

PROPOSAL P1001

OMNIBUS VII

EXPLANATORY STATEMENT

Executive Summary

Purpose

Proposal P1001 is a Proposal to assess a range of proposed amendments to the Code. The proposed amendments are intended to:

- correct minor errors, inconsistencies and ambiguities;
- amend food regulatory measures in the *Australia New Zealand Food Standards Code* (the Code) as a result of an internal FSANZ audit of editorial notes in the Code; and
- delete or amend food regulatory measures in the Code that are outdated or no longer necessary.

FSANZ conducts regular audits of the Code (referred to as Omnibus proposals) to address technical issues within the Code and to maintain its currency and clarity. FSANZ has prepared this Proposal to amend a number of provisions in the Code to ensure it remains current and to address some issues that have arisen from an audit of editorial notes in the Code. Reassessing these editorial notes has identified the need to vary some specific food regulatory measures in the Code.

Assessing the Proposal

In assessing the Proposal and the subsequent development of a food regulatory measure, FSANZ has had regard to the following matters as prescribed in section 59 of the *Food Standards Australia New Zealand Act 1991* (FSANZ Act):

- whether costs that would arise from a food regulatory measure developed or varied as a result of the Proposal outweigh the direct and indirect benefits to the community, Government or industry that would arise from the development or variation of the food regulatory measure.
- there are no other measures that would be more cost-effective than a variation to the Code that could achieve the same end.
- any relevant New Zealand standards.

Decision

Approve the draft variation subject to the amendments identified in Attachment 1B to this Report.

Reasons for Decision

This Proposal:

- clarifies the existing provisions of the Code and does not add regulatory measures;
- has no discernable public health or safety considerations;
- will strengthen public confidence in the Code; and
- does not have any costs which are not outweighed by these benefits.

Consultation

The Proposal was assessed under the General Procedure in the FSANZ Act. Submissions were sought on the Assessment Report. The issues raised in the submissions were carefully considered by FSANZ.

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INTRODUCTION

The aim of this Proposal is to identify and resolve typographical, consistency, stylistic and editorial issues in the *Australia New Zealand Food Standards Code* (the Code). The Proposal was assessed under the General Procedure and is considered by FSANZ to have no impact on the substantive legal requirements of the Code.

1. The Issue / Problem

The draft variations proposed in the Assessment Report (which was notified for public comment on 19 March 2008) fall into two main categories, which are dealt with below.

2.1 Minor inconsistencies and errors

From time, FSANZ identifies minor inconsistencies and errors within the Code. These can be such things as incorrect cross-referencing, misspellings, inadequate expression, omissions and so forth. The Assessment Report identified a number of these types of errors which are to be rectified as part of this Proposal.

2.2 Editorial notes

Editorial notes are not, by virtue of the definition of '*standard*' in section 4 of the *Australia New Zealand Food Standards Act 1991* (FSANZ Act), part of the legally binding Code. They are, as section 5(2) FSANZ Act makes clear, only for the information of users of the Code.

As part of this Proposal, FSANZ conducted an audit of all the editorial notes in the Code to ensure they remained up-to-date and accurate. The audit was also carried out to ensure that all existing editorial notes were informational and not regulatory in nature. FSANZ undertook this work because concern was expressed during the FSANZ Act amendment process that editorial notes were used as a substitute for regulation.

The Assessment Report proposed that a number of editorial notes be converted into substantive provisions of the Code. In addition, it was proposed to delete a number of editorial notes and to update and amend others.

The variation of editorial notes in the Code is not subject to the formal assessment and submissions process of the FSANZ Act. However, in this case, given that the editorial note variations and the variations to the substantive provisions of the Code are related, FSANZ has taken the approach of dealing with the editorial notes as part of this Proposal process.

2. Variations to the provisions of the Code

2.1 The draft variation proposed in the Assessment Report

FSANZ invited comment on the draft variations attached to the Assessment Report. FSANZ received 15 submissions in response to the Assessment Report. All submissions were broadly supportive of the Proposal.

However, a number of submissions received raised specific issues regarding the draft variations. A summary of the issues and FSANZ's response is provided below. The table constitutes a summary of all of the submissions received by FSANZ.

