

Food Standards (Proposal P1025 – Code Revision) Variation

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*. The Standard commences on 1 March 2016.

Dated 25 March 2015



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

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Standard 1.2.8 Nutrition information requirements

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.

Division 1 Preliminary

1.2.8—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 1.2.8 – Nutrition information requirements*.

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.

1.2.8—2 Purpose

This Standard sets out nutrition information requirements in relation to foods for sale that are required to be labelled under this Code, and for foods for sale that are exempt from these labelling requirements. This Standard sets out when nutrition information must be provided, and the manner in which such information must be provided.

Note Standard 1.2.7 also sets out additional nutrition information requirements in relation to nutrition content claims and health claims. Information provided voluntarily in a nutrition information panel is a nutrition content claim.

Note 2 This Standard does not apply to infant formula products. Standard 2.9.1 sets out specific nutrition labelling requirements for infant formula products.

1.2.8—3 Application of Standard

This Standard does not apply to infant formula products.

Note See Standard 2.9.1.

1.2.8—4 Definitions

Note In this Code (see section 1.1.2—2):

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

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.

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

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.

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

- (a) are resistant to digestion and absorption in the small intestine, usually with complete or partial fermentation in the large intestine; and
- (b) promote 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.

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

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

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

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

sugars, 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. (Elsewhere in the Code it has a different definition).

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

unit quantity means:

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

Note 2 In Standard 1.2.7 and Standard 1.2.8:

fruit means the edible portion of a plant or constituents of the edible portion that are present in the typical proportion of the whole fruit (with or without the peel or water); and does not include nuts, spices, herbs, fungi, legumes and seeds.

vegetable means the edible portion of a plant or constituents of the edible portion that are present in the typical proportion of the whole vegetable (with or without the peel or water) and does not include nuts, spices, herbs, fungi, dried legumes (including dried legumes that have been cooked or rehydrated) and seeds.

Division 2 Nutrition information panels

1.2.8—5 When nutrition information panel is required

- (1) For the labelling provisions, the required information on packaged food is a nutrition information panel.
- (2) A nutrition information panel is not required for:
 - (a) the following foods, unless a *claim requiring nutrition information is made in relation to the food:
 - (i) a *standardised alcoholic beverage;
 - (ii) a herb, a spice or a herbal infusion;
 - (iii) vinegar or imitation vinegar;
 - (iv) iodised salt, reduced sodium salt mixture, salt or salt substitute;
 - (v) tea or coffee, or instant tea or instant coffee;
 - (vi) a substance that is approved for use as a food additive;
 - (vii) a substance that is approved for use as a processing aid;
 - (viii) a food that is sold to be *used as a processing aid;
 - (ix) fruit, vegetables, meat, poultry, and fish that comprise a single ingredient or category of ingredients;
 - (x) gelatine;
 - (xi) water (including mineral water or spring water) or ice;
 - (xii) prepared filled rolls, sandwiches, bagels and similar products;
 - (xiii) jam setting compound;
 - (xiv) a kit which is intended to be used to produce a standardised alcoholic beverage;
 - (xv) a beverage containing no less than 0.5% alcohol by volume that is not a standardised alcoholic beverage;
 - (xvi) kava; or
 - (b) a food in a small package, other than food for infants.

Note 1 See section 1.2.8—14 for the requirement for a food in a small package.

Note 2 The labelling provisions are set out in Standard 1.2.1.

1.2.8—6

What must be on nutrition information panel

- (1) A nutrition information panel must contain the following information:
 - (a) the number of servings in the package, expressed as either:
 - (i) the number of servings of the food; or
 - (ii) if the weight or the volume of the food as packaged is variable—the number of servings of the food per kilogram, or other unit as appropriate;
 - (b) the *average quantity of the food in a serving expressed in:
 - (i) for a solid or semi-solid food—grams; or
 - (ii) for a beverage or other liquid food—millilitres;
 - (c) the *unit quantity of the food;
 - (d) for a serving of the food and a unit quantity of the food:
 - (i) the *average energy content expressed in kilojoules or both in kilojoules and in calories or kilocalories; and
 - (ii) the average quantity of
 - (A) protein, carbohydrate, sugars, fat and,
 - (B) subject to subsection (4), saturated fatty acids,expressed in grams; and
 - (iii) the average quantity of sodium, expressed in milligrams or both milligrams and millimoles; and
 - (iv) the name and the average quantity of any other nutrient or *biologically active substance in respect of which a *claim requiring nutrition information is made, expressed in grams, milligrams, micrograms or other units as appropriate;
 - (e) any other matter this Code requires to be included.
- (2) A nutrition information panel must be set out in the format in section S12—2, unless this Code provides otherwise.

