

**Food Standards (Proposal P1036 – Code Revision – Consequential & Corrective Amendments) Variation**

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The Board of Food Standards Australia New Zealand gives notice of the making of this variation under section 92 of the *Food Standards Australia New Zealand Act 1991*. The variation commences on the date specified in clause 3 of this variation.

Dated 28 August 2015



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

**Note:**

This variation will be published in the Commonwealth of Australia Gazette No. FSC 99 on 3 September 2015.

## 1 Name

This instrument is the *Food Standards (Proposal P1036 – Code Revision – Consequentials & Corrective Amendments) Variation*.

## 2 Variation to Standards in the *Australia New Zealand Food Standards Code*

The Schedule varies the Standards in the *Australia New Zealand Food Standards Code*.

## 3 Commencement

The variation commences on 1 March 2016 immediately after the commencement of Standard 5.1.1 – Revocation and transitional provisions – 2014 Revision.

### SCHEDULE

#### Standard 1.1.1 – Structure of the Code and general provisions

##### [1] Subsection 1.1.1—2(2)

- (a) Omit
  - Standard 1.2.6 Directions for use and storage
  - Substitute
    - Standard 1.2.6 Information requirements – directions for use and storage
- (b) Omit
  - Standard 1.2.10 Characterising ingredients and components of food
  - Substitute
    - Standard 1.2.10 Information requirements – characterising ingredients and components of food
- (c) Omit
  - Standard 1.2.11 Country of origin labelling requirements
  - Substitute
    - Standard 1.2.11 Information requirements – country of origin labelling
- (d) Omit
  - Standard 2.8.1 Sugars
  - Substitute
    - Standard 2.8.1 Sugar and sugar products
- (e) Omit
  - Schedule 14 Technological purposes performed by food additives
  - Substitute
    - Schedule 14 Technological purposes performed by substances used as food additives
- (f) Omit
  - Schedule 16 Definitions for certain types of substances that may be used as food additives
  - Substitute
    - Schedule 16 Types of substances that may be used as food additives
- (g) Omit

- |     |             |                                  |
|-----|-------------|----------------------------------|
|     | Schedule 27 | Microbiological limits for foods |
|     | Substitute  |                                  |
|     | Schedule 27 | Microbiological limits in food   |
| (h) | Omit        |                                  |
|     | Schedule 28 | Composition of packaged water    |
|     | Substitute  |                                  |
|     | Schedule 28 | Formulated caffeinated beverages |

**[2] Subsection 1.1.1—13(2) (Note 1)**

Omit '**Note 1**', substitute '**Note**'

**[3] Subsection 1.1.1—13(3) (First example)**

Omit '**Example**', substitute '**Example 1**'

**Standard 1.1.2 – Definitions used throughout the Code**

**[4] Section 1.1.2—7(2) (paragraph (a) in definition of *acute care hospital*)**

Omit 'ailments,' substitute 'ailments'

**Standard 1.2.1 – Requirements to have labels or otherwise provide information**

**[5] Subsection 1.2.1—6(3)**

Omit '\*individual portion pack', substitute 'individual portion pack'

**[6] Paragraph 1.2.1—16(3)(b)**

Omit 'paragraph 1.2.1—8(1)(k)', substitute 'paragraph 1.2.1—8(1)(j)'

**[7] Section 1.2.1—17**

Omit '\*caterer' (second occurrence), substitute 'caterer'

**Standard 1.2.5 – Information requirements – date marking of food for sale**

**[8] Subparagraph 1.2.5—3(1)(b)(i)**

Omit 'best-before date', substitute '\*best-before date'

**[9] Subsubparagraph 1.2.5—3(1)(b)(ii)(A)**

Omit '\*best-before date', substitute 'best-before date'

**Standard 1.2.7 – Nutrition, health and related claims**

**[10] Section 1.2.7—2 (Note 1, definition of *nutrient profiling score*)**

Omit 'section 1.2.7—26', substitute 'section 1.2.7—25'

**[11] Subsections 1.2.7—4(1) and (2)**

Omit '\*nutrition content claim', substitute 'nutrition content claim'

