

Food Standards (Proposal P1033 – Code Maintenance XII) Variation

The Board of Food Standards Australia New Zealand gives notice of the making of this variation under section 92 of the *Food Standards Australia New Zealand Act 1991*. The Standard commences on the date specified in clause 3 of this variation.

Dated 24 October 2014



Standards Management Officer
Delegate of the Board of Food Standards Australia New Zealand

Note:

This variation will be published in the Commonwealth of Australia Gazette No. FSC 92 on 30 October 2014. This means that this date is the gazettal date for the purposes of clause 3 of the variation.

1 Name

This instrument is the *Food Standards (Proposal P1033 – Code Maintenance XII) Variation*.

2 Variation to Standards in the *Australia New Zealand Food Standards Code*

The Schedule varies the Standards in the *Australia New Zealand Food Standards Code*.

3 Commencement

The variation commences on gazettal.

SCHEDULE

[1] Standard 1.1.1 is varied by

[1.1] omitting the definition of **bulk cargo container** in clause 2 and substituting

“**bulk cargo container** means –

- (a) an article of transport equipment, being a lift van, movable tank, shipping container, aircraft cargo container or other similar structure –
 - (i) of a permanent character and accordingly strong enough to be suitable for repeated use; and
 - (ii) specifically designed to facilitate the carriage of goods by one or more modes of transport, without immediate repacking; and
 - (iii) fitted with devices permitting its ready handling and its transfer from one mode of transport to another; and
 - (iv) so designed as to be easy to fill and empty; and
 - (v) having an internal volume of one cubic metre or more; and
 - (vi) includes the normal accessories and equipment of the container, when imported with the container and used exclusively with it; and
- (b) does not include any vehicle, or any ordinary packing case, crate, box, or other similar article used for packing.”

[1.2] inserting “a” before “package” in subclause 11(1)

[2] Standard 1.1A.6 is varied by

[2.1] omitting from the Purpose “medical foods and”

[2.2] omitting subclause 2(3) and substituting

“(3) This Standard –

- (a) does not apply to food for special medical purposes; and
- (b) ceases to have effect in relation to other special purpose food, including food formulated and represented as being for the dietary management of obesity or overweight, two years from the commencement of any alternative applicable provisions in this Code.”

[3] Standard 1.2.1 is varied by

[3.1] omitting from paragraph 2(2)(da) “24(5)” and substituting “25(5)”

[3.2] omitting from paragraph 3(1)(f) “discernable” and substituting “discernible”

[3.3] omitting from subclause 4(1) “for”

[3.4] inserting “for” before “retail” in paragraph 4(1)(a)

[3.5] inserting “for” before “catering” in paragraph 4(1)(b)

[3.6] omitting paragraph 5(1)(e) and substituting

“(e) Standard 1.2.11 – Country of Origin Labelling (applies in Australia only); and”

[4] Standard 1.2.4 is varied by

[4.1] omitting from Schedule 2 (twice occurring)

“

Aluminium, calcium, sodium, magnesium, potassium and ammonium salts of fatty acids	470
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”

[4.2] inserting in Part 1 of Schedule 2 in alphabetical order

“

Fatty acid salts of aluminium, ammonia, calcium, magnesium, potassium and sodium	470
--	-----

”

[4.3] inserting in Part 2 of Schedule 2 in numerical order

“

Fatty acid salts of aluminium, ammonia, calcium, magnesium, potassium and sodium	470
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”

[4.4] omitting from Schedule 2 (twice occurring)

“

Ammonium bicarbonate	503
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”

[4.5] inserting in Part 1 of Schedule 2 in alphabetical order

“

Ammonium carbonate	503
--------------------	-----

”

[4.6] inserting in Part 2 of Schedule 2 in numerical order

“

Ammonium carbonate	503
--------------------	-----

”

[4.7] omitting from Schedule 2 (twice occurring)

“

Advantame	–
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”

[4.8] inserting in Part 1 of Schedule 2 in alphabetical order

“

Advantame	969
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”

[4.9] inserting in Part 2 of Schedule 2 in numerical order

“

Advantame	969
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”

