or words having the same or a similar effect;

(d) information relating to the nutrient content of human milk;

(e) a reference to the presence of vitamins, minerals, electrolytes or L-amino acids except in the statement of ingredients or in the nutrition information table;

(f) words claiming that the product is suitable for all infants from birth.

(6A) Notwithstanding paragraph (6)(e), where the iron content of infant formula is not less than 0.25 mg per 100 kJ, the label may include the words ‘infant formula with iron’.

(6B) The statement ‘infant formula with iron’ is not a nutrition claim for the purpose of Standard 1.2.8 of this Code.

(7) **Methods of microbiological analysis.** The methods set out in this clause are the prescribed methods with respect to the microbiological analysis of infant formula.

(a) *Standard plate count*. Proceed in accordance with the current standard method in AS 1766 *Food microbiology*, save that for the purpose of this method when 5 sample units each consisting of at least 100 g or more of infant formula powder are examined as detailed, the result shall be reported as ‘not exceeding 1000 micro-organisms per gram of the food’ when at least 3 of the 5 sample units have a standard plate count not exceeding 1000 micro-organisms per gram and any remaining sample units have a standard plate count not exceeding 10 000 micro-organisms per gram.

(b) *Coliforms*. Proceed in accordance with the current standard method in AS 1766 *Food microbiology*, save that for the purpose of this method when 5 sample units each consisting of at least 100 g or more of infant formula powder are examined as detailed using an incubation temperature of 30^{o}C the result shall be reported as ‘coliforms not detected in 1 gram of the food’ when at least 3 of the 5 sample units are free from coliforms in 1 g and any remaining sample units are free from coliforms in 0.1 g.

(c) *Coagulase-positive staphylococci*. Proceed in accordance with the current standard method in AS 1766 *Food microbiology*, save that for the purpose of this method when 5 sample units each consisting of at least 100 g or more of infant formula powder are examined as detailed, the result shall be reported as 'coagulase-positive staphylococci not detected in 0.1 gram of the food' when at least 4 of the 5 sample units are free from coagulase-positive staphylococci in 0.1 g and any remaining sample units are free from coagulase-positive staphylococci in 0.01 g.

(d) *Salmonella*. Proceed in accordance with the current standard method in AS 1766 *Food microbiology*, save that for the purpose of this method when 30 sample units each consisting of at least 100 g or more of infant formula powder are examined as detailed, the result shall be reported as '*Salmonella* not detected in 25 g of the food' when no *Salmonella* has been detected in 25 g of each of the 30 sample units. For the purposes of this method, the sample units may be examined individually or pooled.

(e) *Bacillus cereus*. Proceed in accordance with the current standard method in AS 1766 *Food microbiology*, save that for the purposes of this method when 5 sample units each consisting of at least 100 g or more of infant formula powder are examined as detailed, the result shall be reported as 'not exceeding 100 micro-organisms per gram of the food' when at least 4 of the 5 sample units have a *Bacillus cereus* count not exceeding 100 micro-organisms per gram and the remaining sample unit has a *Bacillus cereus* count not exceeding 1000 micro-organisms per gram.

Division 3 - Infant Formula and Follow-On Formula (New Zealand Only)

(8) In this Division, infant formula shall be a food in liquid or powdered form intended for use as a substitute for human milk as the sole source of nutrition for an infant.

(9) In this Division, follow-on formula shall be a food in a liquid or powdered form intended for use as a substitute for human milk by infants and young children who are in good health and who are aged over 6 months, and constituting the principal liquid element in a progressively diversified diet.

(10) Infant formula and follow-on formula shall be nutritionally adequate to promote normal growth and development when used in accordance with the directions for use on the label.

(11) Infant formula and follow-on formula may contain any of the following -

(a) the following thickening agents -

Carrageenan
Casein and its sodium, calcium, and potassium compounds
Distarch phosphate
Acetylated distarch phosphate
Phosphated distarch phosphate
Guar gum
Hydroxypropyl starch
Locust bean gum

(b) the following emulsifiers -

Lecithin
Monoglycerides
Diglycerides

(c) the following acidity regulators -

Sodium hydroxide
Sodium bicarbonate
Sodium carbonate
Potassium bicarbonate
Sodium citrate
Potassium citrate
Lactic acid
Lactic acid producing cultures
Potassium hydroxide
Potassium carbonate
Calcium hydroxide
Citric acid

(d) the following antioxidants -

Mixed tocopherols
L-ascorbyl palmitate

neither of which shall be present in a proportion exceeding 10 ppm, calculated, in the case of an infant formula or follow-on formula that requires dilution or preparation before consumption, after such dilution or preparation;

(e) vitamins and minerals specified in Column 1 of Table 2 in the form specified in relation to that vitamin or mineral, and choline;

(f) the following amino acids -

L-methionine
Taurine

(g) The amino acid carnitine, if the protein sources of the infant formula or follow-on formula do not contain carnitine.

(12) No food additives except those specified in clause (11) shall be present in an infant formula or follow-on formula as a result of carry over from raw materials or other ingredients.

(13) The name of the food shall be either ‘infant formula’ or ‘follow-on formula’, as the case may be, or any appropriate designation indicating the true nature of the food.

(14) The label on each package of an infant formula or follow-on formula shall bear a statement of -

(a) The quantity of carbohydrate, protein, and fat in the food, expressed in g; and
(b) The energy content of the food, expressed in kJ; and
(c) The quantity of each vitamin and mineral in the food expressed in mg or mcg.

(15) The particulars required by clause (14) shall be stated -

(a) Per 100 g or 100 ml of infant formula or follow-on formula as sold; and

(b) Per stated volume of infant formula or follow-on formula when prepared according to the directions on the label.

(16) The label on each package of infant formula shall bear the words ‘An infant being fed this formula does not require additional vitamin or mineral supplements’, or words of similar meaning.

