

Australia New Zealand Food Standards Code – Amendment No. 115 – 2010

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. 115 – 2010*.

Commencement

These variations commence on 8 April 2010, except for Item [4.2] which commences on 8 April 2012.

Note: These variations were published in the Commonwealth of Australia *Food Standards Gazette* No. FSC 57 on 8 April 2010.

SCHEDULE

[1] **Standard 1.1.1** is varied by –

[1.1] *omitting the headings for* Division 1 – Interpretation and Application *and* Division 2 – General Prohibitions.

[1.2] *inserting after clause 14 –*

15 Phytosterols, phytostanols and their esters

(1) A reference in this Code to phytosterols, phytostanols and their esters is a reference to a substance which meets a specification for phytosterols, phytostanols and their esters in Standard 1.3.4.

(2) In this Code, **total plant sterol equivalents content** means the sum of –

- (a) phytosterols; and
- (b) phytostanols; and
- (c) phytosterols and phytostanols following hydrolysis of any phytosterol esters and phytostanol esters.

[1.3] *updating the Table of Provisions to reflect these variations.*

[2] **Standard 1.2.3** is varied by *omitting from* Column 1 *of the* Table *to* clause 2 –

Foods containing added tall oil phytosterols or added phytosterol esters
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substituting –

Foods containing added phytosterols,
phytosterols or their esters

[3] **Standard 1.2.4** is varied by –

[1.1] *inserting in Part 1 of Schedule 2 –*

Ethyl lauroyl arginate	243
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[1.2] *inserting in Part 2 of Schedule 2 –*

Ethyl lauroyl arginate	243
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[4] **Standard 1.2.8** is varied by –

[4.1] *omitting the heading to clause 6, substituting –*

6 Expression of particular matters in the nutrition information panel

[4.2] *inserting after subclause 6(4) –*

(5) If a nutrition claim is made about phytosterols, phytosterols or their esters, then the nutrition information panel must include declarations of –

- (a) the substances using the same name as used in the mandatory advisory statement required by clause 2 of Standard 1.2.3; and
- (b) the amount of the substances calculated as total plant sterol equivalents content.

(6) Subclause 1(2) of Standard 1.1.1 does not apply to subclause (5).

[4.3] *updating the Table of Provisions to reflect these variations.*

[5] **Standard 1.3.1** is varied by –

[5.1] *inserting in subclause 5(2) –*

ethyl lauroyl arginate shall be calculated as ethyl-N^α-lauroyl-L-arginate·HCl

[5.2] *inserting in Schedule 1, under item 0.1 Preparations of food additives –*

243	Ethyl lauroyl arginate	200	mg/ kg
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[5.3] *omitting from Schedule 1 –*

1.1.3 Liquid milk to which phytosterols or phytosterol esters have been added

substituting –

1.1.3 Liquid milk to which phytosterols, phytosterols or their esters have been added

[5.4] *inserting in Schedule 1, under item 1.6 Cheese and cheese products, immediately following the last additive entry –*

1.6.1 Soft cheese, cream cheese and processed cheese

243 Ethyl lauroyl arginate 400 mg/kg

mozzarella cheese

243 Ethyl lauroyl arginate 200 mg/kg

1.6.2 Hard cheese and semi-hard cheese

243 Ethyl lauroyl arginate 1 mg/cm² applied to the surface of food; maximum level determined in a surface sample taken to a depth of not less than 3 mm and not more than 5 mm.

[5.5] *inserting in* Schedule 1, *under item* 4.1.3 Peeled and/or cut fruits and vegetables –

243 Ethyl lauroyl arginate 200 mg/kg

[5.6] *inserting in* Schedule 1, *under item* 4.3.8 Other fruit and vegetable based products* –

rehydrated legumes

243 Ethyl lauroyl arginate 200 mg/kg

[5.7] *inserting in* Schedule 1, *under item* 6.3 Processed cereal and meal products, *immediately following the last additive entry* –

6.3.1 Cooked rice

243 Ethyl lauroyl arginate 200 mg/kg

[5.8] *inserting in* Schedule 1, *under item* 6.4 Flour products (including noodles and pasta)* –

243 Ethyl lauroyl arginate 200 mg/kg cooked pasta and noodles only

[5.9] *inserting in* Schedule 1, *under item* 8.2 Processed meat, poultry and meat products in whole cuts or pieces –

243 Ethyl lauroyl arginate 200 mg/kg

[5.10] *inserting in* Schedule 1, *under item* 8.3 Processed comminuted meat, poultry and game products –

243 Ethyl lauroyl arginate 315 mg/kg

[5.11] *inserting in* Schedule 1, *under item* 9.3 Semi preserved fish and fish products –

243 Ethyl lauroyl arginate 400 mg/kg

[5.12] *inserting in* Schedule 1, *under item* 14.1.2 Fruit and vegetable juices and fruit and vegetable juice products* –

243 Ethyl lauroyl arginate 50 mg/kg

[5.13] *inserting in Schedule 1, under item 14.1.3 Water based flavoured drinks* –*

243 Ethyl lauroyl arginate 50 mg/kg

[5.14] *inserting in Schedule 1, under item 20.2 Food other than beverages*, sub-item dairy and fat based desserts, dips and snacks –*

243 Ethyl lauroyl arginate 400 mg/kg

[5.15] *inserting in Schedule 1, under item 20.2 Food other than beverages*, sub-item sauces and toppings (including mayonnaises and salad dressings) –*

243 Ethyl lauroyl arginate 200 mg/kg

[6] **Standard 1.3.4** is varied by –

[6.1] *omitting from the Schedule the following specifications –*

Specification for phytosterol esters derived from vegetable oils
Specification for tall oil phytosterols derived from tall oils

[6.2] *inserting in the Schedule the following specification –*

Specification for phytosterols, phytostanols and their esters

(1) Subject to subclauses (2) and (3), phytosterols, phytostanols and their esters must comply with a monograph specification in clause 2 or 3 of this Standard.