Declaration of fatty acids required for certain claims

- (3) If a *claim requiring nutrition information is made in respect of:
 - (a) cholesterol; or
 - (b) *saturated,* trans, *polyunsaturated or *monounsaturated fatty acids; or
 - (c) omega-3, omega-6 or omega-9 fatty acids;

a nutrition information panel must include declarations of the trans, polyunsaturated and monounsaturated fatty acids in accordance with section S12—3.

Voluntary declaration of fatty acids in edible oils and edible oil spreads

- (4) If a *claim requiring nutrition information is made in relation to the *polyunsaturated fatty acid content or *monounsaturated fatty acid content of an edible oil or an edible oil spread, the nutrition information panel may list the minimum or maximum amount of the following in a serving and a *unit quantity of the food:
 - (a) *saturated fatty acids;
 - (b) polyunsaturated fatty acids;
 - (c) monounsaturated fatty acids;
 - (d) *trans fatty acids.

Note See section 1.2.7—12 for when claims may be made in relation to the polyunsaturated or monounsaturated fatty acid content of foods.

Claims in respect of dietary fibre, sugars or carbohydrate

- (5) If a *claim requiring nutrition information is made in respect of:
- (a) fibre or any specifically named fibre; or
 - (b) *sugars or any other type of *carbohydrate;
- a nutrition information panel must include a declaration of the presence or absence of *dietary fibre in accordance with section S12—3.
- (6) The absence of *dietary fibre under subsection (5) must be indicated by using the symbol '0'.

Declarations about carbohydrates

- (7) If *unavailable carbohydrate has been subtracted in the calculation of *available carbohydrate by difference, a *nutrition information panel must include a declaration of unavailable carbohydrate.
- (8) The reference to 'unavailable carbohydrate' in subsection (7) does not include dietary fibre.

Declarations about certain substances

- (9) If:
- (a) one or more *components (other than organic acids) listed in subsection S11—2(3) is present in the food, singly or in combination, in an amount of no less than 5 g/100 g; and
 - (b) either of the following is satisfied:
 - (i) if *available carbohydrate by difference is used—any of those substances have been subtracted in the calculation;
 - (ii) if *available carbohydrate is used—any of those substances have been quantified or added to the food;

the nutrition information panel must include individual declarations of those substances.

Claims about phytosterols, phytostanols or their esters

- (10) If a *claim requiring nutrition information is made in relation to phytosterols, phytostanols or their esters, the nutrition information panel must include declarations of:
- (a) the substances, using the same name for the substance as used in the advisory statement required by subsection 1.2.3—2(1); and
 - (b) the amount of the substances, calculated as *total plant sterol equivalents content.

1.2.8—7 How to express particular matters in nutrition information panel

- (1) The nutrition information panel must clearly indicate that:
- (a) any average quantities set out in the panel are average quantities; and
 - (b) any minimum or maximum quantities set out in the panel are minimum or maximum quantities.
- (2) On a nutrition information panel:
- (a) 'serving' may be replaced by:
 - (i) 'slice', 'pack' or 'package'; or
 - (ii) 'metric cup' or 'metric tablespoon' or other appropriate word or words expressing a unit or common measure; and
 - (b) 'Carbohydrate' may be replaced by 'Carbohydrate, total'.
- (3) The following must be expressed in a nutrition information panel to not more than 3 significant figures:

- (a) the average energy content;
 - (b) the average, minimum or maximum quantities of nutrients and biologically active substances.
- (4) If the *average energy content of a serving or a *unit quantity of the food is less than 40 kJ, that average energy content may be expressed in the panel as 'LESS THAN 40 kJ'.
- (5) If the *average quantity of any of the following in a serving or a *unit quantity of the food is less than 1 gram, that average quantity may be expressed in the nutrition information panel as 'LESS THAN 1 g':
- (a) protein;
 - (b) fat;
 - (c) classes of fatty acids;
 - (d) carbohydrate;
 - (e) sugars;
 - (f) dietary fibre.
- (6) If the *average quantity of sodium or potassium in a serving or a *unit quantity of the food is less than 5 milligrams, that average quantity may be expressed in the nutrition information panel as 'LESS THAN 5 mg'.
- (7) The declaration of *dietary fibre in a nutrition information panel must be a declaration of dietary fibre determined in accordance with section S11—4.
- (8) In a nutrition information panel:
- (a) *monounsaturated fatty acids must be declared as monounsaturated fat; and
 - (b) *polyunsaturated fatty acids must be declared as polyunsaturated fat; and
 - (c) *saturated fatty acids must be declared as saturated fat; and
 - (d) *trans fatty acids must be declared as trans fat.