(17) The label on each package of follow-on formula shall bear the words ‘An infant or young child being fed this formula does not require additional vitamin or mineral supplements", or words of similar meaning.’

(18) Each package of an infant formula or follow-on formula shall be labelled or embossed with a date mark, which shall be in the form ‘best before (followed by a date)’, or in the form ‘use by (followed by a date)’, in accordance with Standard 1.2.5.

(19) In the case of an infant formula or follow-on formula that has a shelf life of more than 90 days, the date used in the date mark shall state at least the month in the year expressed as a numeral or an abbreviation of the month using a minimum of 3 letters, followed by the year expressed as a numeral using either 2 digits or 4 digits.

(20) The label on each package of infant formula or follow-on formula shall bear a statement of the storage directions for the food before and after opening the package, and clear directions for the use of the food.

(21) In the case of an infant formula or follow-on formula that is a powder to be reconstituted and is not packaged in a single-serving sachet bearing a statement of the weight of the contents, a scoop or measure shall be included in the product container.

Table 1

Forms of vitamins, minerals and electrolytes that may be added to Formula

Ascorbic acid
Biotin
β-Carotene
Calcium ascorbate
Calcium pantothenate
Folic acid (folate)
Hydroxocobalamin
Niacinamide
Dexpanthenol
Phylloquinone (vitamin K_1)
Pyridoxine hydrochloride
Riboflavin
Riboflavin 5’-phosphate sodium
Sodium ascorbate
Thiamin hydrochloride
dl-α-Tocopherol
d-α-Tocopherol concentrate
Tocopherols concentrate mixed
d-α-Tocopheryl acetate
dl-α-Tocopheryl acetate
d-α-Tocopheryl acetate concentrate
d-α-Tocopheryl acid succinate

Calcium carbonate
Calcium chloride
Calcium gluconate
Calcium hydroxide
Calcium lactate
Calcium phosphate, dibasic
Calcium phosphate, monobasic
Calcium phosphate, tribasic
Calcium sulphate
Copper gluconate
Cupric sulphate
Ferrous fumarate
Ferrous gluconate
Ferrous succinate
Ferrous sulphate
Magnesium chloride
Magnesium phosphate, dibasic
Magnesium phosphate, monobasic
Magnesium sulphate
Potassium bicarbonate
Potassium carbonate
Potassium chloride
Potassium citrate

Vitamin A (retinol)
Vitamin A acetate
Vitamin A palmitate
Vitamin A propionate
Vitamin B_{12} (cyanocobalamin)
Vitamin D_2
Vitamin D_3

Potassium iodate
Potassium iodide
Potassium phosphate, monobasic
Potassium phosphate, dibasic
Potassium phosphate, tribasic
Sodium bicarbonate
Sodium carbonate
Sodium citrate
Sodium iodide
Sodium phosphate, dibasic
Sodium phosphate, monobasic
Sodium phosphate, tribasic
Zinc chloride
Zinc gluconate
Zinc sulphate

Table 2
Vitamins, minerals and electrolytes that may be added to Formula

Vitamin or Mineral	Permitted form
Vitamin A	Retinol forms vitamin A (retinal) vitamin A acetate (retinyl acetate) vitamin A palmitate (retinyl palmitate) vitamin A propionate (retinyl propionate) Carotenoid forms beta-carotene
Thiamin (Vitamin B1)	thiamin hydrochloride thiamin mononitrate
Riboflavin (Vitamin B2)	riboflavin riboflavin 5'-phosphate sodium
Niacin	niacinamide (nicotinamide) nicotinic acid
Folate	folic acid
Vitamin B6	Pyridoxine hydrochloride pyridoxine-5'-phosphate
Vitamin B12	cyanocobalamin hydroxocobalamin
Vitamin C	L-ascorbic acid ascorbyl palmitate calcium ascorbate potassium ascorbate sodium ascorbate
Vitamin D	Vitamin D2 (ergocalciferol) vitamin D3 (cholecalciferol)
Vitamin E	dl-alpha-tocopherol d-alpha-tocopherol concentrate tocopherols concentrate, mixed d-alpha-tocopheryl acetate dl-alpha-tocopheryl acetate d-alpha-tocopheryl acid succinate
Biotin	d-biotin
Pantothenic Acid	d-calcium pantothenate dexpanthenol d-sodium pantothenate
Vitamin K	vitamin K1 (phylloquinone/phytomenadione)

Calcium	calcium carbonate calcium chloride calcium citrate calcium gluconate calcium glycerophosphate calcium hydroxide calcium lactate calcium oxide calcium phosphate, dibasic calcium phosphate, monobasic calcium phosphate, tribasic calcium sulphate
Copper	copper gluconate copper-lysine complex cupric carbonate cupric citrate cupric sulphate
Iron	ferric ammonium citrate - brown ferric ammonium citrate - green ferric citrate ferric pyrophosphate ferrous carbonate ferrous citrate ferrous fumarate ferrous gluconate ferrous lactate ferrous succinate ferrous sulphate (dried and iron II sulphate)
Iodine	potassium iodate potassium iodide sodium iodide
Magnesium	magnesium carbonate magnesium chloride magnesium citrate magnesium gluconate magnesium hydroxide magnesium oxide magnesium phosphate, dibasic magnesium phosphate, monobasic magnesium phosphate, tribasic magnesium sulphate
Manganese	manganese carbonate manganese chloride manganese citrate manganese sulphate manganese gluconate
Phosphorus	calcium glycerophosphate calcium phosphate, dibasic calcium phosphate, monobasic calcium phosphate, tribasic magnesium phosphate, dibasic magnesium phosphate, monobasic magnesium phosphate, tribasic phosphoric acid potassium glycerophosphate potassium phosphate, dibasic potassium phosphate, monobasic potassium phosphate, tribasic sodium phosphate, dibasic sodium phosphate, monobasic sodium phosphate, tribasic
Potassium	potassium bicarbonate potassium carbonate potassium chloride

	potassium citrate potassium gluconate potassium glycerophosphate potassium hydroxide potassium iodide potassium lactate solution potassium phosphate, dibasic potassium phosphate, monobasic potassium phosphate, tribasic
Selenium	selenomethionine sodium selenate sodium selenite
Sodium	sodium bicarbonate sodium carbonate sodium chloride sodium citrate sodium gluconate sodium hydroxide sodium iodide sodium lactate sodium phosphate, dibasic sodium phosphate, monobasic sodium phosphate, tribasic sodium sulphate sodium tartrate
Zinc	zinc acetate zinc chloride zinc citrate zinc gluconate zinc oxide zinc sulphate