Issue raised in submission	Raised by	FSANZ response
The removal of subclause 1(2) of Standard 1.1.1 is not supported because further consideration should be given to transitional arrangements	New Zealand Food Safety Authority (NZFSA); South Australian Department of Health; Australian Food and Grocery Council (AFGC); George Weston Foods Limited; NSW Food Authority; Cadbury Schweppes	Remove item [1.1] from the draft variation to the Code
The wording of the proposed clause 5A in Standard 1.2.8 could be improved	NZFSA	Amend item [4.3] of the draft variation accordingly
The proposed variation to the code at item [8.1] has a definition for silicates that provides ' <i>silicates includes...</i> ' whereas at Attachment 3 to the Assessment Report the definition is ' <i>silicates includes but is not limited to...</i> '	Food Technology Association of Australia	FSANZ considers that the words ' <i>but is not limited to</i> ' are not necessary. The proposed definition for silicates in item [8.1] of the draft variations to the Code is an inclusive definition
The full reference for the <i>Merck Index</i> should be included in clause 3 of Standard 1.3.4	NZFSA	Amend item [9.2] of the draft variation accordingly
The wording of the Purpose to Standard 1.4.2 regarding relevant New Zealand legislation could be improved	NZFSA	Amend item [11.1] of the draft variation accordingly
Some of the amendments proposed to Standard 1.4.2 go beyond minor typographical errors	FTAA	The nature of the changes was explained in Attachment 3 to the Assessment Report and FSANZ considers that the changes may properly be dealt with by this Proposal
The order of 'Dimethoate' and 'Dithiocarbamates' should be reviewed in item [11.5] of the draft variations	Queensland Department of Health	Amend item [11.5] of the draft variation accordingly
Consideration should be given to including a schedule to Standard 1.4.4 which lists prohibited botanicals by common name in alphabetical order	NSW Food Authority	FSANZ will give further consideration to this matter, however it is beyond the scope of this Proposal
The removal of clause 4 of Standard 1.6.1 is not supported	NZFSA, Victorian Department of Human Services, Standards Australia	Remove items [13.1] and [13.3] from the draft variation
The wording of the proposed amendment to subclause 2(2) of Standard 1.6.1 should be ' <i>must be no more than</i> ' for consistency	NZFSA	Amend item [13.2] of the draft variation accordingly
Consideration should be given to a PPP application clause in Standard 2.5.2	NSW Food Authority	FSANZ will give further consideration to this matter, however it is beyond the scope of this Proposal

Issue raised in submission	Raised by	FSANZ response
Is the inclusion of 'ready to drink' in the definition of 'formulated beverage' intentional?	NSW Food Authority	FSANZ has given this issue consideration and decided that it is appropriate to include a reference to 'ready to drink' in this definition
The new paragraph of the Purpose to Standard 2.9.2 is not supported because food for infants is exempt from compound ingredient labelling requirements under Standard 1.2.4	NSW Food Authority	FSANZ has discussed this issue with the NSW Food Authority and the Authority no longer objects to item [26.1] of the draft variation. This is because, pursuant to clause 6 of Standard 1.2.4, food for infants is not exempt from compound ingredient labelling requirements
There are typographical errors in item [8] of the editorial note variations	FTAA	Amend item [8] of the editorial note variations accordingly
The use of upper and lower case in the editorial note in item [13.1] of the editorial note variations should be reviewed for consistency	FTAA	FSANZ has considered the FTAA's submission and decided that the usage of upper and lower case in the proposed variation to the editorial notes is appropriate
The placement of the ingredient 'Water' should be considered in the example label in item [13.1] of the editorial note variations	FTAA	FSANZ has considered the FTAA's submission and decided that the example label is appropriate for its purpose
Change 'form' to 'from' in the proposed editorial note following clause 3 in Standard 4.2.1	Queensland Department of Health	Amend item [36] of the editorial note variations accordingly
The proposed editorial note regarding Scotch Whisky is not supported	NZFSA; Victorian Department of Human Services	FSANZ notes that there was strong opposition from the New Zealand Government to the proposed editorial note variation dealing with Scotch Whisky. New Zealand has legislation (<i>Geographical Indications (Wines and Spirits) Registration Act 2006</i>) which deals with the registration and protection of geographical indications and therefore the New Zealand Government felt it inappropriate for the proposed editorial note to usurp the role of that Act. FSANZ also notes that there was strong support for the editorial note, principally from producers and distributors of Scotch Whisky. Ultimately, however, FSANZ has decided not to proceed with the proposed editorial note at this stage. Therefore item [31.1] is removed from the editorial note variations
The proposed editorial note regarding Scotch Whisky is supported	Woolworths Limited; Scotch Whisky Association; Australian Distillers Association; Distilled Spirits Association of NZ; Morrison Bowmore Distillers	

Issue raised in submission	Raised by	FSANZ response
Editorial notes should not be part of the Code	FTAA	FSANZ notes the views of submitters, but considers removal of editorial notes from the Code altogether is beyond the scope of this proposal

SUMMARY OF THE ASSESSMENT OF THE PROPOSAL

3. Risk issues

The Assessment Report noted that the proposed measures clarified the existing regulatory requirements rather than imposing new ones. In the Assessment Report, FSANZ considered that:

- the issues raised by the Proposal do not alter the legal requirements of the Code and, on that basis, do not require a risk assessment; and
- the proposed variations to the Code are consistent with the original intent of the food regulatory measures contained within the Code.

4. Regulatory issues

FSANZ considered the comparative costs and benefits of two options:

- Option 1, which was not to make variations to the Code to rectify the identified minor inconsistencies and errors; and
- Option 2, which was to make those variations to the Code.

FSANZ's assessment of these options revealed that Option 1 was not considered desirable as it would perpetuate errors, inconsistencies and outdated provisions in the Code. Option 2 was considered the more desirable option as overall it was considered that the benefits to the community of amending the Code would outweigh any costs.

DECISION AND REASONS FOR DECISION

5. Matters for consideration

In developing or varying a food standard, FSANZ is required by its legislation to meet three primary objectives which are set out in section 18 of the FSANZ Act. These are:

- the protection of public health and safety;
- the provision of adequate information relating to food to enable consumers to make informed choices; and
- the prevention of misleading or deceptive conduct.

