

## Standard 1.1.2 Definitions used throughout the Code

**Note 1** This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

**Note 2** The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

### 1.1.2—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 1.1.2 – Definitions used throughout the Code*.

**Note** Commencement:  
This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

### 1.1.2—2 Definitions—general

**Note** Definitions for foods are provided in section 1.1.2—3.

- (1) Subject to subsection (2), a term used in this Code that is also used in the \*FSANZ Act has the same meaning as in the FSANZ Act, unless the contrary intention appears.
- (2) In applying this Code under an application Act, a term used in this Code that is also used in the \*application Act has the same meaning as in the application Act, unless the contrary intention appears.

**Example** A contrary intention is apparent in the definition of *label* in subsection 1.1.2—2(3).

- (3) In this Code, unless the contrary intention appears, the following definitions apply:

**additive permitted at GMP**—see section 1.1.2—11.

**agvet chemical** means an agricultural chemical product or a veterinary chemical product, within the meaning of the Agvet Code.

**Note** The Agvet Code is the *Agricultural and Veterinary Chemicals Code* set out in the Schedule to the *Agricultural and Veterinary Chemicals Code Act 1994* (Cth). See subsection 4(1) of the FSANZ Act.

**amino acid modified food**—see section 2.9.6—2.

**AS/NZS** means a joint Australia New Zealand Standard published by Standards Australia.

**application Act** means an Act or Ordinance of a \*jurisdiction under which the requirements of this Code are applied in the jurisdiction.

**AS** means an Australian Standard published by Standards Australia.

**assisted service display cabinet** means an enclosed or semi-enclosed display cabinet which requires a person to serve the food as requested by the purchaser.

**authorised officer**, in relation to a jurisdiction, means a person authorised or appointed under an application Act or other legislation of the relevant \*jurisdiction for the purposes of enforcement of a provision of the relevant application Act, or for purposes that include that purpose.

**available carbohydrate** means available carbohydrate calculated in accordance with section S11—3.

**available carbohydrate by difference** means available carbohydrate by difference calculated in accordance with section S11—3.

**average energy content** means the average energy content calculated in accordance with section S11—2.

**average quantity**, of a substance in a food, means the average, for such foods from that producer or manufacturer, of:

- (a) where a serving or reference amount is specified—the amount of the substance that such a serving or reference amount contains; or
- (b) otherwise—the proportion of that substance in the food, expressed as a percentage.

**Note** See also section 1.1.1—6.

**baked-for date**, in relation to bread, means:

- (a) if the time at which the bread was baked is before midday—the baked-on date;
- (b) if the time at which the bread was baked is on or after midday—the day after the baked-on date.

**baked-on date**, in relation to bread, means the date on which the bread was baked.

**bear a label**: a food for sale is taken to **bear a label** of a specified kind or with specified content if either of the following is part of or attached to the packaging of the food:

- (a) a label of that kind or with that content;
- (b) labels that together are of that kind or have that content.

**best-before date**, for a food for sale, means the date up to which the food will remain fully marketable and will retain any specific qualities for which express or implied claims have been made, if the food:

- (a) remains in an intact package during its storage; and
- (b) is stored in accordance with any storage conditions applicable under Standard 1.2.6.

**biologically active substance** means a substance, other than a nutrient, with which health effects are associated.

**biomarker** means a measurable biological parameter that is predictive of the risk of a \*serious disease when present at an abnormal level in the human body.

**bulk cargo container**:

- (a) means 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
- (b) includes the normal accessories and equipment of the container, when imported with the container and used exclusively with it; and
- (c) does not include any vehicle, or any ordinary packing case, crate, box, or other similar article used for packing.

**business address** means the street address, or a description of the location, of the premises from which a business is being operated.

**carbohydrate**, other than in the definition of **beer** (section 1.1.2—3), means \*available carbohydrate or \*available carbohydrate by difference.

**caterer** means a person, establishment or institution (for example, a catering establishment, a restaurant, a canteen, a school, or a hospital) which handles or offers food for immediate consumption.

**characterising component**—see section 1.1.2—4.

**characterising ingredient**—see section 1.1.2—4.

**claim** means an express or implied statement, representation, design or information in relation to a food or a property of food which is not mandatory in this Code.

**claim requiring nutrition information:**

- (a) means:
  - (i) a nutrition content claim; or
  - (ii) a health claim; and
- (b) does not include:
  - (i) a declaration that is required by an application Act; or
  - (ii) an endorsement; or
  - (iii) a \*prescribed beverage gluten free claim.

**Code**, or **this Code**, means the Australia New Zealand Food Standards Code.

**code number**, used in relation to a substance \*used as a food additive, means either:

- (a) the number set out in the table to Schedule 8 in relation to that substance; or
- (b) that number preceded by the letter 'E'.

**colouring permitted at GMP**—see section 1.1.2—11.

**colouring permitted to a maximum level**—see section 1.1.2—11.

**comminuted** means chopped, diced or minced.

**component**, of a food, means a substance that is present as a constituent part of the food (as distinct from an ingredient).

**Example** If sodium bicarbonate is used as an ingredient to produce a food, it will be changed by the cooking into carbon dioxide and salts; the salts are identifiable as components of the food.

**compound ingredient:** an ingredient of a food is a **compound ingredient** if it is itself made from two or more ingredients.

**dietary fibre** means that fraction of the edible part of plants or their extracts, or synthetic analogues that:

- (a) is resistant to digestion and absorption in the small intestine, usually with complete or partial fermentation in the large intestine; and
- (b) promotes one or more of the following beneficial physiological effects:
  - (i) laxation;
  - (ii) reduction in blood cholesterol;
  - (iii) modulation of blood glucose;

and includes:

- (c) polysaccharides or oligosaccharides that have a degree of polymerisation greater than 2; and
- (d) lignins.

**endorsement** means a nutrition content claim or a health claim that is made with the permission of an endorsing body.

**endorsing body** means a not-for-profit entity that:

- (a) has a nutrition- or health-related purpose or function; and
- (b) permits a \*supplier to make an endorsement.

**ESADDI** means Estimated Safe and Adequate Daily Dietary Intake—see section 1.1.2—10.

**extraneous residue limit** or **ERL**, for an \*agvet chemical in a food, means the amount identified in Schedule 21 for that agvet chemical in that food.

**fat**, in Standards 1.2.7 and 1.2.8 and Schedules 4 and 11, means total fat.

**flavouring substance** means a substance that is used as a food additive to perform the technological purpose of a flavouring in accordance with this Code.

**food**—see subsection (2) (the term has the same meaning as in the relevant application Act).

**Note** Each of the various application Acts has a definition of **food**. These all have a similar effect and make the concept very broad, effectively covering anything that is intended or offered for human consumption.

**Food Act** means the *Food Act 2014* (NZ).

**food additive**—see **used as a food additive**, section 1.1.2—11.

**food group** means any of the following groups:

- (a) bread (both leavened and unleavened), grains, rice, pasta and noodles;
- (b) fruit, vegetables, herbs, spices and fungi;
- (c) milk, skim milk, cream, fermented milk, yoghurt, cheese, processed cheese, butter, ice cream, condensed milk, dried milk, evaporated milk, and dairy analogues derived from legumes, cereals, nuts, seeds, or a combination of these ingredients listed in section S17—4;
- (d) meat, fish, eggs, nuts, seeds and dried legumes;
- (e) fats including butter, edible oils and edible oil spreads.

**food produced using gene technology** means a food which has been derived or developed from an organism which has been modified by gene technology.

**Note** This definition does not include food derived from an animal or other organism which has been fed food produced using gene technology, unless the animal or other organism is itself a product of gene technology.

**FSANZ** means Food Standards Australia New Zealand.

**FSANZ Act** means the *Food Standards Australia New Zealand Act 1991* (Cth).

**fund raising event** means an event that raises funds solely for a community or charitable cause and not for personal financial gain.

**galacto-oligosaccharides** means a mixture of the substances produced from lactose by enzymatic action, comprised of between two and eight saccharide units, with one of these units being a terminal glucose and the remaining saccharide units being galactose, and disaccharides comprised of two units of galactose.