STANDARD 1.1A.2

TRANSITIONAL STANDARD – HEALTH CLAIMS

Purpose

This Standard incorporates clause (19) of Standard A1 of the Australian Food Standards Code, and operates as a transitional alternative standard to Standard 1.2.7 for a period of two years from the commencement of Standard 1.2.7. During this time, food must comply with this Standard or Standard 1.2.7 of the Code. After the two-year transition period, Standard 1.2.7 will exclusively apply. 'Stock-in-trade' provisions contained in Standard 1.1.1 should also be referred to, along with Standard 1.2.8 and 1.3.2.

Clauses

(1A) For the matters regulated in this Standard, food must comply with this Standard or Standard 1.2.7, but not a combination of both.

(1B) Subject to clause (1D), this Standard ceases to have effect two years from the commencement of Standard 1.2.7.

(1C) Subclauses (3)(e), (f), (g), (h) and (i) cease to have effect on 13 February 2004.

(2) The label on or attached to a package containing or an advertisement for food shall not contain a claim or statement that the food is a slimming food or has intrinsic weight-reducing properties.

(3) (a) Save where otherwise expressly prescribed by this Code, any label on or attached to a package containing or any advertisement for food shall not include a claim for therapeutic or prophylactic action or a claim described by words of similar import.

(b) Any label on or attached to a package containing or an advertisement for a food shall not include the word 'health' or any word or words of similar import as a part of or in conjunction with the name of the food.

(c) Save where otherwise expressly prescribed by this Code, any label on or attached to a package containing or any advertisement for food shall not contain any word, statement, claim, express or implied, or design that directly or by implication could be interpreted as advice of a medical nature from any person.

(d) Save where otherwise expressly prescribed by this Code, the label on or attached to a package containing or any advertisement for food shall not contain the name of or a reference to any disease or physiological condition.

(e) Subject to subclauses (3)(f), (g) and (h), a food listed in column 1 of the Table to this subclause may have a health claim listed in column 3 of the Table made in respect of that food, provided that the food meets the relevant eligibility criteria in column 2 of the Table.

Table to subclause (3)(e)

Permitted Health Claims

Column 1	Column 2	Column 3
Food	**Eligibility Criteria** **Amounts specified are per each serving as specified in the nutrition information panel**	**Permitted Claim**
PRIMARY FOODS Eggs Eggs Fruit Avocado Grapefruit Orange Legumes McKenzie's Borlotti Beans McKenzie's Cannellini Beans McKenzie's Chick Peas McKenzie's Dried (Whole Green) Peas McKenzie's Green Split Peas McKenzie's Haricot Beans McKenzie's Italian Style Soup Mix McKenzie's Lima Beans McKenzie's Red Kidney Beans McKenzie's Red Split Lentils McKenzie's Soya Beans McKenzie's Whole Green Lentils McKenzie's Yellow Split Peas Mellow Yellow Red Kidney Beans Mellow Yellow Soya Beans Mellow Yellow Chick Peas Sanitarium Red Kidney Beans Nuts Peanuts Vegetables Beetroot Broccoli Brussels Sprouts Cabbage Cauliflower English Spinach Green beans Harvest FreshCuts Vegetable Medley	**Primary foods as defined in Standard 1.3.2** Contains at least 40 micrograms folate **Other foods** Contains at least 40 micrograms folate and not more than – (A) 14 g fat, of which no more than 5 g is saturated fat; (B) 500 mg sodium; and (C) 10 g in total of added sugars and honey.	A claim which states – (a) that increased maternal folate consumption in at least the month before and 3 months following conception may reduce the risk of fetal neural tube defects; and (b) the recommendation that women consume a minimum of 400 micrograms folate per day in at least the month before and at least the first 3 months following conception.

Table to subclause (3)(e)

Permitted Health Claims (continued)

Column 1	Column 2	Column 3
Food	**Eligibility Criteria** **Amounts specified are per each serving as specified in the nutrition information panel**	**Permitted Claim**
Leeks Lettuce Mushrooms Parsnip Sweet corn Watties Garden Peas Watties Baby Peas Watties Choice Cut Green Beans Watties Supersweet Corn Zucchini <u>PROCESSED FOODS</u> <u>Bread</u> Burgen Sunflower Barley and Sunflower Seed Load Burgen High Bake Heritage Rye Burgen High Bake Heritage White Burgen High Bake Heritage Granary Malt Burgen High Bake Heritage Soy and Linseed Burgen High Bake Heritage Wholemeal Burgen Mixed Grain Loaf Burgen Mixed Grain Fruit Loaf Burgen Oat Bran and Honey Loaf Burgen Traditional Rye Loaf Burgen Soy-Lin Loaf Pro-Rol Swiss Maid Tip Top English Muffins Tip Top Holsom's Wholemeal Tip Top Holsom's Wholemeal Toast Tip Top Holsom's Wholemeal with Wheatgerm Tip Top Holsom's Wholemeal with Wheatgerm Toast Tip Top Hyfibe White Tip Top Hyfibe White Muffins Tip Top Hyfibe White Thick Tip Top Multigrain Tip Top Multigrain 9 Grain Tip Top Multigrain 9 Grain Muffins Tip Top Multigrain 9 Grain Toast Tip Top Multigrain Muffins Tip Top Multigrain Toast Tip Top Pro-Rol Thick	**Primary foods as defined in Standard 1.3.2** Contains at least 40 micrograms folate **Other foods** Contains at least 40 micrograms folate and not more than – (A) 14 g fat, of which no more than 5 g is saturated fat; (B) 500 mg sodium; and (C) 10 g in total of added sugars and honey.	A claim which states – (a) that increased maternal folate consumption in at least the month before and 3 months following conception may reduce the risk of fetal neural tube defects; and (b) the recommendation that women consume a minimum of 400 micrograms folate per day in at least the month before and at least the first 3 months following conception.