In developing and varying standards, FSANZ must also have regard to:

- the need for standards to be based on risk analysis using the best available scientific evidence;
- the promotion of consistency between domestic and international food standards;

- the desirability of an efficient and internationally competitive food industry;
- the promotion of fair trading in food; and
- any written policy guidelines formulated by the Ministerial Council.

This Proposal meets FSANZ's statutory objectives by ensuring that the Code is up-to-date, accurate and consistent. In this manner, it also fosters confidence in the Code by the public and by enforcement agencies.

6. Decision

6.1 Variations to the Code

FSANZ has its objectives under the FSANZ Act and has given careful consideration to the matters raised in submissions. FSANZ has decided to approve the draft variation subject to the amendments identified in Attachment 1B to this Report.

Decision and reasons for decision

Approve the draft variation subject to the amendments identified in Attachment 1B to this Report. The reasons for this decision are that the draft variations subject to the amendments identified:

- clarify the existing provisions of the Code and does not add regulatory measures;
- have no discernable public health or safety considerations;
- will strengthen public confidence in the Code; and
- any costs are outweighed by these benefits.

6.2 Variations to the editorial notes in the Code

FSANZ notes that it has also decided to make a number of variations to the editorial notes in the Code. These variations are not subject to the formal standards-setting processes set down on the FSANZ Act. The variations are detailed in Attachment 2 to this Report.

7. Impact Analysis

As discussed above, a cost-benefit analysis was undertaken as part of the Assessment Report. FSANZ notes that the benefits of this Proposal outweigh any costs.

FSANZ has conducted an Office of Best Practice Regulation Preliminary Assessment and concluded that business compliance costs and other impacts on business, individuals, regulatory agencies and the economy are low or nil. The regulatory proposal does not impose restrictions or requirements on business, individuals, regulatory agencies or the economy that warrant any further analysis. The changes to regulation are routine, editorial and stylistic which will not add any further regulation to the food supply.

COMMUNICATION AND CONSULTATION STRATEGY

9. Communication

This Proposal includes proposed amendments to a number of food regulatory measures in the Code and will therefore be of interest to a broad range of stakeholders.

However, given that the variations proposed do not affect the substantive effect of the Code, FSANZ has and will continue to apply a basic communication strategy for this Proposal. This Report will be made available on FSANZ's website and FSANZ will liaise with stakeholders as necessary.

10. Consultation

The Proposal was assessed under the General Procedure in the FSANZ Act. Submissions were sought on the Assessment Report. The issues raised in the submissions and FSANZ's response to those matters was discussed in Section 2.2 of this Report.

10.1 World Trade Organization (WTO)

As members of the World Trade Organization (WTO), Australia and New Zealand are obligated to notify WTO member nations where proposed mandatory regulatory measures are inconsistent with any existing or imminent international standards and the proposed measure may have a significant effect on trade.

The proposed amendments to the Code are unlikely to have a significant effect on international trade as they relate to the correction of errors and clarification of the intent of certain provisions. On this basis, FSANZ did notify the WTO of its decision to approve the draft variation subject to amendments.

ATTACHMENTS

1. Draft variations to the *Australia New Zealand Food Standards Code*

Attachment 1

Draft variations to the *Australia New Zealand Food Standards Code*

Section 87(8) of the FSANZ Act provides that standards or variations to standards are legislative instruments, but are not subject to disallowance or sunseting

To commence: on gazettal

[1] **Standard 1.1.1** of the *Australia New Zealand Food Standards Code* is varied by –

[1.1] *omitting the definition of Code in clause 2, substituting –*

Code has the same meaning as *Australia New Zealand Food Standards Code* as defined in section 4 of the *Food Standards Australia New Zealand Act 1991*.

[1.2] *omitting from the definition of code number in clause 2 –*

Standard 1.3.1

substituting –

Standard 1.2.4.

[1.3] *omitting subclause 5(1), substituting –*

(1) In this Code, guidelines as developed by Food Standards Australia New Zealand pursuant to section 13(1)(c) of the *Food Standards Australia New Zealand Act 1991* are to assist in the interpretation of the Code and are not legally binding.

[1.4] *omitting from subclause 5(2) –*

Commentary and

[2] **Standard 1.2.3** of the *Australia New Zealand Food Standards Code* is varied by *omitting from the Table to clause 4 –*

Tree nuts and sesame seeds and their products

substituting –

Tree nuts and sesame seeds and their products other than coconut from the fruit of the palm *Cocos nucifera*

[3] **Standard 1.2.4** of the *Australia New Zealand Food Standards Code* is varied by –

[3.1] *inserting the subclause number (1) before the words In this standard in clause 1, and inserting after that subclause –*

(2) Nothing in this Standard affects the mandatory declaration requirements in Standard 1.2.3.

