

**Food Standards (Proposal P1025 – Code Revision) Variation**

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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 1.5.2 Food produced using gene technology

- 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.
- Note 3** Paragraphs 1.1.1—10(3)(c) and (4)(g) provide that a food for sale must not consist of, or have as an ingredient or a component, a food produced using gene technology, unless expressly permitted by this Code. This Standard contains the relevant permissions. Schedule 26 provides definitions of the terms ‘conventional breeding’, ‘line’ and ‘transformation event’, and lists approved foods produced using gene technology and any conditions for use of the food.

### 1.5.2—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 1.5.2 – Food produced using gene technology*.

**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.

### 1.5.2—2 Definitions

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

**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.

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

**Note 2** Definitions for genetically modified food, novel DNA and novel protein are in section 1.5.2—4

**Note 3** Definitions for conventional breeding, line and transformation event are in Schedule 26.

### 1.5.2—3 When food produced using gene technology is permitted for sale

A food for sale may consist of, or have as an ingredient, a \*food produced using gene technology if the food produced using gene technology:

- (a) is listed in Schedule 26 and complies with any corresponding conditions listed in that Schedule; or
- (b) is a substance that is permitted for use as a food additive by Standard 1.3.1 or as a processing aid by Standard 1.3.3.

### 1.5.2—4 Requirement to label food as ‘genetically modified’

- (1) This section applies to a food for sale that consists of, or has as an ingredient, food that is a genetically modified food, unless:
  - (a) the genetically modified food:
    - (i) has been highly refined where the effect of the refining process is to remove novel DNA or novel protein; and
    - (ii) is not listed in subsections S26—3(2) and (3) as subject to the condition that its labelling must comply with this section; or
  - (b) both of the following are satisfied:
    - (i) the genetically modified food is a substance \*used as a processing aid or \*used as a food additive in the food in accordance with this Code;
    - (ii) no novel DNA or novel protein from the substance remains present in the food; or
  - (c) the genetically modified food is a \*flavouring substance that is present in the food in a concentration of no more than 1 g of flavouring/kg of food; or

- (d) the genetically modified food is:
    - (i) unintentionally present in the food; and
    - (ii) present in an amount of no more than 10 g in a kilogram of each ingredient; or
  - (e) the food is:
    - (i) intended for immediate consumption; and
    - (ii) prepared and sold from food premises and vending vehicles, including restaurants, take away outlets, caterers, or self-catering institutions.
- (2) For the labelling provisions, the information relating to \*foods produced using gene technology includes the statement 'genetically modified' in conjunction with the name of the genetically modified food.

**Note** The labelling provisions are set out in Standard 1.2.1. Labelling provisions apply to both packaged and unpackaged foods produced using gene technology.

- (3) If the genetically modified food is an ingredient, \*used as a food additive or \*used as a processing aid the information may be included in the statement of ingredients.

**Example** Ingredients: Soy Protein Isolate (genetically modified).

- (4) To avoid doubt, this Code does not require any statement about the genetic status of a food or one of its ingredients other than as required by this section or by a condition in Schedule 26.

- (5) In this section:

**novel DNA** and **novel protein** mean DNA or protein which, as a result of the use of gene technology, is different in chemical sequence or structure from DNA or protein present in counterpart food that has not been produced using gene technology, other than protein that:

- (a) is \*used as a processing aid or \*used as a food additive; and
- (b) has an amino acid sequence that is found in nature.

**genetically modified food** means a \*food produced using gene technology that

- (a) contains novel DNA or novel protein; or
  - (b) is listed in Section S26—3 as subject to the condition that its labelling must comply with this section.
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