**gene technology** means recombinant DNA techniques that alter the heritable genetic material of living cells or organisms.

**general level health claim** means a health claim that is not a high level health claim.

**general level health claims table** means the table to section S4—5.

**geographical indication**—see section 2.7.5—4.

**gluten** means the main protein in wheat, rye, oats, barley, triticale and spelt relevant to the medical conditions coeliac disease and dermatitis herpetiformis.

**glycaemic index (GI)** means a measure of the blood glucose raising ability of the digestible carbohydrates in a given food as determined by a recognised scientific method.

**GMP** or **Good Manufacturing Practice**, with respect to the addition of substances used as food additives and substances used as processing aids to food, means the practice of:

- (a) limiting the amount of substance that is added to food to the lowest possible level necessary to accomplish its desired effect; and

- (b) to the extent reasonably possible, reducing the amount of the substance or its derivatives that:
  - (i) remains as a \*component of the food as a result of its use in the manufacture, processing or packaging; and
  - (ii) is not intended to accomplish any physical or other technical effect in the food itself;
- (c) preparing and handling the substance in the same way as a food ingredient.

**hamper** means a decorative basket, box or receptacle that:

- (a) contains one or more separately identifiable foods; and
- (b) may contain other items, such as decorative cloths, glasses and dishes.

**health claim** means a claim which states, suggests or implies that a food or a property of food has, or may have, a health effect.

**Note** See also subsection 2.10.2—8(3).

**health effect** means an effect on the human body, including an effect on one or more of the following:

- (a) a biochemical process or outcome;
- (b) a physiological process or outcome;
- (c) a functional process or outcome;
- (d) growth and development;
- (e) physical performance;
- (f) mental performance;
- (g) a disease, disorder or condition.

**high level health claim** means a \*health claim that refers to a \*serious disease or a \*biomarker of a serious disease.

**high level health claims table** means the table to section S4—4.

**import** includes:

- (a) in Australia—import from New Zealand; and
- (b) in New Zealand—import from Australia.

**individual portion pack**—see subsection 1.2.1—6(3).

**individual unit** means a container that:

- (a) is an innermost package; and
- (b) contains a beverage with more than 1.15% alcohol by volume.

**infant** means a person under the age of 12 months.

**inner package**, in relation to a food for special medical purposes, means an individual package of the food that:

- (a) is contained and sold within another package that is labelled in accordance with section 2.9.5—9; and
- (b) is not designed for individual sale, other than a sale by a \*responsible institution to a patient or resident of the responsible institution.

**Example** An example of an inner package is an individual sachet (or sachets) of a powdered food contained within a box that is fully labelled, being a box available for retail sale.

**intra-company transfer**—see section 1.2.1—18.

**inulin-type fructans** means mixtures of saccharide chains that have  $\beta$ -D-(2→1) fructosyl-fructose linkages with or without a terminal  $\alpha$ -D-(1→2) glucosyl-fructose linked glucose unit.

**irradiation**, in relation to food, means subjecting the food to ionising radiation, other than ionising radiation imparted to food by measuring or inspection

instruments, and **irradiate** and **irradiated** have corresponding meanings.

**jurisdiction** means a State or Territory of Australia, the Commonwealth of Australia, or New Zealand **label**, in relation to a food for sale, means any tag, brand, mark or statement in writing or any representation or design or descriptive matter that:

- (a) is attached to the food or is a part of or attached to its packaging; or
- (b) accompanies and is provided to the purchaser with the food; or
- (c) is displayed in connection with the food when it is sold.

**labelling**:

- (a) in relation to a food for sale, **labelling** means all of the labels for the food together; and
- (b) a requirement for the labelling of a food to include specified content is a requirement for at least one of the labels to have that content.

**listericidal process** means a process that reduces *Listeria monocytogenes* microorganisms in the food to a safe level.

**lot** means an amount of a food that the manufacturer or producer identifies as having been prepared, or from which foods have been packaged or otherwise separated for sale, under essentially the same conditions, for example:

- (a) from a particular preparation or packing unit; and
- (b) during a particular time ordinarily not exceeding 24 hours.

**lot identification**, for a food for sale, means a number or other information that identifies:

- (a) the premises where the food was prepared or packed; and
- (b) the \*lot of which the food is a part.

**maximum residue limit** or **MRL**, for an \*agvet chemical in a food, means the amount identified in Schedule 20 for that agvet chemical in that food.

**medical institution**—see section 1.1.2—7.

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

**meet the NPSC** means that the \*nutrient profiling score of a food described in Column 1 of the table to section S4—6 is less than the number specified for that food in Column 2 of that table.

**monounsaturated fatty acids** means the total of cis-monounsaturated fatty acids.

**non-traditional food**—see section 1.1.2—8.

**novel food**—see section 1.1.2—8.

**NPSC** means the nutrient profiling scoring criterion (see section S4—6).

**nutrition content claim**—see section 1.1.2—9.

**Note** See also subsection 2.10.2—8(3).

**nutrition information panel** means a nutrition information panel that is required to be included on a label on a package of food in accordance with Standard 1.2.8.

**nutrient profiling score** means the final score calculated pursuant to the method referred to in section 1.2.7—25.

**nutritive substance**—see **used as a nutritive substance**, section 1.1.2—12.

**NZS** means a New Zealand Standard published by Standards New Zealand.

**one-day quantity**, in relation to a formulated supplementary sports food, means the amount of that food which is to be consumed in one day in accordance with directions specified in the label.

**Note** For the meaning of **one-day quantity** in relation to a formulated caffeinated beverage, see subsection 2.6.4—5(5).

**package:**

- (a) means any container or wrapper in or by which food for sale is wholly or partly encased, covered, enclosed, contained or packaged; and
- (b) if food is carried or sold or intended to be carried and sold in more than one package—includes each package; and
- (c) does not include:
  - (i) a \*bulk cargo container; or
  - (ii) a pallet overwrap; or
  - (iii) a crate and packages which do not obscure labels on the food; or
  - (iv) a transportation vehicle; or
  - (v) a vending machine; or
  - (vi) a hamper; or
  - (vii) a container or wrapper (including a covered plate, cup, tray or other food container) in which food is served in a prison, hospital or \*medical institution; or
  - (viii) for Standard 2.9.5—a covered plate, cup, tray or other food container in which food for special medical purposes is served by a \*responsible institution to a patient or resident.

**permitted flavouring substance** means any of the following:

- (a) a substance that is 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 2018 (edition 28);
  - (ii) Chemically-defined flavouring substances, Council of Europe, November 2000;
  - (iii) Annex I of Council Regulation (EU) No 872/2012 of 1 October 2012 adopting the list of flavouring substances [2012] OJ L267/1;
  - (iv) 21 CFR § 172.515;
- (b) a \*flavouring substance obtained by physical, microbiological, enzymatic or chemical processes from material of vegetable or animal origin either in its raw state or after processing by traditional preparation process including drying, roasting and fermentation;
- (c) a flavouring substance that is obtained by synthetic means and which is identical to one of the substances described in paragraph (b).

**phytosterols, phytostanols and their esters:** a reference to **phytosterols, phytostanols and their esters** is a reference to a substance which meets a specification for phytosterols, phytostanols and their esters in section S3—24.

**polyunsaturated fatty acids** means the total of polyunsaturated fatty acids with cis-cis-methylene interrupted double bonds.

**pregnancy warning label** means either the pregnancy warning pictogram or the pregnancy warning mark.

**pregnancy warning mark** means the following image comprising

- (a) the pregnancy warning pictogram,
  - (b) the signal words “Pregnancy Warning” and
  - (c) the statement “Alcohol can cause lifelong harm to your baby”,
- all within a border.