[3.2] *omitting from the Table to clause 4 –*

Milk solids	No specific condition set
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substituting –

Milk solids	May be used to describe milk powder, skim milk powder, dried milk products standardised in this Code and/or any two or more of the following ingredients: whey, whey powder, whey proteins, lactose, caseinates, milk proteins and milk fat.
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[4] **Standard 1.2.8 of the Australia New Zealand Food Standards Code is varied by –**

[4.1] *omitting the heading to clause 1, substituting –*

1 Interpretation

[4.2] *inserting the subclause number (1) before the words In this Standard in clause 1, and inserting after that subclause –*

(2) Where this Standard permits average energy content to be expressed in calories, the average energy content in calories is to be calculated in accordance with the following formula –

$$E_{cal} = \frac{E_{kJ}}{4.18}$$

Where E_{cal} is the average energy content expressed in calories and E_{kJ} is the average energy content calculated in accordance with the formula in subclause (1).

[4.3] *inserting following subclause 5(5) –*

(5A) Zero (0) must be used to indicate the absence of dietary fibre under subclause (5).

[4.4] *omitting the Table to subclause 18(1), substituting –*

Table to subclause 18(1)

Column 1	Column 2
Dietary Fibre	Method of analysis
Total dietary fibre	Section 985.29 of the AOAC, 18th Edition (2005), or Section 991.43 of the AOAC, 18th Edition (2005).
Total dietary fibre (including all resistant maltodextrins)	Section 2001.03 of the AOAC, 18th Edition (2005)
Inulin and fructooligosaccharide	Section 997.08 of the AOAC, 18th Edition (2005).
Inulin	Section 999.03 of the AOAC, 18th Edition (2005).
Polydextrose	Section 2000.11 of the AOAC, 18th Edition (2005)

[4.5] *omitting subclause 18(2), substituting –*

(2) Where the dietary fibre content of a food has been determined by more than one method of analysis listed in column 2 of the Table to subclause 18(1), the total dietary fibre content is calculated by adding together the results from each method of analysis and then subtracting any portion of dietary fibre which has been included in the results of more than one method of analysis.

[5] **Standard 1.2.11** of the Australia New Zealand Food Standards Code is varied by *omitting subclause 1(1A)*

[6] **Standard 1.3.1** of the Australia New Zealand Food Standards Code is varied by –

[6.1] *omitting from paragraph (b) of clause 3 –*

does not exceed

substituting –

is no more than

[6.2] *omitting from subclause 6(2) –*

must not exceed

substituting –

must be no more than

[6.3] *omitting from subparagraph 11(a)(i) –*

August 2005

substituting –

August 2007

[6.4] *omitting from subparagraph 11(a)(ii) –*

2003

substituting –

November 2000

[6.5] *omitting from subparagraph 11(a)(iii) –*

1996

substituting –

2007

[7] **Standard 1.3.2** of the Australia New Zealand Food Standards Code is varied by *omitting from clause 3 –*

does not exceed

substituting –

is no more than

[8] **Standard 1.3.3** of the Australia New Zealand Food Standards Code is varied by –

[8.1] *inserting, following the definition of **processing aid**, in clause 1 –*

silicates include calcium aluminium silicate, calcium silicate, magnesium silicate, sodium aluminosilicate, sodium calcium polyphosphate silicate, sodium hexafluorosilicate, sodium metasilicate and sodium silicate.

[8.2] *omitting wherever appearing in the Table to clause 8 –*

does not exceed

substituting –

is no more than

[8.3] *omitting from the Table to clause 8 –*

Methyl acrylate-divinylbenzene-diethylene glycol divinyl ether terpolymer containing not less than 7% by weight divinylbenzene and not more than 2.3% by weight of diethylene glycol divinyl ether, aminolysed with dimethaminopropylamine and quaternized with methyl chloride	GMP
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substituting –

Methyl acrylate-divinylbenzene-diethylene glycol divinyl ether terpolymer containing not less than 7% by weight divinylbenzene and not more than 2.3% by weight of diethylene glycol divinyl ether, aminolysed with dimethaminopropylamine and quaternised with methyl chloride	GMP
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[8.4] *omitting wherever appearing in the Table to clause 11 –*

does not exceed

substituting –

is no more than

[9] **Standard 1.3.4** of the Australia New Zealand Food Standards Code is varied by –

[9.1] *omitting paragraph 2(b), substituting –*

(b) *Food Chemicals Codex (6th Edition) published by United States Pharmacopoeia (2008); or*

[9.2] *omitting clause 3, substituting –*

3 Substances with specifications in secondary sources

If there is no monograph applying to a substance under clause 2, the substance must comply with a relevant monograph (if any) published in one of –

- (a) the *British Pharmacopoeia 2008*, TSO, Norwich (2007); or
- (b) *The United States Pharmacopeia*, 30th Revision and *The National Formulary*, 25th Edition, including the first and second supplement official from 1 December 2007; or
- (c) *The Pharmaceutical Codex*, 12th Edition, Council of the Pharmaceutical Society of Great Britain. The Pharmaceutical Press, London (1994); or
- (d) *Martindale; The Complete Drug Reference*. The Pharmaceutical Press, London (2007); or
- (e) the *European Pharmacopoeia* 6th Edition, Council of Europe, Strasbourg (2007); or
- (f) the *International Pharmacopoeia* 4th Edition, World Health Organization, Geneva (2006); or
- (g) *The Merck Index*, 14th Edition, Merck, Whitehouse Station NJ (2006); or
- (h) Code of Federal Regulations of the United States of America, 1 April, 2007; or
- (i) *The Specifications and Standards for Food Additives*, 7th edition (2000), Ministry of Health and Welfare (Japan).