Table to subclause (3)(e)

Permitted Health Claims (continued)

Column 1	Column 2	Column 3
Food	**Eligibility Criteria** **Amounts specified are per each serving as specified in the nutrition information panel**	**Permitted Claim**
Tip Top Sunblest Thick Tip Top Sunblest Sandwich Tip Top The White Stuff Tip Top The White Stuff Muffins Uncle Toby's Vitagold Bread Uncle Toby's Energy White Bread Uncle Toby's GrainsPlus Bread <u>Cereals</u> Goodman Fielder Nature's Gold Jackaroo Flour Kellogg's All Bran Kellogg's All Bran Fruit 'n Oats Kellogg's Bran Flakes Kellogg's Corn Flakes Kellogg's Golden Wheats Kellogg's Guardian Kellogg's Just Right Kellogg's Mini-Wheats Apricot Kellogg's Mini-Wheats Blackcurrent Kellogg's Mini-Wheats Strawberry Kellogg's Mini-Wheats Whole Wheat Kellogg's Special K Kellogg's Sultana Bran Lowan Flake Medley with Wild Berries Sanitarium Cornflakes* Sanitarium Fruity Bix – Apricot* Sanitarium Fruity Bix – Tropical* Sanitarium Fruity Bix – Wild Berry* Sanitarium Good Start* Sanitarium Light 'n Tasty Sanitarium Lite-Bix* Sanitarium Soy Tasty Sanitarium Weet-Bix Sanitarium Weet-Bix HiBran Soy & Linseed Sanitarium Weet-Bix plus Oat Bran Uncle Toby's Lite Start Breakfast Bars Uncle Toby's Lite Start Breakfast Cereal <u>Fruit/Vegetables</u> Golden Circle Kernel Corn Golden Circle Sliced & Baby Beetroot	**Primary foods as defined in Standard 1.3.2** Contains at least 40 micrograms folate **Other foods** Contains at least 40 micrograms folate and not more than – (A) 14 g fat, of which no more than 5 g is saturated fat; (B) 500 mg sodium; and (C) 10 g in total of added sugars and honey.	A claim which states – (a) that increased maternal folate consumption in at least the month before and 3 months following conception may reduce the risk of fetal neural tube defects; and (b) the recommendation that women consume a minimum of 400 micrograms folate per day in at least the month before and at least the first 3 months following conception.

Table to subclause (3)(e)

Permitted Health Claims (continued)

Column 1	Column 2	Column 3
Food	**Eligibility Criteria** **Amounts specified are per each serving as specified in the nutrition information panel**	**Permitted Claim**
<u>Juices</u> Berri Orange Juice (Long Life) – No Added Sugar Berri Orange Juice (Long Life) – Premium Berri Pure N' Fresh (Chilled Orange Juice) Citrus Tree Orange Juice Coles Apple Juice – No Added Sugar (Sourced from Berri Ltd)Coles Apple and Blackcurrant Juice - No Added Sugar (Sourced from Berri Ltd) Coles Orange Juice – No Added Sugar (Sourced from Berri Ltd) Coles Orange and Mango Juice – No Added Sugar (Sourced from Berri Ltd) Coles Viten Fernland Balance Orange Juice Golden Circle Cloudy Apple Juice Golden Circle Orange Juice Golden Circle Pineapple Juice Just Juice Apple Just Juice Orange McCoy Orange Juice Quelch Just Squeezed Orange Stefans Orange Juice <u>Soy Products</u> Soy Feast Soy & Corn Fritters <u>Extracts</u> Sanitarium Marmite Kraft Vegemite <u>Supplementary Foods</u> National Foods Edge *approved pending folate fortification	**Primary foods as defined in Standard 1.3.2** Contains at least 40 micrograms folate **Other foods** Contains at least 40 micrograms folate and not more than – (A) 14 g fat, of which no more than 5 g is saturated fat; (B) 500 mg sodium; and (C) 10 g in total of added sugars and honey.	A claim which states – (a) that increased maternal folate consumption in at least the month before and 3 months following conception may reduce the risk of fetal neural tube defects; and (b) the recommendation that women consume a minimum of 400 micrograms folate per day in at least the month before and at least the first 3 months following conception.

(f) A health claim must not be made in respect of the following foods -

(i) food standardised in Part 2.7 of this Code;
(ii) food standardised in Standards 2.9.1, 2.9.2 and 2.9.4 of this Code; and
(iii) soft cheeses and pâté; and
(iv) formulated meal replacements standardised in Standard 2.9.3.

(g) The label on or attached to a package of food, in respect of which a health claim set out in the Table has been made, must include -

(i) a nutrition information panel in accordance with Standard 1.2.8, which additionally includes the average quantity of folate in one serving of the food, beside the proportion of the RDI of folate contributed by one serving of the food;
(ii) an asterisk accompanying the word 'folate' in the nutrition information panel which refers to a footnote advising that the RDI of 200 micrograms referred to is for adults, whereas for women, at least one month before and during pregnancy, the recommended folate intake is 400 micrograms per day;
(iii) an accompanying statement that it is important to maintain a varied diet; and
(iv) a statement of particular storage, handling or cooking requirements, where the ability of a food to contain at least 40 micrograms folate per each serving depends on those requirements.