(2) However, for a mixture which contains no less than 950 g/kg of phytosterol and phytostanols, the concentration of hexane, isopropanol, ethanol, methanol or methyl ethyl ketone either singly or in combination must be no more than 2 g/kg.

(3) The total plant sterol equivalents content must contain no less than 95% des-methyl sterols.

Specification for tall oil phytosterol esters

Tall oil phytosterol esters are phytosterols derived from Tall Oil Pitch esterified with long-chain fatty acids derived from edible vegetable oils

Phytosterol Content

Phytosterol esters + free phytosterols	No less than 97%
Free Phytosterols after saponification	No less than 59%
Free phytosterols	No more than 6%
Steradienes	No more than 0.3%

Sterol profile based on input sterols

Campesterol	No less than 4.0% and no more than 25.0%
Campestanol	No more than 14.0%
B-sitosterol	No less than 36.0% and no more than 79.0%
B-sitostanol	No less than 6.0% and no more than 34%
Fatty acid methylester	No more than 0.5%
Moisture	No more than 0.1%
Solvents	No more than 50 mg/kg

Residue on ignition No more than 0.1%

Heavy Metals

Iron No more than 1.0 mg/kg
Copper No more than 0.5 mg/kg
Arsenic No more than 3 mg/kg
Lead No more than 0.1 mg/kg

Microbiological

Total aerobic count No more than 10,000 cfu/g
Combined moulds and yeasts No more than 100 cfu/g
Coliforms Negative
E. coli Negative
Salmonella Negative

[7] **Standard 1.5.1 is varied by –**

[7.1] *omitting from the Table to clause 2 the entries for Phytosterol esters and Tall oil phytosterols*

[7.2] *inserting in the Table to clause 2 –*

Phytosterols, phytostanols and their esters	<p>The food must comply with requirements in clause 2 of Standard 1.2.3.</p> <p>May only be added to edible oil spreads –</p> <p>(1) according to Standard 2.4.2; and</p> <p>(2) where the total saturated and trans fatty acids present in the food are no more than 28% of the total fatty acid content of the food.</p> <p>May only be added to breakfast cereals, not including breakfast cereal bars, if –</p> <p>(1) the total fibre content of the breakfast cereal is no less than 3 g/50 g serve;</p> <p>(2) the breakfast cereal contains no more than 30g/100g of total sugars; and</p> <p>(3) the total plant sterol equivalents content is no less than 15 g/kg and no more than 19 g/kg.</p> <p>Foods to which phytosterols, phytostanols or their esters have been added must not be used as ingredients in other foods.</p> <p>May only be added to milk in accordance with Standard 2.5.1.</p> <p>May only be added to yoghurt in accordance with Standard 2.5.3.</p>
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[7.3] *inserting in the Table to clause 3 –*

Tall oil phytosterol Esters	LiveActive®	Cheese and Processed Cheese	<p>The food must comply with the requirements in clause 2 of Standard 1.2.3.</p> <p>The name 'tall oil phytosterol esters' or 'plant sterol esters' must be used.</p> <p>May only be added to cheese and processed cheese in accordance with Standard 2.5.4.</p> <p>Foods to which tall oil phytosterol esters have been added may not be used as ingredients in other foods.</p> <p>The tall oil phytosterol esters must comply with the specification for LiveActive® tall oil phytosterol esters in Schedule 1 of Standard 1.3.4.</p>
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[8] **Standard 2.4.2** is varied by omitting paragraphs 2(1)(g) and (h), substituting –

(g) no more than 82 g/kg of total plant sterol equivalents content.

[9] **Standard 2.5.1** is varied by –

[9.1] *omitting clause 5, substituting –*

5 Phytosterols, phytostanols and their esters

Phytosterols, phytostanols and their esters may only be added to milk –

- (a) that contains no more than 1.5 g total fat per 100 g; and
- (b) that is supplied in a package, the labelled volume of which is no more than 1 litre; and
- (c) where the total plant sterol equivalents content is no less than 3 g/L of milk and no more than 4 g/L of milk.

[9.2] *updating the Table of Provisions to reflect these variations.*

[10] **Standard 2.5.3** is varied by –

[10.1] *omitting clause 4, substituting –*

4 Phytosterols, phytostanols and their esters

Phytosterol, phytostanols and their esters may only be added to yoghurt –

- (a) that contains no more than 1.5 g total fat per 100 g; and

- (b) that is supplied in a package, the capacity of which is no more than 200 g; and
- (c) where the total plant sterol equivalents content added is no less than 0.8 g and no more than 1.0 g per package.

[10.2] *updating the Table of Provisions to reflect these variations.*

[11] **Standard 2.5.4** is varied by –

[11.1] *inserting after clause 2 –*

3 Tall Oil Phytosterol Esters

Tall oil phytosterol esters may only be added to cheese and processed cheese –

- (a) that contains no more than 12 g total fat per 100 g; and
- (b) that is supplied in an individual portion, the weight of which is no more than 50 g; and
- (c) where the tall oil phytosterol ester is added at no less than 70 g / kg and no more than 90 g / kg.

Editorial note:

See clause 3 of Standard 1.5.1 which provides for the exclusive use of tall oil phytosterol esters in cheese and processed cheese in accordance with the provisions of that clause.

[11.2] *updating the Table of Provisions to reflect the above variations*