[9.3] *omitting the border surrounding the text in the Specification for oxidised polyethylene in the Schedule.*

[9.4] *omitting from paragraph (a) of the Specification for carboxymethyl cellulose ion exchange resin in the Schedule –*

does not exceed

substituting –

is no more than

[9.5] *omitting from paragraph (b) of the Specification for carboxymethyl cellulose ion exchange resin in the Schedule –*

shall not exceed

substituting –

must be no more than

[9.6] *omitting from paragraph (a) of the Specification for quaternary amine cellulose ion exchange resin in the Schedule –*

does not exceed

substituting –

is no more than

[9.7] *omitting from paragraph (b) of the Specification for quaternary amine cellulose ion exchange resin in the Schedule –*

shall not exceed

substituting –

must be no more than

[9.8] *omitting the words wherever appearing in subparagraph (a)(i) and (ii) of the Specification for diethyl aminoethyl cellulose ion exchange resin in the Schedule –*

does not exceed

substituting –

is no more than

[9.9] *omitting from paragraph (b) of the Specification for diethyl aminoethyl cellulose ion exchange resin in the Schedule –*

shall not exceed

substituting –

must be no more than.

[9.10] *omitting the Specification for Neotame from the Schedule.*

[10] **Standard 1.4.1** of the Australia New Zealand Food Standards Code is varied by *omitting from the fourth paragraph of the Purpose –*

a separate document to this Standard.

substituting –

the User Guide – Generally Expected Levels (GELs) for Metal Contaminants.

[11] **Standard 1.4.2** of the Australia New Zealand Food Standards Code is varied by –

[11.1] *omitting the third paragraph of the Purpose, substituting –*

In New Zealand, the maximum residue limits for agricultural compounds are set in a Maximum Residue Limits Standard issued under section 11C of the *Food Act 1981*.

[11.2] *omitting from subclause 4(3) –*

must not exceed

substituting

must be no more than

[11.3] omitting from Schedule 1 the chemical residue definition for the chemical appearing in Column 1 of the table to this sub-item, substituting the chemical residue definition appearing in Column 2 –

COLUMN 1	COLUMN 2
BENDIOCARB	<p>COMMODITIES OF PLANT ORIGIN: UNCONJUGATED BENDIOCARB</p> <p>COMMODITIES OF ANIMAL ORIGIN: SUM OF CONJUGATED AND UNCONJUGATED BENDIOCARB, 2,2-DIMETHYL-1,3- BENZODIOXOL-4-OL AND N- HYDROXYMETHYLBENDIOCARB, EXPRESSED AS BENDIOCARB</p>

[11.4] omitting the foods and associated MRLs for each of the following chemicals –

BIFENTHRIN BIFENTHRIN	
CITRUS FRUIT	*0.05
BOSCALID COMMODITIES OF PLANT ORIGIN: BOSCALID COMMODITIES OF ANIMAL ORIGIN: SUM OF BOSCALID, 2-CHLORO-N-(4'-CHLORO-5- HYDROXYBIPHENYL-2-YL) NICOTINAMIDE AND GLUCURONIDE CONJUGATE OF 2-CHLORO-N-(4'- CHLORO-5-HYDROXYBIPHENYL-2-YL) NICOTINAMIDE, EXPRESSED AS BOSCALID EQUIVALENTS	
ONION, BULB	T1.0
CETRIMIDE CETRIMIDE	
SHEEP, EDIBLE OFFAL OF	T*1.0
SHEEP MEAT (IN THE FAT)	T*1.0
CHLORPYRIFOS CHLORPYRIFOS	
BLUEBERRIES	T1.0
CLOMAZONE CLOMAZONE	
BEANS [EXCEPT BROAD BEANS AND SOYA BEANS]	*0.05
CYMAZOLE CYMAZOLE	
CATTLE, KIDNEY	T*0.04
CATTLE, LIVER	T*0.04
DIAZINON DIAZINON	
VEGETABLE OILS, CRUDE [EXCEPT OLIVE OIL, CRUDE]	0.1

