

# *Australia New Zealand Food Standards Code – Amendment No. 110 – 2009*

## *Food Standards Australia New Zealand Act 1991*

### **Preamble**

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

### **Citation**

These variations may be collectively known as the *Australia New Zealand Food Standards Code – Amendment No. 110 – 2009*.

### **Commencement**

These variations commence on 16 July 2009.

Note: These variations were published in the Commonwealth of Australia *Food Standards Gazette* No. FSC 52 on 16 July 2009.

## **SCHEDULE**

[1] *Standard 1.2.4 is varied by inserting after paragraph 2(a) –*

(aa) the food is water presented in packaged form as standardised in Standard 2.6.2;

[2] *Standard 1.3.3 is varied by –*

[2.1] *omitting clause 11, substituting –*

### **11 Permitted processing aids used in packaged water and in water used as an ingredient in other foods**

Subject to any qualifications in the Table to this clause, the processing aids listed in the Table may be used in the course of manufacture of packaged water and in water used as an ingredient in other foods provided the final food contains no more than the corresponding maximum permitted level specified in the Table.

[2.2] *omitting from the Table to clause 11 –*

Hydrofluorosilic acid (fluorosilic acid)	GMP
Sodium fluoride	1.5
Sodium fluorosilicate (Sodium silicofluoride)	1.5

*substituting –*

Hydrofluorosilic acid (fluorosilic acid) (only in water used as an ingredient in other foods)	1.5 (as fluoride)
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Sodium fluoride (only in water used as an ingredient in other foods)	1.5 (as fluoride)
Sodium fluorosilicate (Sodium silicofluoride) (only in water used as an ingredient in other foods)	1.5 (as fluoride)

[2.3] *inserting after the Table to clause 11 –*

**Editorial note:**

This clause contains the permissions for fluoride to be used in water that is used as an ingredient in other foods, but not in water presented in packaged form. Standard 2.6.2 contains a voluntary permission to add fluoride to water presented in packaged form.

[3] *Standard 2.6.2 is varied by –*

[3.1] *omitting the Purpose, substituting –*

This Standard deals with packaged waters and water-based beverages which contain food additives and in certain cases, nutritive substances. The Standard defines a number of products and sets certain compositional requirements for packaged water, electrolyte drinks, brewed soft drinks and formulated beverages. The Standard also permits the voluntary addition of fluoride to water presented in packaged form.

Labelling requirements specific to electrolyte drinks and water presented in packaged form are included in this Standard. This Standard also prohibits the labelling or presentation of non-alcoholic beverages in such a way as to suggest the product is an alcoholic beverage.

[3.2] *omitting the entry for Fluoride from the Table to subclause 2(2), substituting –*

Fluoride (naturally occurring)	2.0 (calculated as F)
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[3.3] *inserting after clause 2 –*

**2A Addition of fluoride to packaged water**

(1) In this clause, **water suitable for added fluoride** means water presented in packaged form which –

- (a) does not contain sugars, sweeteners, flavourings or other food; and
- (b) is not carbonated.

(2) Fluoride must not be added to water presented in packaged form except in accordance with this clause.

(3) Fluoride may be added to water suitable for added fluoride provided that –

- (a) the total amount of the naturally occurring and any added fluoride is no less than 0.6 mg/L and no more than 1 mg/L; and
- (b) the form of fluoride added is –

- (i) hydrofluorosilicic acid (fluorosilicic acid);
- (ii) sodium fluoride; or
- (iii) sodium fluorosilicate (sodium silicofluoride).

## **2B Labelling of packaged water**

- (1) The label on water presented in packaged form with added fluoride must contain a statement to the effect that the product contains added fluoride.
- (2) Subject to subclause (3), the label on water presented in packaged form may include a typical analysis which lists the total concentration of any naturally occurring compound expressed in either mg/L or parts per million.
- (3) A typical analysis may also include added fluoride provided that only the total amount of the naturally occurring and added fluoride is specified.
- (4) A typical analysis which complies with subclauses (2) and (3) is not a nutrition claim for the purposes of Standard 1.2.8.

[4] *The Australia New Zealand Food Standards Code is varied by inserting –*

### ***STANDARD 2.10.3***

#### ***CHEWING GUM***

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## **Purpose**

This Standard regulates the addition of calcium to chewing gum containing no more than 0.2% residual sugars; the calcium claims which can be made in relation to chewing gum containing no more than 0.2% residual sugars and certain other labelling requirements.

