

**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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