**pregnancy warning pictogram** means the following pictogram with the silhouette of a pregnant woman holding a wine glass within a circle with a strikethrough:



**prescribed alcoholic beverage** means a beverage that

- (a) has more than 1.15% alcohol by volume; and
- (b) either:
  - (i) is for retail sale; or
  - (ii) is sold as suitable for retail sale without any further processing, packaging or labelling; and
- (c) does not include a beverage that:
  - (i) is sold for retail sale; and
  - (ii) is packaged in the presence of the purchaser.

**prescribed beverage** means:

- (a) a \*standardised alcoholic beverage; or
- (b) a beverage containing no less than 0.5% alcohol by volume.

**prescribed beverage gluten free claim** means a nutrition content claim in relation to the gluten content of a \*prescribed beverage that uses the descriptor 'free' in conjunction with gluten, or a synonym of that descriptor.

**prescribed name**, of a particular food, means a name declared by a provision of this Code to be the prescribed name of the food.

**Note** Under the labelling provisions in Standard 1.2.1 and section 1.2.2—2, if a food has a prescribed name, it must be used in the labelling of the food.

**processing aid**—see **used as a processing aid**, section 1.1.2—13.

**property of food** means a \*component, ingredient, constituent or other feature of food.

**protein substitute** means:

- (a) L-amino acids; or
- (b) the hydrolysate of one or more of the proteins on which infant formula product is normally based; or
- (c) a combination of L-amino acids and the hydrolysate of one or more of the proteins on which infant formula product is normally based.

**RDI** means Recommended Dietary Intake—see section 1.1.2—10.

**ready-to-eat food** means a food that:

- (a) is ordinarily consumed in the same state as that in which it is sold; and
- (b) will not be subject to a \*listericidal process before consumption; and
- (c) is not one of the following:
  - (i) shelf stable foods;
  - (ii) whole raw fruits;
  - (iii) whole raw vegetables
  - (iv) nuts in the shell;
  - (v) live bivalve molluscs.



**reference food**, in relation to a claim, means a food that is:

- (a) of the same type as the food for which the claim is made and that has not been further processed, formulated, reformulated or modified to increase or decrease the energy value or the amount of the nutrient for which the claim is made; or
- (b) a dietary substitute for the food in the same \*food group as the food for which the claim is made.

**reference quantity** means:

- (a) for a food listed in the table to section S17—4, either:
  - (i) the amount specified in the table for that food; or
  - (ii) for a food that requires dilution or reconstitution according to directions—the amount of the food that, when diluted or reconstituted, produces the quantity referred to in subparagraph (i); or
- (b) for all other foods:
  - (i) a normal serving; or
  - (ii) for a food that requires dilution, reconstitution, draining or preparation according to directions—the amount of the food that, when diluted, reconstituted, drained or prepared produces a normal serving.

**releasable calcium**,  $Ca_R$ , means the amount of calcium, in mg/g of chewing gum, released into the mouth during 20 minutes of chewing that is calculated using the following equation:

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

where:

$Ca_o$  is the original calcium concentration in the chewing gum in mg/g of chewing gum.

$W_o$  is the weight of the original chewing gum in g.

$Ca_c$  is the residual calcium in the gum after it has been chewed for 20 minutes in mg/g of chewing gum.

$W_c$  is the weight of the chewed gum in g.

**relevant authority** means an authority responsible for the enforcement of the relevant application Act.

**responsible institution** means a hospital, hospice, aged care facility, disability facility, prison, boarding school or similar institution that is responsible for the welfare of its patients or residents and provides food to them.

**saturated fatty acids** means the total of fatty acids containing no double bonds.

**sell**—see subsection (2) (the term has the same meaning as in the relevant application Act).

**Note** Each of the various application Acts has a definition of **sell**. These all have a similar effect and make the concept very broad; they include offering or displaying for sale, and other contexts that go beyond the ordinary meaning of the word.

**serious disease** means a disease, disorder or condition which is generally diagnosed, treated or managed in consultation with or with supervision by a health care professional.

**servings** means an amount of the food which constitutes one normal serving when prepared according to manufacturer's directions or when the food requires no further preparation before consumption, and in the case of a formulated meal replacement is equivalent to one meal.

**size of type** means the measurement from the base to the top of a letter or numeral.

**small package** means a package with a surface area of less than 100 cm<sup>2</sup>.

**SPC** means a standard plate count at 30°C with an incubation time of 72 hours.

**standard drink**, for a beverage containing alcohol, means the amount that contains 10 grams of ethanol when measured at 20°C.

**standardised alcoholic beverage** means beer, brandy, cider, fruit wine, fruit wine product, liqueur, mead, perry, spirit, vegetable wine, vegetable wine product, wine or wine product.

**statement of ingredients**—see section 1.2.4—2.

**sugars:**

- (a) in Standard 1.2.7, Standard 1.2.8 and Schedule 4 (except where it appears with an asterisk as 'sugars\*')—means monosaccharides and disaccharides; and
- (b) otherwise—means any of the following products, derived from any source:
  - (i) hexose monosaccharides and disaccharides, including dextrose, fructose, sucrose and lactose;
  - (ii) starch hydrolysate;
  - (iii) glucose syrups, maltodextrin and similar products;
  - (iv) products derived at a sugar refinery, including brown sugar and molasses;
  - (v) icing sugar;
  - (vi) invert sugar;
  - (vii) fruit sugar syrup;but does not include:
  - (i) malt or malt extracts; or
  - (ii) sorbitol, mannitol, glycerol, xylitol, polydextrose, isomalt, maltitol, maltitol syrup, erythritol or lactitol.

**Note** **Sugar** is defined differently—see section 1.1.2—3.

**supplier**, in relation to food, includes the packer, manufacturer, vendor or importer of the food.

**total plant sterol equivalents content** means the total amount of:

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

**trans fatty acids** means the total of unsaturated fatty acids where one or more of the double bonds are in the trans configuration.

**transportation outer** means a container or wrapper which:

- (a) encases packaged or unpackaged foods for the purpose of transportation and distribution; and
- (b) is removed before the food is used or offered for retail sale or which is not taken away by a purchaser of the food.

**unit quantity** means:

- (a) for a food that is a solid or semi-solid food—100 grams; or
- (b) for a food that is a beverage or other liquid food—100 millilitres.

**use-by date**, for a food for sale, means the date after which it is estimated that the food should not be consumed because of health or safety reasons, if the food:

- (a) remains in an intact package during its storage; and
- (b) is stored in accordance with any storage conditions applicable under section Standard 1.2.6.

**used as a food additive**—see section 1.1.2—11.

**used as a nutritive substance**—see section 1.1.2—12.

**used as a processing aid**—see section 1.1.2—13.

**warning statement**, for a food for sale, means a statement about a particular aspect of the food that is required to be expressed in the words set out in the following provisions:

- (a) section 1.2.3—3 (warning statement relating to royal jelly);
- (b) section 2.6.3—4 (warning statement relating to kava);
- (c) subsection 2.9.1—19(1) or section 2.9.1—13 (warning statements for infant formula product);
- (d) paragraph 2.9.2—7(3)(c) or 2.9.2—8(1)(b) (warning statements for food for infants);
- (e) subparagraph 2.9.4—4(1)(a)(iii) or 2.9.4—4(1)(a)(iv) (warning statements for formulated supplementary sports food).

### 1.1.2—3 Definitions—particular foods

**Note** Definitions for non-food terms are provided in section 1.1.2—2.

- (1) Where this Code permits the use of a substance (including a vitamin or a mineral) as a food additive, as a processing aid or as a nutritive substance in a particular food defined in this section, the definition is to be read as including a food in which the substance was so used.

- (2) In this Code, unless the contrary intention appears, the following definitions apply:

**adjusted milk**, in relation to condensed milk, dried milk or evaporated milk, means milk:

- (a) that is to be used to make the product concerned; and
- (b) to which milk components have been added, or from which they have been withdrawn, in order for the product to comply with requirements of Standard 2.5.7; and
- (c) that has the same whey protein to casein ratio as the original milk.

**beer** means:

- (a) the product, characterised by the presence of hops or preparations of hops, prepared by the yeast fermentation of an aqueous extract of malted or unmalted cereals, or both; or
- (b) such a product with any of the following added during production:
  - (i) cereal products or other sources of carbohydrate;
  - (ii) sugar;
  - (iii) salt;
  - (iv) herbs and spices.