- [12]       **Subsections 1.2.7—12(2) and (3)**  
Omit ‘\*claim’, substitute ‘claim’
- [13]       **Subsections 1.2.7—12(5), (6) and (7)**  
Omit ‘\*nutrition content claim’, substitute ‘nutrition content claim’
- [14]       **Subsection 1.2.7—13(1)**  
Omit ‘\*nutrition content claim’, substitute ‘nutrition content claim’
- [15]       **Subsection 1.2.7—14(1)**  
Omit ‘\*nutrition content claim’, substitute ‘nutrition content claim’
- [16]       **Section 1.2.7—15**  
Omit ‘\*nutrition content claim’, substitute ‘nutrition content claim’
- [17]       **Section 1.2.7—16 (first (unnumbered) subsection)**  
Substitute  
(1)    A comparative claim about a food (***claimed food***) must include together with the claim:  
        (a)   the identity of the \*reference food; and  
        (b)   the difference between the amount of the \*property of food in the claimed food and the reference food.
- [18]       **Paragraph 1.2.7—18(1)(a)**  
Omit ‘meets the NPSC’, substitute ‘\*meets the NPSC’

#### **Standard 1.2.8 – Nutrition information requirements**

- [19]       **Section 1.2.8—2 (first Note)**  
Omit ‘**Note**’, substitute ‘**Note 1**’.
- [20]       **Section 1.2.8—4 (first Note)**  
Omit ‘**Note**’, substitute ‘**Note 1**’.
- [21]       **Paragraph 1.2.8—6(5)(b)**  
Omit ‘\*sugars’, substitute ‘sugars’.
- [22]       **Subsection 1.2.8—6(9)**  
Omit ‘nutrition information panel’, substitute ‘\*nutrition information panel’.

#### **Standard 1.2.10 – Information requirements – characterising ingredients and components of food**

- [23]       **Subsection 1.2.10—3(2)**  
Omit ‘characterising ingredient’, substitute ‘\*characterising ingredient’

### **Standard 1.2.11 – Information requirements—country of origin labelling**

**[24] Paragraph 1.2.11—3(1)(a)**

Omit ‘\*fruit’, substitute ‘fruit’

### **Standard 1.3.3 – Processing aids**

**[25] Paragraph 1.3.3—3(a)**

Omit ‘processing aid’, substitute ‘a processing aid’

### **Standard 1.4.1 – Contaminants and natural toxicants**

**[26] After section 1.4.1—3**

Insert the following section

#### **1.4.1—4 Exception relating to honey and comb honey**

- (1) Section 1.1.1—9 does not apply to honey and comb honey for the purposes of section 1.4.1—3.
- (2) Despite section 1.4.1—3, honey and comb honey that was packaged for retail sale before the commencement of the *Food Standards (Proposal P1029 – Maximum Level for Tutin in Honey) Variation* is taken to comply with the level of Tutin listed in the table to section S19—6 if the product otherwise complied with the Code before that variation commenced.

### **Standard 1.5.2 – Food produced using gene technology**

**[26] Section 1.5.2—2 (first Note)**

Omit ‘**Note**’, substitute ‘**Note 1**’

### **Standard 1.5.3 – Irradiation of food**

**[28] Subsection 1.5.3—3(2) (table)**

Insert in the appropriate alphabetical positions:

apple  
apricot  
cherry  
honeydew  
nectarine  
peach  
plum  
rockmelon  
scallopini  
strawberry  
table grape  
zucchini (courgette)

### **Standard 1.6.1 – Microbiological limits in food**

**[29] Section 1.6.1—1**

Omit ‘Microbiological limits for foods’, substitute ‘Microbiological limits in food’

**[30] Paragraph 1.6.1—2(a)**  
Omit 'S27—3', substitute 'S27—4'.

**[31] Subsection 1.6.1—3(5)**  
Omit 'the Schedule', substitute 'the table to section S27—4'

**[32] Subsection 1.6.1—4(1)**  
Omit 'the Schedule', substitute 'the table to section S27—4'

**[33] Subsection 1.6.1—4(2)**  
Omit 'the Schedule', substitute 'the table to section S27—4'

#### **Standard 2.2.1 – Meat and meat products**

**[34] Section 2.2.1—1 (heading)**  
Omit the heading, substitute

**2.2.1—1 Name**

#### **Standard 2.6.2 – Non-alcoholic beverages and brewed soft drinks**

**[35] Section 2.6.2—3 (Note at the end)**  
Repeal the Note

#### **Standard 2.8.1 – Sugar and sugar products**

**[36] Section 2.8.1—1**  
Omit 'Sugars and honey', substitute 'Sugar and sugar products'

#### **Standard 2.9.2 – Food for infants**

**[37] Paragraph 2.9.2—8(1)(b)**  
Omit 'more than of 3 g', substitute 'more than 3 g'

#### **Standard 2.9.3 – Formulated supplementary sports foods**

**[38] Section 2.9.3—2 (Note 2)**  
Repeal the Note

**[39] Paragraph 2.9.3—8(3)(a)**  
Omit the paragraph, substitute:  
(a) the vitamin or mineral is listed in section S17—2, S17—3 or S29—15; and