1.2.8—8 **Percentage daily intake information**

- (1) A nutrition information panel may include information relating to the percentage daily intake of nutrients set out in the panel.
- (2) If information relating to percentage daily intake is included, the panel may include the percentage daily intake of *dietary fibre per serving.
- (3) If information relating to percentage daily intake is included, the panel must include:
- (a) the percentage daily intake per serving, calculated using the associated reference value listed below, of the following items:

Reference values for per cent daily intake information

<i>Item</i>	<i>Reference value</i>
energy	8 700 kJ
protein	50 g
fat	70 g
saturated fatty acids	24 g
carbohydrate	310 g
sodium	2 300 mg
sugars	90 g
dietary fibre (if declared)	30 g

- (b) either of the following statements:

- (i) 'based on an average adult diet of 8 700 kJ';
- (ii) 'Percentage daily intakes are based on an average adult diet of 8 700 kJ'.

Note For an example nutrition information panel illustrating percentage daily intake information, see section S12—4.

1.2.8—9 Percentage recommended dietary intake information

- (1) This section applies if:
 - (a) a *claim requiring nutrition information is made about or based on a vitamin or mineral (the **relevant vitamin or mineral**); and
 - (b) the relevant vitamin or mineral has an *RDI (see sections S1—2 and S1—3); and
 - (c) the food to which the claim relates is not a food for infants.
- (2) Subject to section 1.2.8—10, the percentage of the *RDI for the relevant vitamin or mineral contributed by one serving of the food must be set out in the nutrition information panel.
- (3) The percentage *RDI under subsection (2) must be calculated using the nutrient values set out in the nutrition information panel.
- (4) Despite paragraph (1)(c), percentage recommended dietary intake information may be included in the *nutrition information panel for a *food for infants.

1.2.8—10 Information referred to in sections 1.2.8—8 and 1.2.8—9 may be presented outside nutrition information panel

- (1) The information that is permitted to be included in a nutrition information panel by section 1.2.8—8 or that is required to be included by subsection 1.2.8—9(2) may also be presented outside the nutrition information panel if:
 - (a) the serving size is presented together with the information; and
 - (b) the food does not contain more than 1.15% alcohol by volume.
- (2) If more than 1 piece of such information is presented outside the nutrition information panel, those pieces of information must be presented together.
- (3) Information presented in accordance with this section does not constitute a nutrition content claim.

1.2.8—11 Requirement for dehydrated or concentrated food

If the label on a package of a food for sale indicates that the food should be reconstituted with water before consumption, the nutrition information panel must express the information required by this Standard as a proportion of the reconstituted food.

1.2.8—12 Food intended to be drained before consumption

If the labelling for a food for sale contains directions indicating that the food should be drained before consumption, the nutrition information panel must:

- (a) express the information required by this Standard as a proportion of the drained food; and
- (b) clearly indicate that the information relates to the drained food.

1.2.8—13 Food intended to be prepared or consumed with other food

- (1) This section applies to a food for sale if the labelling indicates that it is intended to be prepared or consumed with at least one other food.
- (2) The nutrition information panel may comply with the requirement in subsection (4).
- (3) If a *claim requiring nutrition information is made about the food, the nutrition information panel must comply with the requirements in subsections (4) and (5).

- (4) The requirement is that the nutrition information panel includes an additional column at the right hand side of the panel, specifying, in the same manner as set out in the panel:
 - (a) a description of the additional food; and
 - (b) the amount of the additional food; and
 - (c) the *average energy content of the combined foods; and
 - (d) the average quantities of nutrients contained in the combined foods; and
 - (e) the average quantities of biologically active substances contained in the combined foods.
- (5) The requirement is that the nutrition information panel specifies the weight or volume of the serving size of the food as prepared.

1.2.8—14 Requirement for food for sale in small packages

- (1) For the labelling provisions, for a food for sale in a small package, the following nutrition information is required if a *claim requiring nutrition information is made:
 - (a) the *average quantity of the food in a serving, expressed:
 - (i) for a solid or semi-solid food—in grams; and
 - (ii) for a beverage or other liquid food—in millilitres; and
 - (b) if a claim is about a matter in Column 1 of the table to section S13—2, the particulars specified in Column 2, expressed:
 - (i) as minimum, maximum or average quantities, unless otherwise specified; and
 - (ii) with a clear indication of whether the particulars are minimum, maximum or average quantities.
 - (c) if the claim is about carbohydrate, dietary fibre, sugars or any other carbohydrate:
 - (i) if unavailable carbohydrate has been subtracted in the calculation of *available carbohydrate by difference—a declaration of unavailable carbohydrate (not including dietary fibre); and
 - (ii) the presence in the food of any substance other than organic acids that is listed in the table to subsection S11—2(3), if those substances are present in the food, either singly or in combination, in an amount of no less than 5 g/100 g.

Note The labelling provisions are set out in Standard 1.2.1.

- (2) Where appropriate, the word 'serving' may be replaced by:
 - (a) the word 'slice', 'pack' or 'package'; and
 - (b) the words 'metric cup', 'metric tablespoon' or other appropriate words expressing a unit or common measure.
- (3) To avoid doubt, the information required by this section need not be set out in the form of a nutrition information panel.