DIMETHOATE	
SUM OF DIMETHOATE AND OMETHOATE, EXPRESSED AS DIMETHOATE <i>SEE ALSO OMETHOATE</i>	
PEACHES	3
DITHIOCARBAMATES	
TOTAL DITHIOCARBAMATES, DETERMINED AS CARBON DISULPHIDE EVOLVED DURING ACID DIGESTION AND EXPRESSED AS MILLIGRAMS OF CARBON DISULPHIDE PER KILOGRAM OF FOOD	
BERRIES AND OTHER SMALL FRUITS(EXCEPT STRAWBERRIES)	T10
EMAMECTIN	
EMAMECTIN B1A, PLUS ITS 8,9-Z ISOMER AND EMAMECTIN B1B, PLUS ITS 8,9-Z ISOMER	
BRASSICA (COLE OR CABBAGE) VEGETABLES, HEAD CABBAGES, FLOWERHEAD CABBAGES	0.02
GLYPHOSATE	
SUM OF GLYPHOSATE AND AMINOMETHYLPHOSPHONIC ACID (AMPA) METABOLITE, EXPRESSED AS GLYPHOSATE	
PULSES [EXCEPT AS OTHERWISE LISTED UNDER THIS CHEMICAL]	*0.1
IMAZAMOX	
IMAZAMOX	
BROAD BEANS (DRY) (FAVA BEANS)	T*0.05
IVERMECTIN	
H ₂ B _{1A}	
PIG, LIVER	*0.01
LASALOCID	
LASALOCID	
POULTRY SKIN/FAT	1.0
PYMETROZINE	
PYMETROZINE	
BRASSICA (COLE OR CABBAGE) VEGETABLES, HEAD CABBAGES, FLOWERHEAD CABBAGES	*0.02
PYRIMETHANIL	
PYRIMETHANIL	
GRAPES	5.0
STRAWBERRY	5.0
RACTOPAMINE	
RACTOPAMINE	
PIG, KIDNEY	0.2
PIG, LIVER	0.2

SPINOSAD	
SUM OF SPINOSYN A AND SPINOSYN D	
CELERY	2.0
TOLFENAMIC ACID	
TOLFENAMIC ACID	
CATTLE, KIDNEY	*0.01
CATTLE, LIVER	*0.01
PIG, KIDNEY	*0.01
PIG, LIVER	0.1

[11.5] inserting in alphabetical order in Schedule 1, the foods and associated MRLs for each of the following chemicals –

BIFENTHRIN	
BIFENTHRIN	
CITRUS FRUITS	*0.05
BOSCALID	
COMMODITIES OF PLANT ORIGIN: BOSCALID COMMODITIES OF ANIMAL ORIGIN: SUM OF BOSCALID, 2-CHLORO-N-(4'-CHLORO-5- HYDROXYBIPHENYL-2-YL) NICOTINAMIDE AND GLUCURONIDE CONJUGATE OF 2-CHLORO-N-(4'- CHLORO-5-HYDROXYBIPHENYL-2-YL) NICOTINAMIDE, EXPRESSED AS BOSCALID EQUIVALENTS	
ONION, BULB	T1
CETRIMIDE	
CETRIMIDE	
SHEEP, EDIBLE OFFAL OF	T*1
SHEEP MEAT (IN THE FAT)	T*1
CHLORPYRIFOS	
CHLORPYRIFOS	
BLUEBERRIES	T1
CLOMAZONE	
CLOMAZONE	
BEANS [EXCEPT BROAD BEAN AND SOYA BEANS]	*0.05
CYMAZOLE	
CYMAZOLE	
CATTLE KIDNEY	T*0.04
CATTLE LIVER	T*0.04
DIAZINON	
DIAZINON	
VEGETABLE OILS, CRUDE [EXCEPT OLIVE OIL, VIRGIN]	0.1

DIMETHOATE	
SUM OF DIMETHOATE AND OMETHOATE, EXPRESSED AS DIMETHOATE SEE ALSO OMETHOATE	
PEACH	3
DITHIOCARBAMATES	
TOTAL DITHIOCARBAMATES, DETERMINED AS CARBON DISULPHIDE EVOLVED DURING ACID DIGESTION AND EXPRESSED AS MILLIGRAMS OF CARBON DISULPHIDE PER KILOGRAM OF FOOD	
BERRIES AND OTHER SMALL FRUITS [EXCEPT STRAWBERRY]	T10
EMAMECTIN	
EMAMECTIN B1A, PLUS ITS 8,9-Z ISOMER AND EMAMECTIN B1B, PLUS ITS 8,9-Z ISOMER	
BRASSICA (COLE OR CABBAGE) VEGETABLES, HEAD CABBAGES, FLOWERHEAD BRASSICAS	0.02
GLYPHOSATE	
SUM OF GLYPHOSATE AND AMINOMETHYLPHOSPHONIC ACID (AMPA) METABOLITE, EXPRESSED AS GLYPHOSATE	
PULSES [EXCEPT ADZUKI BEAN (DRY), COWPEA (DRY), MUNG BEAN (DRY), SOYA BEAN (DRY)]	5
IMAZAMOX	
IMAZAMOX	
BROAD BEAN (DRY) (FAVA BEANS)	T*0.05
IVERMECTIN	
H ₂ B _{1A}	
PIG LIVER	*0.01
LASALOCID	
LASALOCID	
POULTRY SKIN/FAT	1
PYMETROZINE	
PYMETROZINE	
BRASSICA (COLE OR CABBAGE) VEGETABLES, HEAD CABBAGES, FLOWERHEAD BRASSICAS	*0.02
PYRIMETHANIL	
PYRIMETHANIL	
GRAPES	5
STRAWBERRY	5
RACTOPAMINE	
RACTOPAMINE	
PIG KIDNEY	0.2
PIG LIVER	0.2

SPINOSAD	
SUM OF SPINOSYN A AND SPINOSYN D	
CELERY	2
TOLFENAMIC ACID	
TOLFENAMIC ACID	
CATTLE KIDNEY	*0.01
CATTLE LIVER	*0.01
PIG KIDNEY	*0.01
PIG LIVER	0.1