[4.10] inserting in Part 1 and in Part 2 of Schedule 2 in alphabetical and numerical order respectively

“

Yeast mannoproteins	455
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”

[4.11] omitting the Editorial note following Part 1 of Schedule 2

[4.12] omitting the Editorial note following Part 2 of Schedule 2

[5] **Standard 1.2.5** is varied by omitting the Editorial note following subclause 2(2) and substituting

“

<p>Editorial note:</p> <p>Standard 1.2.1 sets out the exemptions to the general labelling requirements in this Code. Standard 1.1.1 provides a definition of ‘small package’.</p>
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”

[6] **Standard 1.2.7** is varied by

[6.1] omitting from clause 18 “A person who gives the notice mentioned in paragraph 17(4)(b) is required to –” and substituting

“(1) A person who gives the notice mentioned in paragraph 17(4)(b) is required to –”

[6.2] omitting from Part 1 of Schedule 3 under the entry for Selenium “utilization” and substituting “utilisation”

[6.3] omitting from Schedule 6 where occurring “:” and substituting “ –”

[7] **Standard 1.2.8** is varied by

[7.1] inserting “.” at the end of the definition of **average energy content** in clause 1

[7.2] omitting paragraph 5(1)(h) and substituting

“(h) any other matter which this Code requires to be included;”

[8] **Standard 1.2.9** is varied by

[8.1] omitting from the Editorial note following subclause 2(1)

“Within 24 months of the gazettal of this Editorial note, Standard 1.2.9 – Legibility Requirements will be reviewed.”

[8.2] inserting “of” before “type” in paragraph 3(b)

[8.3] omitting the Editorial note following clause 3 and substituting

Editorial note:

Standard 1.1.1 provides definitions of 'warning statement' and 'small package'.

[9] **Standard 1.3.1** is varied by

[9.1] omitting paragraph 11(a) and substituting

- “(a) Flavouring substances which are listed in at least one of the following publications –
- (i) Generally Recognised as Safe (GRAS) lists of flavouring substances published by the Flavour and Extract Manufacturers' Association of the United States from 1960 to 2013 (edition 26); or
 - (ii) Chemically-defined flavouring substances, Council of Europe, November 2000; or
 - (iii) Annex 1 of Council Regulation (EU) No 872/2012 of 1 October 2012 adopting the list of flavouring substances [2012] OJ L267/1; or
 - (iv) 21 CFR § 172.515; or”

[9.2] omitting from Schedule 1 the heading “**13.3 Formula meal replacements and formulated supplementary foods***” and substituting “**13.3 Formulated meal replacements and formulated supplementary foods***”

[9.3] omitting from item 14.2.2 in Schedule 1

“

-	Yeast mannoproteins	400	mg/kg	”
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[9.4] inserting in numerical order under the heading for **Wine, sparkling wine and fortified wine** in item 14.2.2 in Schedule 1

“

455	Yeast mannoproteins	400	mg/kg	”
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[9.5] omitting from Schedule 1

“

-	Aspartame	150	mg/kg	”
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[9.6] inserting in numerical order under the heading **electrolyte drink and electrolyte drink base** in Item 14.1.3 in Schedule 1

“

951	Aspartame	150	mg/kg	”
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[9.7] omitting the Editorial note following Schedule 1

[9.8] omitting from Schedule 2 (twice occurring)

“

-	Advantame	”
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[9.9] inserting in Schedule 2 in alphabetical and numerical order respectively

“
969 Advantame

”

[10] **Standard 1.3.2** is varied by omitting from the Table to clause 3 “refer to clause 8” where occurring in Column 4 and substituting “refer to clause 5”

[11] **Standard 1.3.3** is varied by omitting from the entry for “Hydrogen peroxide” in the Table to clause 14

“ Control of lactic acid producing microorganisms to stabilise the pH during the manufacture of –
(a) fermented milk;
(b) fermented milk products;
(c) cheese made using lactic acid producing microorganisms; and
(d) cheese products made using lactic acid producing microorganisms.
”

and substituting

“ Control of lactic acid producing microorganisms to stabilise the pH during the manufacture of –
(a) fermented milk; or
(b) fermented milk products; or
(c) cheese made using lactic acid producing microorganisms; or
(d) cheese products made using lactic acid producing microorganisms.
”