**brandy** means:

- (a) a spirit obtained from the distillation of wine, or fermented preparations of grapes or grape product; or
- (b) such a spirit with any of the following added during production:
  - (i) water;
  - (ii) sugars;
  - (iii) honey;
  - (iv) spices;
  - (v) grape juice;
  - (vi) grape juice concentrates;
  - (vii) wine;

(viii) prune juice.

**Note** The term **brandy** has a different definition in Standard 4.5.1.

**bread** means:

- (a) a food that is made by baking a yeast-leavened dough prepared from one or more cereal flours or meals and water; or
- (b) such a food with other foods added.

**brewed soft drink** means a food that:

- (a) is the product prepared by a fermentation process from water with sugar and one or more of:
  - (i) fruit extractives or infusions; or
  - (ii) vegetable extractives or infusions; and
- (b) contains no more than 1.15% alcohol/volume.

**butter** means:

- (a) a food that is derived exclusively from milk and products obtained from milk, principally in the form of an emulsion of the type water-in-oil; or
- (b) such a food with any of the following added:
  - (i) water;
  - (ii) salt;
  - (iii) lactic acid producing microorganisms;
  - (iv) flavour producing microorganisms.

**cereal-based beverage** means a beverage that is based on cereal.

**cereal-based food for infants** means a food for infants, not including a beverage, that is based on cereal.

**cheese** means:

- (a) the ripened or unripened solid or semi-solid milk product, whether coated or not, that is obtained by one or both of the following processes:
  - (i) wholly or partly coagulating milk, or materials obtained from milk, or both, through the action of rennet or other suitable coagulating agents, and partially draining the whey which results from such coagulation;
  - (ii) processing techniques involving concentration or coagulation of milk, or materials obtained from milk, or both, which give an end-product with similar physical, chemical and organoleptic characteristics as the product described in subparagraph (a)(i); or
- (b) such a product with any of the following ingredients added during production:
  - (i) water;
  - (ii) lactic acid producing microorganisms;
  - (iii) flavour producing microorganisms;
  - (iv) gelatine;
  - (v) starch;
  - (vi) vinegar;
  - (vii) salt;
  - (viii) tall oil phytosterol esters added in accordance with Standard 2.5.4.

**chocolate** means a confectionery product that is characterised by:

- (a) the presence of
  - (i) cocoa bean derivatives; and
  - (ii) no more than 50 g/kg of edible oils, other than cocoa butter or dairy fats; and
- (b) preparation from a minimum of 200 g/kg of cocoa bean derivatives.

**cider** means the fruit wine prepared from the juice or must of apples or pears and with no more than 25% of the juice or must of pears.

**coca bush** means:

- (a) *Eurythroxylum coca*; or
- (b) a substance derived from *Eurythroxylum coca*.

**cocoa** means the powdered product prepared from cocoa beans from which a portion of the fat may have been removed, with or without salt or spices added.

**coffee** means the product prepared by roasting, grinding, or both roasting and grinding, coffee beans.

**condensed milk** means:

- (a) a food obtained by the partial removal of water from milk or adjusted milk, with the addition of sugars, and the possible addition of salt or water; or
- (b) a food of the same composition obtained by any other process.

**cream** means a milk product comparatively rich in fat, in the form of an emulsion of fat-in-skim milk that is obtained by:

- (a) separation from milk; or
- (b) separation from milk, and the addition of milk or products obtained from milk.

**cured and/or dried meat flesh in whole cuts or pieces** includes any attached bone.

**decaffeinated coffee** means coffee from which most of the caffeine has been removed.

**decaffeinated tea** means tea from which most of the caffeine has been removed.

**dried meat** means meat that has been dried but does not include slow cured dried meat.

**dried milk** means a powdered food obtained by the partial removal of water from milk or adjusted milk.

**edible oil** means the triglycerides, diglycerides, or both the triglycerides and diglycerides of fatty acids of plant or animal origin, including aquatic plants and aquatic animals, with incidental amounts of free fatty acids, unsaponifiable constituents and other lipids including naturally occurring gums, waxes and phosphatides.

**edible oil spread** means:

- (a) a spreadable food composed of edible oils and water in the form of an emulsion of the type water-in-oil; or
- (b) such a food with any of the following added:
  - (i) water;
  - (ii) edible proteins;
  - (iii) salt;
  - (iv) lactic acid producing microorganisms;
  - (v) flavour producing microorganisms;
  - (vi) milk products;
  - (vii) no more than 82 g/kg of total plant sterol equivalents content.

**egg product** means the contents of an egg in any form including egg pulp, dried egg, liquid egg white and liquid egg yolk.

**electrolyte drink** means a drink formulated and represented as suitable for the rapid replacement of fluid, carbohydrates, electrolytes and minerals.

**electrolyte drink base** means a solid or liquid which, when made up, makes an electrolyte drink.

**evaporated milk** means:

- (a) a food obtained by the partial removal of water by heat from milk, with the possible addition of one or more of the following:
  - (i) salt;
  - (ii) water; or
- (b) a food of the same composition obtained by any other process.

**fermented milk** means a food obtained by fermentation of milk or products derived from milk, where the fermentation involves the action of microorganisms and results in coagulation and a reduction in pH.

**fish** means a cold-blooded aquatic vertebrate or aquatic invertebrate including shellfish, but not including amphibians or reptiles.

**flour products** means the cooked or uncooked products, other than bread, of one or more flours, meals or cereals.

**flours** or **meals** means the products of grinding or milling of cereals, legumes or other seeds.

**follow-on formula** means an infant formula product that:

- (a) is represented as either a breast-milk substitute or replacement for infant formula; and
- (b) is suitable to constitute the principal liquid source of nourishment in a progressively diversified diet for infants from the age of 6 months.

**food for infants:**

- (a) means a food that is intended or represented for use as a source of nourishment for infants; and
- (b) does not include:
  - (i) infant formula products; or
  - (ii) formulated meal replacements; or
  - (iii) formulated supplementary foods; or
  - (iv) unprocessed fruit and vegetables.

**food for special medical purposes**—see section 1.1.2—5.

**formulated beverage** means a non-carbonated, ready-to-drink, flavoured beverage that:

- (a) is water-based; and
- (b) contains added vitamins or minerals or both vitamins and minerals; and
- (c) contains no more than 240 mL/L of fruit from one or more of the following sources:
  - (i) fruit juice;
  - (ii) fruit purée;
  - (iii) concentrated fruit juice;
  - (iv) concentrated fruit purée;
  - (v) \*comminuted fruit;
  - (vi) orange peel extract; and
- (d) contains no more than 75 g/L of sugars; and
- (e) does not contain:
  - (i) carbon dioxide; or
  - (ii) caffeine; and
- (f) is not mixed with any other beverage.

**formulated caffeinated beverage**—see section 1.1.2—6.

**formulated meal replacement** means a food, or a prepackaged selection of foods, that:

- (a) has been specifically formulated as a replacement for one or more meals of the day, but not as a total diet replacement; and
- (b) is represented as a formulated meal replacement.

**formulated supplementary food** means a food specifically formulated as, and sold on the basis that it is, a supplement to a normal diet to address situations where intakes of energy and nutrients may not be adequate to meet an individual's requirements.

**formulated supplementary food for young children** means a formulated supplementary food for children aged 1 to 3 years.

**formulated supplementary sports food** means a product that is specifically formulated to assist sports people in achieving specific nutritional or performance goals.

**fruit and vegetables** means any of fruit, vegetables, nuts, spices, herbs, fungi, legumes and seeds.

**Note** In Standards 1.2.7 and 1.2.8 the separate terms fruit and vegetable have different definitions and do not include nuts, spices, herbs, fungi, legumes and seeds.

