Schedule 25 Permitted novel foods

***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.

Novel foods are regulated by paragraphs 1.1.1—10(5)(b) and (6)(f) and Standard 1.5.1. This Standard lists permitted novel foods, and specifies conditions for their use, for section 1.5.1—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.

S25—1 Name

This Standard is *Australia New Zealand Food Standards Code* – Schedule 25 – Permitted novel foods.

***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.

S25—2 Sale of novel foods

For section 1.5.1—3, the permitted \*novel foods and their conditions for use are:

Sale of novel foods

| Permitted novel food | Conditions of use |
| --- | --- |
| α-cyclodextrin | 1. The name ‘alpha cyclodextrin’ or ‘α- cyclodextrin’ must be used when declaring the ingredient in the statement of ingredients. |
| γ-cyclodextrin | 1. The name ‘gamma cyclodextrin’ or ‘γ- cyclodextrin’ must be used when declaring the ingredient in the statement of ingredients. |
| Diacylglycerol oil (DAG-Oil) | 1. The name ‘Diacylglycerol oil’ must be used when declaring the ingredient in the statement of ingredients. |
| Dried marine micro-algae (*Schizochytrium* sp.) rich in docosahexaenoic acid (DHA) |  |
| Oil derived from marine micro-algae *Schizochytrium* sp. (American Type Culture Collection (ATCC) PTA-9695) | 1. May only be added to infant formula products in accordance with Standard 2.9.1. |
| Oil derived from marine micro-algae (*Schizochytrium* sp.) rich in docosahexaenoic acid (DHA) |  |
| Oil derived from marine micro-algae (*Ulkenia* sp.) rich in docosahexaenoic acid (DHA) |  |
| Isomaltulose |  |
| \*Phytosterols, phytostanols and their esters | 1. The food must comply with requirements in Standard 1.2.1 insofar as they relate to section 1.2.3—2.  2. May only be added to edible oil spreads:  (a) according to Standard 2.4.2; and  (b) where the total \*saturated and \*trans fatty acids present in the food are no more than 28% of the total fatty acid content of the food; and |
|  | 3. May only be added to breakfast cereals, not including breakfast cereal bars, if:  (a) the total fibre content of the breakfast cereal is no less than 3 g/50 g; and  (b) the breakfast cereal contains no more than 30 g/100 g of total sugars; and  (c) the \*total plant sterol equivalents content is the prescribed amount.  3A. For the purposes of condition 3(c) above:  (a) the prescribed amount during the exclusive use period is:  (i) for breakfast cereals sold under the brands *Sanitarium Health and Wellbeing* or *Weet-Bix* – an amount that is no less than 0.5 g per serving and no more than 2.2 g per serving; and  (ii) for all other breakfast cereals - an amount that is no less than 15 g/kg and no more than 19 g/kg; and  (b) the prescribed amount after the end of the exclusive use period is an amount that is no less than 0.5 g per serving and no more than 2.2 g per serving.  3B. For the purposes of condition 3A above, **exclusive use period** means the period commencing on the date of gazettal of the *Food Standards (Application A1134 – Increased Concentration of Plant Sterols in Breakfast Cereals) Variation* and ending 15 months after that date.  4. Foods to which phytosterols, phytostanols or their esters have been added must not be used as ingredients in other foods.  5. May only be added to milk in accordance with Standard 2.5.1.  6. May only be added to yoghurt in accordance with Standard 2.5.3 |
| D-Tagatose |  |
| Tall oil phytosterol esters | 1. Tall oil phytosterol esters must comply with the specification for tall oil phytosterol esters in Schedule 3.  2. The food must comply with the requirements in Standard 1.2.1 insofar as they relate to section 1.2.3—2.  3. The name ‘tall oil phytosterol esters’ or ‘plant sterol esters’ must be used.  4. May only be added to cheese and processed cheese, in accordance with Standard 2.5.4.  6. Foods to which tall oil phytosterol esters have been added must not be used as ingredients in other foods. |
| Trehalose |  |

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Amendment History

The Amendment History provides information about each amendment to the Schedule. 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. 2 of Schedule 25 as in force on **25 May 2017** (up to Amendment No. 170). It includes any commenced amendment affecting the compilation to that date.

Prepared by Food Standards Australia New Zealand on **25 May 2017**.

**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 Schedule 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 am = amended

exp = expired or ceased to have effect rep = repealed

rs = repealed and substituted

**Schedule 24** was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00440 –- 1 April 2015) and has since been amended as follows:

| Section affected | A’ment No. | FRL registration  Gazette | Commencement  (Cessation) | How affected | Description of amendment |
| --- | --- | --- | --- | --- | --- |
| Note 1 to Std | 168 | F2017L00414  11 April 2017  FSC110  13 April 2017 | 13 April 2017 | am | Cross-reference. |
| table to S25—2 | 170 | F2017L00586  23 May 2017  FSC112  25 May 2017 | 25 May 2017 | ad | Entry for oil derived from marine micro-algae *Schizochytrium* sp. (American Type Culture Collection (ATCC) PTA-9695) |
| table to S25—2 | 170 | F2017L00584  23 May 2017  FSC112  25 May 2017 | 25 May 2017 | am | Entry for \*Phytosterols, phytostanols and their esters. |