(h) Where a label, in respect of which a health claim set out in the Table has been made, is displayed on or in connection with a food which is displayed for retail sale other than in a package, the label must include -

(i) a nutrition information panel in accordance with Standard 1.2.8, which additionally includes the average quantity of folate in one serving of the food, beside the proportion of the RDI of folate contributed by one serving of the food; and
(ii) an asterisk accompanying the word 'folate' in the nutrition information panel which refers to a footnote advising that the RDI of 200 micrograms referred to is for adults, whereas for women, at least one month before and during pregnancy, the recommended folate intake is 400 micrograms per day.
(iii) an accompanying statement that it is important to maintain a varied diet; and
(iv) a statement of particular storage, handling or cooking requirements, where the ability of a food to contain at least 40 micrograms folate per each serving depends on those requirements.

(i) Where a health claim may be made in relation to a food in accordance with this Standard the same claim in relation to that food may be made in an advertisement, provided the advertisement includes a statement that it is important to maintain a varied diet.

STANDARD 1.1A.3

TRANSITIONAL STANDARD FOR COUNTRY OF ORIGIN LABELLING REQUIREMENTS

Purpose

This Standard incorporates the various country of origin requirements contained in the former Australian *Food Standards Code* and certain requirements in the New Zealand *Food Regulations (1984).* These requirements operate for a period of two years from the commencement of any corresponding alternative country of origin provisions elsewhere in this Code. This Standard does not apply in New Zealand, other than certain requirements as they relate to wine and wine products.

Table of Provisions

Clauses

1 Application

(1) For the matters regulated in this Standard, food must comply with this Standard or any alternative country of origin provisions elsewhere in this Code, but not a combination of, or parts of, both.

(2) Subject to subclause (1), food produced in or imported into New Zealand must only comply with clause 11.

(3) Subject to subclause (1), food produced in or imported into Australia must comply with this Standard, other than clause 11.

(4) This Standard ceases to have effect two years from the commencement of any country of origin provisions elsewhere in this Code.

Drafting note:

At the time of drafting this transitional standard, the review of country of origin labelling requirements for food has not been finalised. If this review concludes that there is no need for country of origin declarations on food, then this transitional standard may need to be repealed.

2 General requirements

(1) The label on a package containing food shall include a statement that identifies the country in which the food was made or produced.

(2) If the label on a package containing food includes:

(a) a statement that identifies the country in which the food was packed for retail sale; and

(b) if any of the ingredients of the food does not originate in the country in which the food was packed for retail sale, a statement -

(i) identifying the country or countries of origin of the ingredients of the food; or

(ii) to the effect that the food is made from ingredients imported into that country or from local and imported ingredients, as the case requires;

the label shall be taken to comply with subclause (1).

(3) The material included on a label under this clause may include a comment on or explanation of that material.

(4) Where the name and address of the manufacturer are set out on the label and the address contains the name of the country in which the food was made or produced, the name and address shall be taken to satisfy the requirements of subclause (1).

(5) In this clause, 'ingredient' does not include food additives.

3 Country of origin requirements for fish

(1) In this clause -

fish means a fish or part of a fish ordinarily used for consumption by humankind and includes a crustacean or mollusc.

(2) Subject to subclause (3), if fish, other than fish the country of origin of which is Australia or New Zealand, is displayed for retail sale other than in a package, there must be displayed on or in connection with the display of the fish a label containing, in type of 9 mm, a statement indicating the country of origin of the fish or a statement indicating that the fish is imported.

(3) Subclause (2) does not apply to fish which has been coated with or mixed with one or more other foods, or to cooked fish other than cooked prawns.

4 Country of origin requirements for vegetables

If vegetables, other than frozen, dehydrated or preserved vegetables or vegetables grown in Australia or New Zealand, are displayed for retail sale otherwise than in a package, there must be displayed on or in connection with the display of the vegetables, a label containing, in standard type of 9 mm, a statement indicating the country of origin of the vegetables or a statement indicating that the vegetables are imported.

5 Country of origin requirements for nuts

(1) In this clause -

nuts includes peanuts and coconuts.

(2) If nuts other than nuts grown in Australia or New Zealand are displayed for retail sale otherwise than in a package, there must be displayed on or in connection with the display of the nuts a label containing, in standard type of 9 mm, a statement indicating the country or countries of origin of the nuts or a statement indicating that the nuts are imported.

6 Country of origin requirements for fruit

(1) In this Standard -

fruit means the edible, fleshy fructification of plants, distinguished by their sweet, acid and ethereal flavours.

(2) If fruit, other than preserved fruit or fruit grown in Australia or New Zealand, is displayed for retail sale otherwise than in a package, there must be displayed on or in connection with the display of the fruit a label containing, in standard type of 9 mm, a statement indicating the country of origin of the fruit or a statement indicating that the fruit is imported.

7 Labelling of fruit juices containing imported fruit ingredients

(1) For the purpose of subclause (2), fruit juice, concentrated fruit juice, reconstituted fruit juice, sweetened fruit juice or sweetened reconstituted fruit juice contains an imported fruit ingredient if an ingredient of the food is -

(a) fruit juice or concentrated fruit juice that was imported into Australia; or
(b) a food referred to in paragraph (a) that was prepared in whole or in part from fruit that was imported into Australia.

(2) If fruit juice, concentrated fruit juice, reconstituted fruit juice, sweetened fruit juice or sweetened reconstituted fruit juice offered for sale contains one or more imported fruit ingredients, the label on or attached to a package containing the food must, unless the label expressly indicates that the food is a product of a country other than Australia, include, otherwise than in the ingredient list -

(a) a statement identifying each country of origin of the imported fruit ingredients; or
(b) a statement to the effect that the food is made from -

(i) imported fruit ingredients; or
(ii) imported fruit ingredients and local fruit ingredients;

as the case requires.