**fruit-based food** means food that is based on fruit.

**fruit drink** means a product that is prepared from:

- (a) one or more of the following:
  - (i) fruit juice;
  - (ii) fruit purée;
  - (iii) concentrated fruit juice;
  - (iv) concentrated fruit purée;
  - (v) \*comminuted fruit;
  - (vi) orange peel extract; and
- (b) one or more of the following:
  - (i) water;
  - (ii) mineralised water;
  - (iii) sugars.

**fruit juice** means juice made from a fruit.

**fruit wine** or **vegetable wine** means:

- (a) a food that:
  - (i) is the product of the complete or partial fermentation of fruit, vegetable, grains, cereals or any combination or preparation of those foods; and
  - (ii) is not wine or a wine product; or
- (b) such a food with any of the following added during production:
  - (i) fruit juice and fruit juice products;
  - (ii) vegetable juice and vegetable juice products;
  - (iii) sugars;
  - (iv) honey;
  - (v) spices;
  - (vi) alcohol;
  - (vii) water.

**fruit wine product** or **vegetable wine product** means a food containing no less than 700 mL/L of fruit wine, or vegetable wine, or both fruit and vegetable wine, which has been formulated, processed, modified or mixed with other foods such that it is not a fruit wine or vegetable wine.

**gelatine** means a protein product prepared from animal skin, bone or other collagenous material, or any combination of those things.

**honey** means the natural sweet substance produced by honey bees from the nectar of blossoms or from secretions of living parts of plants or excretions of plant sucking insects on the living parts of plants, which honey bees collect, transform and combine with specific substances of their own, store and leave in the honey comb to ripen and mature.

**ice cream** means a sweet frozen food that is made from cream or milk products or both, and other foods, and is generally aerated.

**icing** means a mixture of sugar and other foods for use as a coating and includes frosting, plastic icing and icing gel.

**imitation vinegar** means a food that is prepared by mixing water and acetic acid.

**infant formula** means an infant formula product that:

- (a) is represented as a breast-milk substitute for infants; and
- (b) satisfies by itself the nutritional requirements of infants under the age of 4 to 6 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 sole or principal liquid source of nourishment for infants, depending on the age of the infant.

**instant coffee** means the dried soluble solids prepared from the water extraction of coffee.

**instant tea** means dried soluble solids prepared from the water extraction of tea.

**iodised salt** or **iodised reduced sodium salt mixture**, means a food that is salt, or a reduced sodium salt mixture, as appropriate, or such a food containing any of the following:

- (a) potassium iodide;
- (b) potassium iodate;
- (c) sodium iodide;
- (d) sodium iodate;

added in an amount that is equivalent to:

- (e) no less than 25 mg/kg of iodine; and
- (f) no more than 65 mg/kg of iodine.

**jam:**

- (a) means:
  - (i) a product prepared by processing one or more of the following:
    - (A) fruit;
    - (B) concentrated fruit juice;
    - (C) fruit juice;
    - (D) water extracts of fruit; or
  - (ii) such a product processed with sugars or honey; and
- (b) includes conserve; and
- (c) does not include marmalade.



**juice:**

- (a) means the liquid portion, with or without pulp, obtained from:
  - (i) a fruit or a vegetable; or
  - (ii) in the case of citrus fruit, other than lime—the endocarp only of the fruit; and
- (b) includes a product that results from concentrating juice and then reconstituting it with water.

**juice blend** means the food made from a blend of more than one juice (including a blend of one or more fruit juices and one or more vegetable juices).

**kava** means plants of the species *Piper methysticum*.

**kava root** means the peeled root or peeled rootstock of kava.

**liqueur** means an alcoholic beverage that is a spirit, flavoured by or mixed with other foods, which contains more than 15% alcohol by volume, measured at 20°C.

**manufactured meat** means processed meat containing no less than 660 g/kg of meat.

**margarine** means an edible oil spread containing no less than 800g/kg of edible oils.

**mead** means:

- (a) a food that is the product prepared from the complete or partial fermentation of honey; or
- (b) such a food with any of the following added during production:
  - (i) fruit juice and fruit juice products;
  - (ii) vegetable juice and vegetable juice products;
  - (iii) sugars;
  - (iv) honey;
  - (v) spices;
  - (vi) alcohol;
  - (vii) water.

**meat:**

- (a) means the whole or part of the carcass of any of the following animals, if slaughtered other than in a wild state:
  - (i) buffalo, camel, cattle, deer, goat, hare, pig, poultry, rabbit or sheep;
  - (ii) any other animal permitted for human consumption under a law of a State, Territory or New Zealand; and
- (b) does not include:
  - (i) fish; or
  - (ii) avian eggs; or
  - (iii) fetuses or part of fetuses.

**meat flesh** means meat that consists of skeletal muscle and any attached:

- (a) animal rind; or
- (b) fat; or
- (c) connective tissue; or
- (d) nerve; or
- (e) blood; or
- (f) blood vessels; or
- (g) skin, in the case of poultry.

**meat pie** means a pie containing no less than 250 g/kg of meat flesh.

**milk** means:

- (a) the mammary secretion of milking animals, obtained from one or more milkings for consumption as liquid milk or for further processing, but excluding colostrums; or
- (b) such a product with \*phytosterols, phytosterols and their esters added.

**mineral water** or **spring water** means ground water obtained from subterranean water-bearing strata that, in its natural state, contains soluble matter.

**non-alcoholic beverage**:

- (a) means:
  - (i) packaged water; or
  - (ii) a water-based beverage, or a water-based beverage that contains other foods (other than alcoholic beverages); or
  - (iii) an electrolyte drink; and
- (b) does not include a brewed soft drink.

**offal**:

- (a) includes blood, brain, heart, kidney, liver, pancreas, spleen, thymus, tongue and tripe; and
- (b) excludes meat flesh, bone and bone marrow.

**peanut butter** means a peanut based spread.

**perry** means the fruit wine prepared from the juice or must of pears or pears and apples and with no more than 25% of the juice or must of apples.

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

**processed cheese** means a product manufactured from cheese and products obtained from milk, which is heated and melted, with or without added emulsifying salts, to form a homogeneous mass.

**processed meat** means a food that has, either singly or in combination with other foods, undergone a method of processing other than boning, slicing, dicing, mincing or freezing.

**prohibited plant or fungus** means:

- (a) a plant or fungus listed in Schedule 23; or
- (b) a part or a derivative of such a plant or fungus; or
- (c) a substance derived from a plant, fungus, part or derivative referred to in paragraph (a) or (b).

**raw apricot kernels** means the nut found within the hard shell or stone of *Prunus armeniaca* and includes hulled, dehulled, blanched, ground, milled, cracked, chopped or whole kernels.

**reduced sodium salt mixture** means a food that:

- (a) is prepared from a mixture of sodium chloride and potassium chloride; and
- (b) contains no more than 200 g/kg sodium; and
- (c) contains no more than 400 g/kg potassium.

**restricted plant or fungus** means:

- (a) a plant or fungus listed in Schedule 24; or
- (b) a part or a derivative of such a plant or fungus; or
- (c) a substance derived from a plant, fungus, part or derivative referred to in paragraph (a) or (b).

**salt** means a food that is the crystalline product consisting predominantly of sodium chloride, that is obtained from the sea, underground rock salt deposits or from natural brine.

**salt substitute** means a food that:

- (a) is made as a substitute for salt; and
- (b) consists of substances that may be used as food additives in relation to salt substitute in accordance with item 12 of the table to Schedule 15; and
- (c) contains no more than 1.2 g/kg of sodium.

**sausage** means a food that:

- (a) consists of meat that has been minced, meat that has been comminuted, or a mixture of both, whether or not mixed with other foods, and which has been encased or formed into discrete units; and
- (b) does not include meat formed or joined into the semblance of cuts of meat.

**skim milk** means milk from which milkfat has been removed.

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

**special purpose food:**

- (a) in Standard 2.9.6—see section 2.9.6—2; and
- (b) otherwise—means any of the following:
  - (i) an infant formula product;
  - (ii) food for infants;
  - (iii) a formulated meal replacement;
  - (iv) a formulated supplementary food;
  - (v) a formulated supplementary sports food;
  - (vi) food for special medical purposes.