[12] **Standard 1.4.4** of the Australia New Zealand Food Standards Code is varied by omitting from Schedule 1 the following entries –

<i>Ammi visnaga</i>	Bisnaga, Khella
<i>Conocybe siligineoides</i>	Ya'nte
<i>Senecio aureus</i>	Golden ragwort

[13] **Standard 1.6.1** of the Australia New Zealand Food Standards Code is varied by –

[13.1] omitting from subclause 2(2) –

must not exceed

substituting –

must be no more than

[13.2] omitting from paragraph (b) of clause 5 –

exceeds

substituting –

is more than

[14] **Standard 1.6.2** of the Australia New Zealand Food Standards Code is varied by –

[14.1] omitting the references to clauses 9 and 10 in the Table of Provisions

[14.2] omitting clause 9

[14.3] omitting the Schedule

[15] **Standard 2.2.1** of the Australia New Zealand Food Standards Code is varied by omitting subclause 9(3), substituting –

(3) Except as specified in subclause (1) and subclause (2), the label on a package of fermented comminuted processed meat must not refer to any heating process, unless the heating process is a cooking instruction for the consumer.

[16] **Standard 2.4.1** of the Australia New Zealand Food Standards Code is varied by –

[16.1] inserting at the end of the definition of edible oils in clause 1 –

including aquatic plants and aquatic animals.

[16.2] *inserting in clause 2, following the words other lipids –*

including naturally occurring gums, waxes and phosphatides.

[17] **Standard 2.5.1** of the Australia New Zealand Food Standards Code is varied by –

[17.1] *inserting in the Table of Provisions –*

5 Phytosterol esters

6 Tall oil phytosterols

[17.2] *omitting subclause 4(3)*

[17.3] *omitting from the heading to clause 5 –*

Esters

substituting –

esters

[18] **Standard 2.5.2** of the Australia New Zealand Food Standards Code is varied by *omitting clause 3 and its corresponding entry in the Table of Provisions*

[19] **Standard 2.5.3** of the Australia New Zealand Food Standards Code is varied by –

[19.1] *omitting the reference to clause 3 in the Table of Provisions, substituting –*

3 Deleted

4 Phytosterol esters

[19.2] *omitting clause 3, substituting –*

3 Deleted

[19.3] *omitting from the heading to clause 4 –*

Esters

substituting –

esters

[20] **Standard 2.5.4** of the Australia New Zealand Food Standards Code is varied by *omitting clauses 3 and 4 and their corresponding entries in the Table of Provisions.*

[21] **Standard 2.5.5** of the Australia New Zealand Food Standards Code is varied by *omitting clause 3 and its corresponding entry in the Table of Provisions*

[22] **Standard 2.5.6** of the Australia New Zealand Food Standards Code is varied by *omitting clause 3 and its corresponding entry in the Table of Provisions*

[23] **Standard 2.5.7** of the Australia New Zealand Food Standards Code is varied by omitting clause 4 and its corresponding entry in the Table of Provisions

[24] **Standard 2.6.2** of the Australia New Zealand Food Standards Code is varied by –

[24.1] omitting the definition of **Formulated beverage** in clause 1, substituting –

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

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

[24.2] omitting the heading to the Table to subclause 2(2), substituting –

Table to subclause 2(2)

[24.3] omitting from subclause 6(3) –

may contain:

substituting –

may contain –

[25] **Standard 2.9.1** of the Australia New Zealand Food Standards Code is varied by –

[25.1] omitting the third paragraph of the Purpose, substituting –

There are *Guidelines for Infant Formula Products* at the end of this Standard. These *Guidelines* do not form part of the legally binding Standard.

Standard 1.3.1 contains provisions relating to the food additives permitted in infant formula products. Standard 1.6.1 contains the microbiological limits in relation to infant formula products. Standard 1.3.4 contains specifications for permitted nucleotides and added nutrients. Standard 1.1.1 defines nutritive substances for the purposes of this Code.

See Standard 1.5.1 – Novel Foods for requirements for novel food and novel food ingredients.

[25.2] omitting subclause 1(2), substituting –

(2) In this Code –

infant means a person under the age of 12 months.

infant formula product means a product based on milk or other edible food constituents of animal or plant origin which is nutritionally adequate to serve as the principal liquid source of nourishment for infants.

infant formula means an infant formula product represented as a breast milk substitute for infants and which satisfies the nutritional requirements of infants aged up to four to six months.

follow-on formula means an infant formula product represented as either a breast-milk substitute or replacement for infant formula and which constitutes the principal liquid source of nourishment in a progressively diversified diet for infants aged from six months.

lactose free formula and **low lactose formula** means infant formula products which satisfy the needs of lactose intolerant infants.

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

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

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

protein substitute means L-amino acids and/or the hydrolysate of one or more of the proteins on which infant formula product is normally based.