8 Country of origin requirements for orange juice

(1) In this clause

orange juice means the liquid portion with or without pulp expressed from the endocarp of sound, mature oranges (*Citrus sinensis* (L.) Osbeck).

(2) For the purposes of subclause (3), orange juice, reconstituted orange juice, concentrated orange juice or sweetened orange juice contains an imported fruit ingredient if an ingredient of the food is -

(a) orange juice, concentrated orange juice or sweetened orange juice that was imported into Australia; or
(b) a food referred to in paragraph (a) that was prepared in whole or in part from oranges that were imported into Australia.

(3) Where orange juice, reconstituted orange juice, concentrated orange juice or sweetened orange juice offered for retail sale, contains one or more imported fruit ingredients, the label on or attached to a package containing the food must, unless the label expressly indicates that the food is a product of a country other than Australia, include other than in the ingredient list -

(a) a statement identifying each country of origin of the imported fruit ingredients; or
(b) a statement to the effect that the food is made from:

(i) imported oranges, imported orange juice, imported orange juice concentrate or imported sweetened orange juice; or
(ii) imported fruit ingredients and local fruit ingredients ;

as the case requires.

9 Country of origin requirements for fruit drinks

(1) In this clause -

comminuted fruit means the comminuted product prepared from that portion of whole fruit which is normally used for human consumption but does not include the peel of citrus fruit.

concentrated fruit puree means the product obtained by removing some of the water from fruit puree.

fruit drink means a product (other than a fruit juice) prepared from one or more of fruit juice, fruit puree, concentrated fruit juice, concentrated fruit puree, comminuted fruit and orange peel extract and one or more of the following -

(a) water;
(b) mineral water;
(c) mineralised water.

fruit puree means the product obtained by sieving the edible part of whole or peeled fruit without removing the juice.

orange peel extract means the water extract of orange peel, with or without the pulp.

(2) For the purposes of this clause, fruit drink contains an imported fruit ingredient if the fruit drink contains -

(a) fruit juice, concentrated fruit juice, orange peel extract, concentrated orange peel extract that was imported into Australia; or
(b) a food referred to in paragraph (a) that was prepared in whole or in part from fruit that was imported into Australia.

(3) Subclause (4) applies only to fruit drink that -

(a) subject to paragraphs (b) and (c), contains at least 350 mL/L of the fruit or fruits after which it is named; or
(b) in the case of lemon fruit drink, blackcurrant fruit drink, or guava fruit drink - contains at least 250 mL/L of lemon juice, blackcurrant juice or guava juice, as the case may be; or
(c) in the case of pineapple fruit drink, pear fruit drink or apple fruit drink or a mixture of those - contains at least 500 mL/L of pineapple juice, pear juice or apple juice or of a mixture of those juices, as the case may be.

(4) If fruit drink offered for sale contains one or more imported fruit ingredients, the label on a package containing the fruit drink must, unless the label expressly indicates that the fruit drink is a product of a country other than Australia, include, otherwise than in the ingredient list -

(a) a statement identifying each country of origin of the imported fruit ingredients; or
(b) a statement to the effect that the fruit drink was made from -

(i) imported fruit ingredients; or
(ii) imported fruit ingredients and local fruit ingredients;

as the case requires.

10 Country of origin requirements for spirits

(1) Products consisting of imported spirits to which only water or caramel or both has or have been added in Australia shall be considered as wholly produced in the country of origin of the spirit.

(2) There shall be written in the label on or attached to a package containing spirit bottled in Australia from imported bulk spirit, in standard type, the words - 'BOTTLED IN AUSTRALIA'.

(3) There shall be written in the label on a package containing a blend of spirits produced in more than one country, in standard type, the name of every such country in descending order of proportion, and the proportion of the blend from each of the countries with a deviation from the stated proportion of not more than 10 mL/L by volume.

(4) Save for the purposes of compliance with subclause (2) or (3), the word 'Australia' or 'Australian' shall not be used in the label on or attached to a package containing spirits the contents of which were not produced wholly in Australia.

11 Country of origin requirements in New Zealand for wine and wine products

(1) There shall be borne on the label on each package of wine or wine product words that clearly indicate the country of origin of the wine or wine product.

(2) If any of the grape juice, concentrated grape juice, potable spirit, or wine spirit used in any wine product originates in a country other than the country of origin of the wine, that country shall be named on the label as a source of ingredients used in the manufacture of the wine product.

STANDARD 1.1A.4

TRANSITIONAL STANDARD FOR THE LABELLING OF POLLEN AND ROYAL JELLY

Purpose

This Standard incorporates the labelling requirements for pollen products and royal jelly from Standard K2 of the former Australian *Food Standards Code*, and operates as a transitional alternative to the labelling requirements for those products in clause 3 of Standard 1.2.3 of this Code. This Standard also incorporates the requirements of the mandatory food standard in New Zealand relating to royal jelly and pollen products which will be rescinded upon issue of this Standard in New Zealand.

This Standard ceases to have effect two years from the commencement of alternative requirements contained in the Table to clause 3 of Standard 1.2.3. In Australia and New Zealand this means that during that two-year period, bee pollen and royal jelly must comply with the labelling requirements in this Standard (albeit different in the two countries) or those contained in clause 3 of Standard 1.2.3. 'Stock-in-trade' provisions contained in Standard 1.1.1 should also be referred to.

Table of Provisions

Clauses

1 Application

(1) For the matters regulated in this Standard, food produced in or imported into Australia must comply with clause 3 and clause 4 of this Standard or Standard 1.2.3, but not a combination of both.