**spirit** means an alcoholic beverage consisting of:

- (a) a potable alcoholic distillate, including whisky, brandy, rum, gin, vodka and tequila, produced by distillation of fermented liquor derived from food sources, so as to have the taste, aroma and other characteristics generally attributable to that particular spirit; or
- (b) such a distillate with any of the following added during production:
  - (i) water;
  - (ii) sugars;
  - (iii) honey;
  - (iv) spices.

**spring water**—see definition of mineral water.

**sugar** means, unless otherwise expressly stated, any of the following:

- (a) white sugar;
- (b) caster sugar;
- (c) icing sugar;
- (d) loaf sugar;
- (e) coffee sugar;
- (f) raw sugar.

**sweet cassava** means those varieties of cassava roots grown from *Manihot esculenta* Crantz of the *Euphorbiaceae* family that contain less than 50 mg/kg of hydrogen cyanide (fresh weight basis).

**Note** Sweet cassava may also be known by other common names including manioc, mandioca, tapioca, aipim and yucca.

**tea** means the product made from the leaves and leaf buds of one or more of varieties and cultivars of *Camellia sinensis* (L.) O. Kuntz.

**vegetable juice** means juice made from a vegetable.

**vegetable wine**—see definition of fruit wine.

**vegetable wine product**—see definition of fruit wine product.

**vinegar** means a food that is the sour liquid prepared by acetous fermentation, with or without alcoholic fermentation, of any suitable food, and including blends and mixtures of such liquids.

**wholegrain** means the intact grain or the dehulled, ground, milled, cracked or flaked grain where the constituents—endosperm, germ and bran—are present in such proportions that represent the typical ratio of those fractions occurring in the whole cereal, and includes wholemeal.

**wholemeal** means the product containing all the milled constituents of the grain in such proportions that it represents the typical ratio of those fractions occurring in the whole cereal.

**wine** means:

- (a) a food that is the product of the complete or partial fermentation of fresh grapes, or a mixture of that product and products derived solely from grapes; or
- (b) such a food with any of the following added during production:
  - (i) grape juice and grape juice products;
  - (ii) sugars;
  - (iii) brandy or other spirit;
  - (iv) water that is necessary to incorporate any substance permitted for use as a food additive or a processing aid.

**wine product** means a food containing no less than 700 mL/L of wine, which has been formulated, processed, modified or mixed with other foods such that it is not wine.

**white sugar** means purified crystallised sucrose.

**yoghurt** means a fermented milk where the fermentation has been carried out with lactic acid producing microorganisms.

#### 1.1.2—4 **Definition of *characterising component* and *characterising ingredient***

- (1) In this Code, in relation to a food for sale:

**characterising component** means a \*component of the food that:

- (a) is mentioned in the name of the food; or
- (b) is usually associated with the name of the food by a consumer; or
- (c) is emphasised on the label of the food in words, pictures or graphics.

**characterising ingredient** means an ingredient or a category of ingredients of the food that:

- (a) is mentioned in the name of the food; or
- (b) is usually associated with the name of the food by a consumer; or
- (c) is emphasised on the label of the food in words, pictures or graphics.

- (2) Despite subsection (1), any of the following is not a **characterising ingredient**:

- (a) an ingredient or category of ingredients that is used in small amounts to flavour the food;
- (b) an ingredient or category of ingredients that comprises the whole of the food;

- (c) an ingredient or category of ingredients that is mentioned in the name of the food but which is not such as to govern the choice of the consumer, because the variation in the amount is not essential to characterise the food, or does not distinguish the food from similar foods.
- (3) Compliance with labelling requirements elsewhere in this Code does not of itself constitute emphasis for the purposes of this section.

#### **1.1.2—5 Definition of *food for special medical purposes***

- (1) In this Code:  
***food for special medical purposes*** means a food that is:
  - (a) specially formulated for the dietary management of individuals:
    - (i) by way of exclusive or partial feeding, who have special medically determined nutrient requirements or whose capacity is limited or impaired to take, digest, absorb, metabolise or excrete ordinary food or certain nutrients in ordinary food; and
    - (ii) whose dietary management cannot be completely achieved without the use of the food; and
  - (b) intended to be used under medical supervision; and
  - (c) represented as being:
    - (i) a food for special medical purposes; or
    - (ii) for the dietary management of a disease, disorder or medical condition.
- (2) Despite subsection (1), a food is not ***food for special medical purposes*** if it is:
  - (a) formulated and represented as being for the dietary management of obesity or overweight; or
  - (b) an infant formula product.

#### **1.1.2—6 Definition of *formulated caffeinated beverage***

- (1) In this Code:  
***formulated caffeinated beverage*** means a flavoured, non-alcoholic beverage, or a flavoured, non-alcoholic beverage to which other substances (for example, carbohydrates, amino acids, vitamins) have been added, that:
  - (a) contains caffeine; and
  - (b) has the purpose of enhancing mental performance.
- (2) To avoid doubt, a formulated caffeinated beverage is a water based flavoured drink for the purposes of item 14.1.3 of section S15—5 and of section S18—10.

#### **1.1.2—7 Definition of *medical institution***

- (1) In this Code:  
***medical institution*** means any of the following:
  - (a) an acute care hospital;
  - (b) a hospice;
  - (c) a low-care aged care establishment;
  - (d) a nursing home for the aged;
  - (e) a psychiatric hospital;
  - (f) a respite care establishment for the aged;
  - (g) a same-day aged care establishment;
  - (h) a same-day establishment for chemotherapy and renal dialysis services.

(2) In this section:

**acute care hospital:**

- (a) means an establishment that provides:
- (i) at least minimal medical, surgical or obstetric services for inpatient treatment or care; and
  - (ii) round-the-clock comprehensive qualified nursing services as well as other necessary professional services;
- to patients most of whom have acute conditions or temporary ailments and have a relatively short average stay; and
- (b) includes:
- (i) a hospital specialising in dental, ophthalmic aids and other specialised medical or surgical care; and
  - (ii) a public acute care hospital; and
  - (iii) a private acute care hospital.

**hospice** means a freestanding establishment (whether public or private) that provides palliative care to terminally ill patients.

**low-care aged care establishment** means an establishment where aged persons live independently but on-call assistance, including the provision of meals, is provided when needed.

**nursing home for the aged** means an establishment (whether private charitable, private for-profit, or government) that provides long-term care involving regular basic nursing care to aged persons.

**psychiatric hospital** means an establishment (whether public or private) devoted primarily to the treatment and care of inpatients with psychiatric, mental or behavioural disorders.

**respite care establishment for the aged** means an establishment that provides short-term care, including personal care and regular basic nursing care, to aged persons.

**same-day aged care establishment** means an establishment where aged persons attend for day or part-day rehabilitative or therapeutic treatment.

**same-day establishment for chemotherapy and renal dialysis services** means:

- (a) a day centre or hospital, being an establishment (whether public or private) that provides a course of acute treatment, in the form of chemotherapy or renal dialysis services, on a full-day or part-day non-residential attendance basis at specified intervals over a period of time; or
- (b) a free-standing day surgery centre, being a hospital facility (whether public or private) that provides investigation and treatment, in the form of chemotherapy or renal dialysis services, for acute conditions on a day-only basis.

## 1.1.2—8 Definition of *novel food*

(1) In this Code:

**novel food** means a \*non-traditional food that requires an assessment of the public health and safety considerations having regard to:

- (a) the potential for adverse effects in humans; or
- (b) the composition or structure of the food; or
- (c) the process by which the food has been prepared; or
- (d) the source from which it is derived; or
- (e) patterns and levels of consumption of the food; or
- (f) any other relevant matters.

**non-traditional food** means:

- (a) a food that does not have a history of human consumption in Australia or New Zealand; or
  - (b) a substance derived from a food, where that substance does not have a history of human consumption in Australia or New Zealand other than as a \*component of that food; or
  - (c) any other substance, where that substance, or the source from which it is derived, does not have a history of human consumption as a food in Australia or New Zealand.
- (2) Either of the following:
- (a) the presence of a food in a food for special medical purposes;
  - (b) the use of a food as a food for special medical purposes;

does not constitute a history of human consumption in Australia or New Zealand in relation to that food for the purposes of this section.