[25.3] *inserting, following the words* the total amount of the *in paragraph 7(1)(b)* –
added and any naturally occurring

[25.4] *inserting, following the words* the total amount of the *in subclause 7(2)* –
added and any naturally occurring

[25.5] *omitting from* Column 1 *of the* Table to clause 22 –
Cyst(e)ine & Methionine

substituting –

Cysteine, cystine and methionine

[25.6] *omitting paragraph 22(2)(a), substituting* –

(a) 6 mg of cysteine, cystine or combined cysteine and cystine per 100 kJ; and

[25.7] *omitting from* Column 1 *of the* Table to clause 32 –

Cyst(e)ine & Methionine

substituting –

Cysteine, cystine and methionine

[25.8] *omitting paragraph 32(3)(a), substituting –*

(a) 6 mg of cysteine, cystine or combined cysteine and cystine per 100 kJ; and

[26] **Standard 2.9.2** of the Australia New Zealand Food Standards Code is varied by –

[26.1] *omitting the third paragraph of the Purpose, substituting –*

General labelling requirements are contained in Part 1.2. See Standard 1.2.4 –

Labelling of Ingredients for ingredient labelling requirements, including for declaration of compound ingredients in foods for infants. Microbiological requirements are contained in Standard 1.6.1 – Microbiological Limits for Food.

[26.2] *omitting the clause heading –*

Interpretation

substituting –

1 Interpretation

[26.3] *omitting the definition of sugars, substituting –*

sugars has the meaning in Standard 2.8.1 and includes honey.

[26.4] *omitting the following word from paragraph 5(3)(d) –*

exceeds

substituting –

is more than

[26.5] *omitting subclause 6(1), substituting –*

(1) In this clause, **food source of protein** means milk, eggs, cheese, fish, meat (including poultry), nuts and legumes.

(1A) Where a reference is made in the label on a package of food for infants (including in the name of the food) to a food source of protein, the percentage of that food source of protein in the final food must be declared in the label.

[26.6] *omitting clause 10, substituting –*

10 Food in dehydrated or concentrated form

(1) The label on a package of food in dehydrated or concentrated form must include directions for how the food should be reconstituted, and the particulars set out in each column of the panel must be expressed as a proportion of the food as reconstituted according to those directions.

(2) If more than one fluid for preparing the food is nominated in the label, the particulars set out in the column should be adjusted according to the first liquid nominated and the name of this liquid must be included in the Nutrition Information Panel.

[27] Standard 2.9.3 of the Australia New Zealand Food Standards Code is varied by –

[27.1] *omitting the following words wherever appearing in the provisions listed in the table to this sub-item –*

does not exceed

substituting –

is no more than

Table to Sub-item [27.1]

Subclause 2(2)

Paragraph 3(2)(b)

Paragraph 4(1)(c)

Subclause 4(2)

Paragraph 5(2)(c)

Paragraph 6(1)(c)

Subclause 6(2)

Paragraph 7(2)(c)

[27.2] *omitting from the heading of Column 3 of Table 1 in the Schedule –*

ESADDI unless stated otherwise

substituting –

RDI

[27.3] *omitting the heading for Division 4, substituting –*

Division 4 – Formulated supplementary foods for young children

[28] Standard 2.9.4 of the Australia New Zealand Food Standards Code is varied by omitting the following words wherever appearing in the provisions listed in the table to this sub-item –

does not exceed

substituting –

is no more than

Table to Item [28]

Sub-paragraph
2(a)(ii)
Paragraph 2(b)
Paragraph 2(c)
Paragraph 5(2)(b)

[29] **Standard 2.10.1** of the Australia New Zealand Food Standards Code is varied by omitting the definition of vinegar in clause 1, substituting –

vinegar means the sour liquid prepared by acetous fermentation, with or without alcoholic fermentation, of any suitable foodstuff, and includes blends and mixtures of vinegar.

[30] **Standard 3.3.1** of the Australia New Zealand Food Standards Code is varied by –

[30.1] *omitting subclause 1(4)*

[30.2] *inserting a full stop at the end of subclause 3(1)*

[31] **Standard 4.2.3** of the Australia New Zealand Food Standards Code is varied by omitting clause 3A.

[32] **Standard 4.2.4** of the Australia New Zealand Food Standards Code is varied by –

[32.1] *inserting at the end of paragraph (e) of the definition of **dairy products** in subclause 1(2) –*

and

[32.2] *omitting subclause 2(1), substituting –*

(1) Deleted

[33] **Standard 4.2.4A** of the Australia New Zealand Food Standards Code is varied by inserting the subclause number (1) before the words Cheese and cheese products in clause 1, and inserting after that subclause –

(2) In the Table to clause 1, a reference to a Ministerial Order is a reference a Ministerial Order recorded in the Journal Officiel de la République Française.

[34] **Standard 4.5.1** of the Australia New Zealand Food Standards Code is varied by –

[34.1] *inserting after subclause 4(2) –*

(3) Thiamin chloride and thiamin hydrochloride may only be added to wine, sparkling wine and fortified wine to facilitate the growth of micro-organisms.

[34.2] *omitting the following processing aids from the Table to clause 4 –*

Thiamin chloride*
Thiamin hydrochloride*

substituting –

Thiamin chloride
Thiamin hydrochloride

[34.3] *omitting the text immediately after the Table to clause 4 –*

*Thiamin chloride and thiamin hydrochloride may only be added to wine, sparkling wine and fortified wine to facilitate the growth of micro-organisms