(2) For the matters regulated in this Standard, food produced in or imported into New Zealand must comply with clause 5 of this Standard or Standard 1.2.3, but not a combination of both.

(3) This Standard ceases to have effect two years from the commencement of those parts of Standard 1.2.3 regulating royal jelly.

2 Labelling of pollen products in Australia

The label on or attached to a package containing a pollen product must include, immediately following the name of the product, and in 3 mm type the following statement –

‘THIS PRODUCT MAY CAUSE SEVERE ALLERGIC REACTIONS’

3 Labelling of royal jelly in Australia

The label on or attached to a package containing royal jelly, or a food containing royal jelly, must include, immediately following the name of the food, and in type of 3 mm, the statement –

‘THIS PRODUCT CONTAINS ROYAL JELLY WHICH HAS BEEN REPORTED TO CAUSE SEVERE ALLERGIC REACTIONS AND IN RARE CASES, FATALITIES, ESPECIALLY IN ASTHMA AND ALLERGY SUFFERERS’

4 Labelling of royal jelly, bee pollen and propolis in New Zealand

(1) In relation to royal jelly, the label on or attached to a package of a food containing royal jelly, must include, in a prominent position so that it can be easily seen by the consumer when purchasing the product, in a standard type of not less than 3 mm, the statement -

(a) in the case of a product that is comprised solely of royal jelly -

‘WARNING - THIS PRODUCT IS NOT RECOMMENDED FOR ASTHMA AND ALLERGY SUFFERERS AS IT CAN CAUSE SEVERE ALLERGIC REACTIONS’; or

(b) in the case of a product that contains royal jelly (but is not solely comprised of royal jelly) –

'WARNING - THIS PRODUCT CONTAINS ROYAL JELLY AND IS NOT RECOMMENDED FOR ASTHMA AND ALLERGY SUFFERERS AS IT CAN CAUSE SEVERE ALLERGIC REACTIONS'

(c) instead of the statements in paragraphs 5(1)(a) and 5(1)(b), in the case of a product that is comprised solely of royal jelly, or a product that contains royal jelly (but is not solely comprised of royal jelly) -

'WARNING - THIS PRODUCT CONTAINS ROYAL JELLY WHICH HAS BEEN REPORTED TO CAUSE ALLERGIC REACTIONS AND IN RARE CASES, FATALITIES, ESPECIALLY IN ASTHMA AND ALLERGY SUFFERERS'

(2) In relation to bee Pollen, the label on or attached to a package of a food containing bee pollen, must include, in a prominent position so that it can be easily seen by the consumer when purchasing the product, in a standard type of 3 mm, the statement -

'THIS PRODUCT MAY CAUSE SEVERE ALLERGIC REACTIONS'

(3) In relation to propolis, the label on or attached to a package of a food containing propolis, must include, in a prominent position so that it can be easily seen by the consumer when purchasing the product, in a standard type of 3 mm, the statement -

'PROPOLIS MAY CAUSE SEVERE ALLERGIC REACTIONS'

(4) If the size of package of any product referred to in this clause is so small as to prevent the use of letters in 3 mm type, a reduced type height may be used, but no letter may have a letter height of less than 1.5 mm

Editorial note:

New Zealand Ministry of Health has advised that the requirements for warning statements on dietary supplements containing royal jelly, bee pollen, and propolis are included in the *Dietary Supplements Regulations 1985.*

STANDARD 1.1A.5

TRANSITIONAL STANDARD FOR THE WARNING STATEMENT FOR CONDENSED MILK, MODIFIED MILK AND SKIM MILK

Purpose

This Standard incorporates the warning statement requirements for condensed milks, modified milk and skim milk contained in Standard H1, Standard H3 and Standard H4 of the former Australian *Food Standards Code* and certain provisions in the New Zealand *Food Regulations (1984).*

During that two-year period, modified milks such as skim milk must comply with the labelling requirements in this Standard or those contained in Standard 1.2.3. 'Stock-in-trade' provisions contained in Standard 1.1.1 should also be referred to. This Standard ceases to have effect two years from the commencement of alternative requirements elsewhere in this Code.

Clauses

Division 1 – Application

1 Application

(1) Milk products specified in this Standard, produced or imported into Australia must comply with Division 1 of this Standard or Standard 1.2.3 but not a combination of both.

(2) Milk products specified in this Standard, produced or imported into New Zealand must comply with Division 2 of this Standard or Standard 1.2.3 but not a combination of both.

(3) This Standard ceases to have effect two years from the commencement of any alternative provisions in Standard 1.2.3.

Division 2 – Australian *Food Standards Code*

(1) In this Division -

modified milk means a liquid mixture of any two or more of the following -

(a) milk;
(b) concentrated milk;
(c) dried full cream milk;
(d) skim milk;
(e) concentrated skim milk;
(f) dried skim milk;
(g) cream;
(h) buttermilk;
(i) dried buttermilk;
(k) milk fat;
(l) water.

(2) There shall be written in the label on a package containing skim milk, in standard type of 3 mm, immediately following the name of the food -

'SEEK MEDICAL ADVICE BEFORE USE IN INFANT FEEDING' or
'UNSUITABLE FOR INFANTS EXCEPT ON MEDICAL ADVICE'.

(3) There shall be written in the label on a package containing modified milk which has a milk fat content less than 21 g/kg, in standard type of 3 mm, the words -

'SEEK MEDICAL ADVICE BEFORE USE IN INFANT FEEDING' or
'UNSUITABLE FOR INFANTS EXCEPT ON MEDICAL ADVICE'.

(4) There shall be written in the label on a package containing sweetened condensed milk, in standard type of 3 mm, the words -

'UNSUITABLE FOR INFANTS EXCEPT ON MEDICAL ADVICE'.

Those words shall be the first words in the label and no other words shall be written in the same line or lines.