### 1.1.2—9 **Definition of *nutrition content claim***

- (1) In this Code:

**nutrition content claim** means a claim that:

- (a) is about:
  - (i) the presence or absence of any of the following:
    - (A) \*biologically active substance;
    - (B) \*dietary fibre;
    - (C) energy;
    - (D) minerals;
    - (E) potassium;
    - (F) protein;
    - (G) \*carbohydrate;
    - (H) 'fat',
    - (I) the components of any one of protein, carbohydrate or 'fat',
    - (J) \*salt;
    - (K) sodium;
    - (L) vitamins; or
  - (ii) \*glycaemic index or glycaemic load; and
- (b) does not refer to the presence or absence of alcohol; and
- (c) is not a \*health claim.

**Note** See also subsections 2.6.2—5(4) and 2.10.2—8(3).

*Inclusion of mandatory information in nutrition information panel does not constitute a nutrition content claim*

- (2) To avoid doubt, if this Code requires particular information to be included in a nutrition information panel, the inclusion of that information does not constitute a **nutrition content claim**.

*Inclusion of voluntary information in nutrition information panel might constitute a nutrition content claim*

- (3) If this Code permits, but does not require, particular information to be included in a nutrition information panel, the inclusion of that information constitutes a **nutrition content claim** unless:
- (a) this Code provides otherwise; or
  - (b) the information is a declaration of:

- (i) if the food contains less than 2 g of \*dietary fibre per serving—dietary fibre; or
  - (ii) trans fatty acid content; or
  - (iii) lactose content.
- (4) For a food that contains more than 1.15% alcohol by volume, the inclusion in a nutrition information panel of the information referred to in paragraphs 1.2.8—6(1)(a), (b) and (c), and subparagraphs 1.2.8—6(1)(d)(i), (ii) and (iii) does not constitute a **nutrition content claim**.

### 1.1.2—10 **RDI**s and **ESADDI**s

**Note** 'RDI' is an abbreviation of recommended dietary intake. 'ESADDI' is an abbreviation of estimated safe and adequate daily dietary intake.

- (1) In relation to a food for infants the \*RDI or \*ESADDI for a vitamin or mineral listed in Column 1 of the table to section S1—2 or S1—3 is shown in Column 5.
- (2) In relation to a food intended or represented as suitable for use by children aged 1 to 3 years (including a formulated supplementary food for young children) the \*RDI or \*ESADDI for a vitamin or mineral listed in Column 1 of the table to section S1—2 or S1—3 is shown in Column 4.
- (3) In relation to any other food the \*RDI or \*ESADDI for a vitamin or mineral listed in Column 1 of the table to section S1—2 or S1—3 is shown in Column 3.

### 1.1.2—11 **Definition of used as a food additive, etc**

- (1) In this Code, a substance is **used as a food additive** in relation to a food if it is added to the food:
  - (a) to perform 1 or more of the technological purposes listed in Schedule 14; and
  - (b) it is a substance identified in subsection (2).
- (2) For subsection (1), the substances are:
  - (a) any of the following:
    - (i) a substance that is identified in Schedule 15 as a substance that may be used as a food additive;
    - (ii) an \*additive permitted at GMP;
    - (iii) a \*colouring permitted at GMP;
    - (iv) a \*colouring permitted to a maximum level; and

**Note** Schedule 15 lists a number of substances that are not listed in Schedule 16 as additives permitted at GMP, colourings permitted at GMP or colourings permitted to a maximum level.
  - (b) any substance that is:
    - (i) a \*non-traditional food; and
    - (ii) has been concentrated, refined, or synthesised, to perform 1 or more of the technological purposes listed in Schedule 14.

#### *Other definitions*

- (3) In this Code:
  - additive permitted at GMP** means a substance that is listed in section S16—2.
  - colouring permitted at GMP** means a substance that is listed in section S16—3.
  - colouring permitted to a maximum level** means a substance that is listed in section S16—4.

#### *Colours and their aluminium and calcium lakes*

- (4) A reference to a colour listed in Schedule 15, a \*colouring permitted at GMP or a \*colouring permitted to a maximum level includes a reference to the aluminium and



calcium lakes prepared from that colour.

### 1.1.2—12 **Definition of *used as a nutritive substance***

- (1) In this Code, a substance is ***used as a nutritive substance*** in relation to a food if it is added to the food:
  - (a) to achieve a nutritional purpose; and
  - (b) it is a substance identified in subsection (2).
- (2) For subsection (1), the substances are:
  - (a) any substance that is identified in this Code as one that may be \*used as a nutritive substance; and
  - (b) a vitamin or a mineral; and
  - (c) any substance (other than an inulin-type fructan, a galacto-oligosaccharide or a substance normally consumed as a food) that has been concentrated, refined or synthesised, to achieve a nutritional purpose when added to a food.

**Note** Provisions that control use of substances as nutritive substance are in Standard 1.3.2 (Vitamins and minerals), Standard 2.9.1 (Infant formula products), Standard 2.9.2 (Food for infants), Standard 2.9.3 (Formulated meal replacements), Standard 2.9.4 (Formulated supplementary sports foods) and Standard 2.9.5 (Food for special medical purposes). Substances referred to in paragraph (2)(a) include, for example, those that are identified in the tables to sections S17—2 and S17—3 (vitamins and minerals) and the tables to sections S28—2, S29—18 and S29—19 (other substances).

### 1.1.2—13 **Definition of *used as a processing aid***

- (1) In this Code, a reference to a substance that is ***used as a processing aid*** in relation to a food is a reference to a substance that is used during the course of processing:
  - (a) to perform a technological purpose in the course of processing; and
  - (b) does not perform a technological purpose in a food for sale; and
  - (c) is identified in subsection (3).

#### ***References to foods that are used as a processing aid***

- (2) In this Code, a reference to a food that is ***used as a processing aid*** in relation to another food:
  - (a) is a reference to a food that:
    - (i) is not a substance identified in subsection (3); and
    - (ii) is used or added to the other food during the course of processing to perform a technological purpose in the course of processing; and
    - (iii) does not perform a technological purpose in the food for sale; and
  - (b) is a reference to so much of the food as is necessary to perform the technological purpose.

**Note 1** This Code does not prohibit the use of foods as processing aids (other than foods that are substances referred to in subsection (3)). There are special labelling requirements that apply in relation to foods and substances that are used as processing aids—see paragraphs 1.2.4—3(2)(d) and 1.2.4—3(2)(e) and subparagraph 1.2.8—5(a)(vii).

**Note 2** If a food is used as a processing aid in relation to another food, and the amount of the food used is greater than the amount that is necessary to perform the technological purpose, the excess amount of the food is not taken to be used as a processing aid in the other food and is not exempted from a requirement to declare ingredients—see section 1.2.4—3(2)(e).

- (3) For subsections (1) and (2), the substances are the following:
  - (a) a substance that is listed in Schedule 18;
  - (b) an \*additive permitted at GMP.

**Note** 'additive permitted at GMP' is a defined term—see section 1.1.2—11.

### 1.1.2—14      **Calculation and expression of amount of vitamin or mineral**

- (1) RDIs and ESADDIs for vitamins shall be the sum of the forms of the vitamin occurring naturally in the food and any permitted forms of the vitamin that have been added to the food calculated and expressed in the form specified in Columns 3, 4 or 5 of the table to section S1—2.
- (2) RDIs and ESADDIs for minerals shall be the sum of the forms of the mineral occurring naturally in the food and any permitted forms of the mineral that have been added to the food calculated and expressed in the form specified in Column 1 of the table to section S1—3.
- (3) When calculating an amount:
  - (a) for vitamin A:
    - (i) calculate the amount in terms of retinol equivalents; and
    - (ii) for provitamin A forms of vitamin A, calculate retinol equivalents using the conversion factors in section S1—4; and
  - (b) for niacin, exclude the niacin provided from the conversion of the amino acid tryptophan; and
  - (c) for vitamin E, calculate the amount in terms of alpha-tocopherol equivalents using the conversion factors in section S1—5.

