

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 1.6.1 Microbiological limits in food

- 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** Section 1.1.1—11 provides that a food for sale must not have an unacceptable level of microorganisms, as determined in accordance with this standard. This standard sets out how to determine whether a lot of food has an unacceptable level of microorganisms.

1.6.1—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 1.6.1 – Microbiological limits for food*.

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.

1.6.1—2 Unacceptable microbiological levels

A *lot of a food has an unacceptable level of microorganisms if:

- (a) the food is listed in the table to section S27—3; and
- (b) the lot is tested in accordance with section 1.6.1—3; and
- (c) the test indicates that:
 - (i) the number of sample units having a level of a microorganism greater than that listed in the corresponding row of Column 4 (*m*) is greater than the number listed in the corresponding row of Column 3 (*c*); or
 - (ii) the level of the microorganism in any of the sample units is greater than the number (if any) listed in the corresponding row of Column 5 (*M*).

Note For the meaning of *lot*, see section 1.1.2—2.

1.6.1—3 Assessment of microbiological levels

- (1) Microbiological levels in food must be assessed in accordance with this section.
- (2) For a particular *lot of a food listed in Column 1 of the table section S27—3, the number of sample units taken must be the number of sample units set out in the corresponding row of Column 2 (*n*).
- (3) Despite subsection (2), if the food is the subject of a consumer complaint or a suspected food poisoning incident, an *authorised officer may take or otherwise obtain fewer sample units than the number referred to in that subsection or take smaller samples.
- (4) An *authorised officer who takes or otherwise obtains a sample of food for the purpose of submitting it for microbiological analysis:
 - (a) must not divide that sample into separate parts; and
 - (b) where the sample consists of one or more sealed packages of a kind ordinarily sold by retail—must submit for such analysis that sample in that package or those packages in an unopened and intact condition.
- (5) The following reference methods must be used to determine whether a food has exceeded the maximum permissible levels of microorganisms specified in the Schedule in relation to that food:
 - (a) for a food other than packaged water, packaged ice or mineral water
 - (i) the relevant method prescribed by Australian Standard AS5013; or
 - (ii) the relevant method referenced by Australian Standard AS5013 and prescribed by the International Organization for Standardization; or
 - (iii) any equivalent method as determined by:

- (A) Australian New Zealand Standard *AS/NZS 4659; or
 - (B) ISO 16140:2003; and
- (b) for packaged water, packaged ice or mineral water—the relevant method prescribed by Australian New Zealand Standard AS/NZS 4276.
- (6) A reference to a Standard in subsection (5) is a reference to that Standard as in force at the commencement of this provision.

1.6.1—4 Food in which growth of *Listeria monocytogenes* will not occur

- (1) For the purposes of the Schedule, growth of *Listeria monocytogenes* will not occur in a *ready-to-eat food if:
- (a) the food has a pH less than 4.4 regardless of water activity; or
 - (b) the food has a water activity less than 0.92 regardless of pH; or
 - (c) the food has a pH less than 5.0 in combination with a water activity of less than 0.94; or
 - (d) the food has a refrigerated shelf life no greater than 5 days; or
 - (e) the food is frozen (including foods consumed frozen and those intended to be thawed immediately before consumption); or
 - (f) it can be validated that the level of *Listeria monocytogenes* will not increase by greater than 0.5 log cfu/g over the food's stated shelf life.
- (2) For the purposes of the Schedule, a *ready-to-eat food that does not receive a *listericidal process during manufacture is taken to be a food in which growth of *Listeria monocytogenes* will not occur if the level of *Listeria monocytogenes* will not exceed 100 cfu/g within the food's expected shelf life.
- (3) For the purposes of subclause (2), a *ready-to-eat food that does not receive a *listericidal process during manufacture is taken to include:
- (a) ready-to-eat processed finfish; and
 - (b) fresh cut and packaged horticultural produce.
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