(5) There shall be written in the label on a package containing unsweetened or sweetened condensed skim milk or unsweetened or sweetened condensed separated milk or reduced fat unsweetened condensed milk, in standard type of 3 mm, the words -

'UNSUITABLE FOR INFANTS EXCEPT ON MEDICAL ADVICE'.

Those words shall be the first words in the label and no other words shall be written in the same line or lines.

(6) There shall be written in the label on or attached to a package containing dried skim milk or skim milk powder in standard type of 3 mm, the words -

'UNSUITABLE FOR INFANTS EXCEPT ON MEDICAL ADVICE'.

Division 3 – New Zealand *Food Regulations 1984*

(7) In this Division -

evaporated skim milk means the liquid product obtained by the partial removal of water only from skim milk and which contains no less than 20% milk solids.

reduced-fat milk means –

(a) milk from which milk fat or cream has been partially removed; or
(b) a mixture of non-fat milk with milk or standard milk; or
(c) the product produced from a combination of the products specified in subparagraphs (a) and (b); and

which contains –

(d) no less than 1.5% and no more than 2.5% milk fat; and
(e) no less than 8.5% non-fat milk solids.

skim milk powder means the product obtained by removing water from skim milk which contains -

(a) no more than 5% water; and
(b) no more than 1.5% milk fat.

skimmed sweetened condensed milk means the milk product obtained by the partial removal of water only from skim milk, and which contains -

(a) no less that 24% total milk solids; and
(b) no more than 0.5% milk fat.

standardised milk means milk –

(a) from which no substance has been removed except milk fat or cream; and
(b) to which no substance has been added except non-fat milk or non-fat milk solids

(8) The label on each package of skim milk or non-fat milk shall bear, in 3 mm lettering, in the principal display panel, the words 'not suitable as a complete milk food for infants'; and those words shall form the first line or lines in the panel, and no other word shall appear in the same line or lines.

(9) The label on each package of reduced-fat milk shall bear, in 3 mm lettering, in the principal display panel, the words 'not suitable as a complete milk food for infants'; and those words shall form the first line or lines in the panel, and no other word shall appear in the same line or lines.

(10) The label on each package of evaporated skim milk shall bear, in 3 mm lettering, in the principal display panel, the words 'not suitable as a complete milk food for infants'; and those words shall form the first line or lines in the panel, and no other word shall appear in the same line or lines.

(11) The label on each package of skimmed sweetened condensed milk shall bear, in 3 mm lettering, in the principal display panel, the words 'not suitable as a complete milk food for infants'; and those words shall form the first line or lines in the panel, and no other word shall appear in the same line or lines.

(12) The label on each package of skim milk powder shall bear, in 3 mm lettering, in the principal display panel, the words 'not suitable as a complete milk food for infants'; and those words shall form the first line or lines in the panel, and no other word shall appear in the same line or lines.

STANDARD 1.1A.6

TRANSITIONAL STANDARD FOR SPECIAL PURPOSES FOODS (INCLUDING AMINO ACID MODIFIED FOODS) (NEW ZEALAND ONLY)

Purpose

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 amino acid modified foods. It is anticipated that this Standard will be repealed upon the development of Standards regulating medical foods and food type dietary supplements. This Standard operates solely in relation to food sold or imported into New Zealand.

Clauses

1 Interpretation

(1) In this Standard -

amino acid modified food means a special purpose food that in the preparation of which there has been a restriction in the use of ingredients containing one or more particular amino acids or a reduction of the content of one or more particular amino acids in any of the ingredients.

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 in Standard 2.9.3, a reference in this Code to a special purpose food is taken to be a reference to formulated meal replacement.

Editorial note:

The effect of subclause 1(2) is to permit all additives permitted in formulated meal replacements in special purpose foods. Subclause 1(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 should not be taken literally in relation to special purpose foods. i.e. special purpose foods are not necessarily intended as a meal replacement.

2 Application

(1) Subject to subclause (2), for the matters regulated in this Standard, food produced in or imported into New Zealand must comply with this Standard.

(2) This Standard does not apply to food produced in or imported into Australia.

(3) This Standard ceases to have effect two years from the commencement of any alternative applicable provisions elsewhere in this Code.

3 Composition

Special purpose foods may contain any of the vitamins and minerals specified in column 1 of Table 1 and column 1 of Table 2 in Standard 2.9.3.

Editorial note:

The maximum quantities specified in column 2 of Table 1 and Table 2 do not apply to special purposes foods.

4 Labelling of special purpose foods

Every label used in connection with a special purpose food must state the special purpose of the food.

5 Labelling of amino acid modified foods

(1) The label on each package of amino acid modified food shall bear one or more of the following -

(a) the words 'amino acid modified food';
(b) the name of the amino acid or amino acids that have been restricted;
(c) the name of the disease, or a name describing the condition of the group of people, for which the product is intended;
(d) the words 'low protein', where applicable.

(2) The label on each package of amino acid modified food shall bear, in the nutrition information panel, a statement of -

(a) the quantity of carbohydrate, protein, and fat in the food, expressed in g; and
(b) the energy content of the food, expressed in kJ; and
(c) the quantity of sodium, and of potassium, in the food, expressed in mg; and
(d) the quantity of the particular amino acid or protein present in the food, or both, as appropriate for the intended use of the food.

(3) The label on each package of amino acid modified food shall bear, in the principal display panel, in 3 mm lettering, the words 'Take only on medical advice'.

[5] ***Standard 1.2.8*** *is varied by inserting immediately after subclause 5(3)* -

(3A) The word 'Carbohydrate' may be replaced in the nutrition information panel by 'Carbohydrate, total'.

[6] ***Standard 2.7.1*** *is varied by deleting subclause 3(2), substituting –*

(2) Subclause (1) does not apply to beverages packaged prior to 20 December 2002.