## **Table of Provisions**

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## **Clauses**

### **1 Interpretation**

In this Standard –

**calcium claim** means a claim about the presence of calcium in chewing gum.

**chewing gum suitable for added calcium** means chewing gum containing no more than 0.2% residual sugars.

**releasable calcium** means the amount of calcium released into the mouth during 20 minutes of chewing calculated using the following formula –

$$Ca_R = \frac{(Ca_o \times W_o) - (Ca_c \times W_c)}{W_o}$$

Where –

$Ca_R$  is the releasable calcium (mg/g of chewing gum)

$Ca_o$  is the original calcium concentration in the chewing gum (mg/g)

$W_o$  is the weight of the original chewing gum (g)

$Ca_c$  is the residual calcium in gum that has been chewed for 20 minutes (mg/g)

$W_c$  is the weight of the chewed gum (g).

**Editorial note:**

As a guide, procedures and apparatus for determining releasable constituents from chewing gum are published in the *British Pharmacopoeia* and the *European Pharmacopoeia*, and are under consideration for inclusion in the *United States Pharmacopeia*.

**supplier making the claim** means the supplier who makes or includes on a label or in an advertisement a calcium claim.

## 2 Permitted addition of calcium

Chewing gum suitable for added calcium may contain added calcium provided that the calcium is in a permitted form specified in the Schedule to Standard 1.1.1.

## 3 Calcium claims

(1) A calcium claim may be made only if –

- (a) the chewing gum to which the claim relates is chewing gum suitable for added calcium; and
- (b) the chewing gum contains no less than 80 mg (10% of the RDI) of releasable calcium per serve; and
- (c) the maximum quantity claimed is no more than 200 mg (25% of the RDI) of releasable calcium per serve; and
- (d) the supplier making the claim has records that substantiate the matters listed in paragraphs (b) and (c); and
- (e) the supplier making the claim makes the records available to the relevant Authority upon request.

(2) To avoid doubt, a claim to the effect that chewing gum is a good source of calcium or releasable calcium must not be made.

#### 4 Labelling requirements

(1) Where a calcium claim is made in relation to chewing gum suitable for added calcium, the nutrition information panel must also include –

- (a) the average quantity of releasable calcium per serve; and
- (b) the average quantity of releasable calcium per 100 g; and
- (c) the proportion of the RDI (for calcium) of releasable calcium per serve; and
- (d) a statement to the effect that the average quantity of calcium is released during 20 minutes of chewing.

(2) Subclause (1) does not apply to chewing gum suitable for added calcium in a small package.

#### Editorial note:

#### EXAMPLE

NUTRITION INFORMATION		
Servings per package: 10		
Serving size: 3 g		
	Average quantity per serve	Average quantity per 100 g
Energy	25 kJ	833 kJ
Protein	0 g	0 g
Fat, total	0 g	0 g
– saturated	0 g	0 g
Carbohydrate	Less than 1 g	Less than 1 g
– sugars	Less than 1 g	Less than 1 g
Dietary fibre	0 g	0 g
Sodium	0 mg	0 mg
Calcium*	80 mg (10% RDI**)	2670 mg
*average quantity of calcium released during 20 minutes of chewing		
**Recommended Dietary Intake		

Standard 1.1.1 defines a ‘nutrition information panel or panel’ as a panel which complies

#### 5 Small packages

(1) Where a calcium claim is made in relation to chewing gum suitable for added calcium contained in a small package, the label must include the following calcium declaration –

- (a) the average quantity of releasable calcium per serve; and
- (b) the serving size; and
- (c) the proportion of the RDI (for calcium) of releasable calcium per serve; and
- (d) a statement to the effect that the average quantity of calcium is released during 20 minutes of chewing.

(2) To avoid doubt, the declaration requirement in paragraph 8(1)(a) of Standard 1.2.8 does not apply to the calcium declaration in subclause (1).

(3) The declaration required in subclause (1) need not be set out in the prescribed panel format.

**Editorial note:**

For the purposes of labelling, Standard 1.2.1 defines a ‘small package’ as a package with a surface area of less than 100 cm<sup>2</sup>.

See clause 8 of Standard 1.2.8 for labelling requirements where nutrition claims, other than calcium claims, are made on small packages of chewing gum suitable for added calcium.