[12] **Standard 1.3.4** is varied by

[12.1] omitting paragraph 2(c) and inserting

- “(c) United States Pharmacopeial Convention (2014) Food Chemicals Codex. 9th ed, United States Pharmacopeial Convention, Rockville, MD.; or
- (d) Commission Regulation (EU) No 231/2012 of 9 March 2012 laying down specifications for food additives.”

[12.2] omitting paragraph 3(i) and inserting

- “(i) the Specifications and Standards for Food Additives, 8th Edition (2007), Ministry of Health and Welfare (Japan); or”

[12.3] omitting from the Schedule the heading “**Specification selenium-enriched yeast**” and substituting “**Specification for selenium-enriched yeast**”

[13] **Standard 1.5.3** is varied by

[13.1] omitting from column 1 of the Table to clause 4

“Longan
Litchi”

and substituting

“Litchi
Longan”

[13.2] omitting from subclause 6(3) “clause” and substituting “subclause”

[14] **Standard 1.6.1** is varied by omitting from the Schedule “desiccated” and substituting “desiccated”

[15] **Standard 2.1.1** is varied by

[15.1] omitting from the Table of Provisions “Flour” and substituting “Wheat flour”

[15.2] inserting in the Table of Provisions in numerical order

“1A Definition of bread for certain purposes”
“5 Mandatory addition of iodised salt to bread”

[15.3] omitting from subclause 5(3) “:” and substituting “-”

[16] **Standard 2.5.3** is varied by inserting after the Table to subclause 2(2)

“(3) The protein requirements in the Table to subclause 2(2) apply exclusively to fermented milk made from cow’s milk.”

[17] **Standard 2.5.7** is varied by omitting from subclause 2(1) “dried milks” and substituting “dried milks, evaporated milks”

[18] **Standard 2.6.2** is varied by inserting in the Table of Provisions in numerical order

“2A Addition of fluoride to packaged water”
“2B Labelling of packaged water”

[19] **Standard 2.7.4** is varied by omitting from the Editorial note “*Australian Wine and Brandy Corporation Act 1980*” and substituting “*Wine Australia Corporation Act 1980*”

[20] **Standard 2.9.1** is varied by inserting in the Table of Provisions in numerical order

“9A Permitted inulin-type fructans and galacto-oligosaccharides”

[21] **Standard 2.9.2** is varied by omitting from subclause 6(2) “of 3 g/100 kJ of protein” and substituting “3 g of protein / 100 kJ”

[22] **Standard 2.9.5** is varied by omitting subclause 3(2) and substituting

“(2) Subclause 6(3) of Standard 1.5.3 applies to a food for special medical purposes as if such food were subject to Standard 1.2.1.”

[23] **Standard 2.10.3** is varied by omitting the Editorial note following clause 5 and substituting

“

<p>Editorial note:</p> <p>Standard 1.1.1 provides a definition of ‘small package’.</p> <p>See clauses 8 and 8A of Standard 1.2.8 for labelling requirements when claims requiring nutrition information, other than calcium claims, are made on small packages of chewing gum suitable for added calcium.</p>
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”

[24] **Standard 3.2.2** is varied by

[24.1] omitting subclause 3(2) and substituting

“(2) Subclause (1) does not apply to a food business in relation to persons undertaking food handling operations for fundraising events at which only food that is not potentially hazardous or is to be consumed immediately after thorough cooking is sold.”

[24.2] omitting from paragraph 5(2)(b) “of the food of the food” and substituting “of the food”

[24.3] omitting from subclause 24(4) the definition of **outdoor dining area** and substituting

“**outdoor dining area** means an area that –

- (a) is used for dining, drinking or both drinking and dining; and
- (b) is not used for the preparation of food; and
- (c) is not an enclosed area; and
- (d) can be entered by the public without passing through an enclosed area.”