### 1.1.2—15      **Definition of Permitted Health Star Rating symbol**

- (1) In this Code, ***Permitted Health Star Rating symbol*** means an image subject to any of the following:
    - (a) an Australian Trade Mark numbered 1641445, 1641446 or 1641447;
    - (b) a New Zealand Trade Mark numbered 1018807, 1018808 or 1018809.
  - (2) To avoid doubt, an image mentioned in subsection (1) does not cease to be a Permitted Health Star Rating symbol by reason only of the image indicating:
    - (a) energy or nutrient content on a per 100 g, per 100 ml or per pack basis; or
    - (b) energy or nutrient content on a per serving or per reference portion basis; or
    - (c) energy or nutrient content at zero or amounts greater than zero; or
    - (d) energy content on a percentage daily intake basis in addition to an amount shown in kilojoules.
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## Application, saving and transitional provisions

The table below details information on application, saving or transitional provisions in instruments affecting this Standard.

| <b>Food Standards (Proposal P1039 – Microbiological Criteria for Infant Formula) Variation</b>     |                   |  |  |   |
|--|-------------------|--|--|---|
| <b>Instrument items affected</b>   | <b>A'ment No.</b> | <b>FRLI registration Gazette</b>                       | <b>Instrument's transitional provision</b> | <b>Description of transitional arrangement</b>  |
| Items [1] and [2] of the Schedule  | 163               | F2016L00784<br>12 May 2016<br>FSC105<br>19 May 2016    | Clause 4                                   | Clause 4 provides that section 1.1.1—9 of the Code does not apply to the variations.  |
| <b>Food Standards (Proposal P1050 – Pregnancy warning labels on alcoholic beverages) Variation</b> |                   |  |  |   |
| Item [1] of the Schedule   | 194               | F2020L00952<br>28 July 2020<br>FSC 135<br>31 July 2020 | Clause 4                                   | <p>Clause 4 a transitional arrangement for variations to the Code made by Item [1] of the Schedule.</p> <p><b>The transition period is the period of time that commences on 31 July 2020 and ends on 31 July 2023.</b></p> <p>Subclause 4(1) provides that section 1.1.1—9 of the Code does not apply to the variations.</p> <p>Subclause 4(2) provides that during the transition period a food product may be sold if the product complies with one of the following:</p> <ul style="list-style-type: none"> <li>(a) the Code as in force without the above variations;</li> <li>(b) the Code as amended by the above variations.</li> </ul> <p>Subclause 4(3) provides that a food product that was labelled before the end of the transition period may be sold after the transition period if the product complies with one of the following:</p> <ul style="list-style-type: none"> <li>(a) the Code as in force without the above variations;</li> <li>(b) the Code as amended by the above variations.</li> </ul> |

## Amendment History

The Amendment History provides information about each amendment to the Standard. The information includes commencement or cessation information for relevant amendments.

These amendments are made under section 92 of the *Food Standards Australia New Zealand Act 1991* unless otherwise indicated. Amendments do not have a specific date for cessation unless indicated as such.

### About this compilation

This is compilation No. 7 of Standard 1.1.2 as in force on **31 July 2020** (up to Amendment No. 194). It includes any commenced amendment affecting the compilation to that date.

Prepared by Food Standards Australia New Zealand on **3 August 2020**.

### Uncommenced amendments or provisions ceasing to have effect

To assist stakeholders, the effect of any uncommenced amendments or provisions which will cease to have effect, may be reflected in the Standard as shaded boxed text with the relevant commencement or cessation date. These amendments will be reflected in a compilation registered on the Federal Register of Legislation including or omitting those amendments and provided in the Amendment History once the date is passed.

The following abbreviations may be used in the table below:

ad = added or inserted  
exp = expired or ceased to have effect  
rs = repealed and substituted  
am = amended  
rep = repealed

**Standard 1.1.2** was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00385 — 31 March 2015) and has since been amended as follows:

| Section affected | A'ment No. | FRL registration Gazette                                | Commencement (Cessation) | How affected | Description of amendment  |
|------------------|------------|---|--------------------------|--------------|---|
| 1.1.2—2(3)       | 157        | F2015L01366<br>1 Sept 2015<br>FSC99<br>3 Sept 2015      | 1 March 2016             | ad           | Reference to new Standard 1.2.12. Definitions of 'prescribed beverage' and 'prescribed beverage gluten free claim'. |
| 1.1.2—2(3)       | 161        | F2016L00115<br>17 Feb 2016<br>FSC103<br>22 Feb 2016     | 1 March 2016             | am           | Definition of 'food group' to include references to nuts and seeds.   |
| 1.1.2—2(3)       | 161        | F2016L00120<br>18 Feb 2016<br>FSC103<br>22 Feb 2016     | 1 March 2016             | am           | Definition of 'individual portion pack' to correct incorrect cross-reference.                                       |
| 1.1.2—2(3)       | 163        | F2016L00784<br>12 May 2016<br>FSC105<br>19 May 2016     | 19 May 2016              | rs           | Definition of 'SPC'.<br><i>For application, saving and transitional provisions, see above table.</i>                |
| 1.1.2—2(3)       | 166        | F2017L00023<br>5 Jan 2017<br>FSC108<br>12 Jan 2017      | 12 Jan 2017              | am           | Incorrect cross-reference to Standard 1.2.7.  |
| 1.1.2—2(3)       | 168        | F2017L00414<br>11 April 2017<br>FSC110<br>13 April 2017 | 13 April 2017            | am           | Update reference under the definition of 'permitted flavouring substance'.  |

| Section affected    | A'ment No. | FRL registration Gazette                               | Commencement (Cessation) | How affected | Description of amendment  |
|---------------------|------------|--|--------------------------|--------------|---|
| 1.1.2—3(2)          | 159        | F2015L01913<br>2 Dec 2015<br>FSC101<br>7 Dec 2015      | 1 March 2016             | ad           | Definition of 'raw apricot kernel'.   |
| 1.1.2—7(2)          | 157        | F2015L01374<br>1 Sept 2015<br>FSC99<br>3 Sept 2015     | 1 March 2016             | am           | Correction of typographical error in definition of 'acute care hospital'.   |
| 1.1.2—9(1)          | 172        | F2017L01142<br>6 Sept 2017<br>FSC114<br>7 Sept 2017    | 7 Sept 2017              | am           | Definition of 'nutrition content claim'.  |
| 1.1.2—11(2)(a) Note | 172        | F2017L01142<br>6 Sept 2017<br>FSC114<br>7 Sept 2017    | 7 Sept 2017              | am           | Omit the word 'foods'.  |
| 1.1.2—12            | 161        | F2016L00120<br>18 Feb 2016<br>FSC103<br>22 Feb 2016    | 1 March 2016             | am           | Typographical error in Note.  |
| 1.1.2—15            | 159        | F2015L01931<br>3 Dec 2015<br>FSC101<br>7 Dec 2015      | 1 March 2016             | ad           | Section relating to the Health Star Rating symbol.  |
| 1.1.2—2(3)          | 182        | F2018L01594<br>23 Nov 2018<br>FSC123<br>29 Nov 2018    | 29 Nov 2018              | am           | Omit 2015 (edition 27), Substitute 2018 (edition 28)  |
| 1.1.2—9(1)          | 182        | F2018L01594<br>23 Nov 2018<br>FSC123<br>29 Nov 2018    | 29 Nov 2018              | am           | Typographical error 'fat'   |
| 1.1.2—2(3)          | 194        | F2020L00952<br>28 July 2020<br>FSC 135<br>31 July 2020 | 31 July 2020             | ad           | Definition of 'individual unit', 'pregnancy warning label', 'pregnancy warning pictogram', 'prescribed alcoholic beverage'.<br><br><i>For application, saving and transitional provisions, see above table.</i> |