#### **Standard 2.9.4 – Formulated supplementary sports foods**

**[40] Paragraph 2.9.4—5(2)(a)**  
After '(expressed', insert 'as'

- [41] Paragraph 2.9.4—6(2)(a)  
After ‘\*RDI’, insert ‘or \*ESADDI’

**Standard 2.9.5 – Food for special medical purposes**

- [42] Paragraph 2.9.5—3(a)  
Omit ‘or Standard 1.1A.2 (transitional standard for health claims)’

**Schedule 3 – Identity and purity**

- [43] Subparagraph S3—27(2)(b)(ii)  
Omit ‘campsteranol’, substitute ‘campestanol’

**Schedule 14 – Technological purposes performed by substances used as food additives**

- [44] Section S14—2 (table) (definition of *firming agent*)  
Omit ‘interact’, substitute ‘interacts’

- [45] Section S14—2 (table) (definition of *raising agent*)  
Omit ‘increase’, substitute ‘increases’

**Schedule 15 – Substances that may be used as food additives**

- [46] Section S15—5 (table) (after item 5.2.2)  
Insert the following item heading

**5.3** *Not assigned*

- [47] Section S15—5 (table) (item 9.4.1 Canned abalone (paua))

Insert in appropriate numerical position

Sodium hydrosulphite 1 000

- [48] Section S15—5 (table) (item 13.3 – heading)  
Omit the heading, substitute

**13.3** *Formulated meal replacements and formulated supplementary foods*

**Schedule 17 – Vitamins and minerals**

- [49] Schedule Heading (Note 1)

Omit

- lists vitamins and minerals for the definition of *claimable vitamin or mineral* in subsection 2.9.3—6(6) and subsection 2.9.3—8(7).

Substitute

- lists vitamins and minerals for which claims may be made under subsections 2.9.3—6(3) and 2.9.3—8(3).

## Schedule 18 – Processing aids

**[50] Subsection S18—4(5) (table) (item *Aspergillopepsin I* (EC 3.4.23.6))**

Omit 'Aspergillopepsin I (EC 3.4.23.6)', substitute 'Aspergillopepsin I (EC 3.4.23.18)'

**[51] Subsection S18—4(5) (table)**

Insert the following items in the appropriate alphabetical positions

Endo-1,4-beta-xylanase (EC 3.2.1.8)	<i>Aspergillus niger</i> <i>Aspergillus oryzae</i> <i>Aspergillus oryzae</i> , containing the gene for Endo-1,4-beta-xylanase isolated from <i>Aspergillus aculeatus</i> <i>Aspergillus oryzae</i> , containing the gene for Endo-1,4-beta-xylanase isolated from <i>Thermomyces lanuginosus</i> <i>Bacillus amyloliquefaciens</i> <i>Bacillus subtilis</i> <i>Humicola insolens</i> <i>Trichoderma reesei</i>
Endo-1,4-beta-xylanase, protein engineered variant (EC 3.2.1.8)	<i>Bacillus licheniformis</i> , containing the gene for Endo-1,4-beta-xylanase isolated from <i>Bacillus licheniformis</i>

**[52] Subsection S18—4(5) (table) (item *Hemicellulase endo-1,4-β-xylanase* (EC 3.2.1.8))**

Omit the item

## Schedule 19 – Maximum levels of contaminants and natural toxicants

**[53] Section S19—2**

Insert in the appropriate alphabetical position

**honey** includes comb honey.

**[54] Section S19—2**

Add at the end the following Note

**Note** In this Code (see section 1.1.2—3):

**honey** means the natural sweet substance produced by honey bees from the nectar of blossoms or from secretions of living parts of plants or excretions of plant sucking insects on the living parts of plants, which honey bees collect, transform and combine with specific substances of their own, store and leave in the honey comb to ripen and mature.

**[55] Subsection S19—6(2) (table)**

Insert in the appropriate alphabetical position

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Tutin	Honey	0.7
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**[56] Subsection S19—6(2)**

Add at the end (after the table) the following Note

**Note** The New Zealand *Food (Tutin in Honey) Standard 2010* also regulates beekeepers, packers and exporters of honey in New Zealand. It provides options for demonstrating compliance with the maximum level for tutin in honey set by section 1.4.1—3.



## Schedule 27 – Microbiological limits for foods

**[57] Heading to the Schedule**

Omit '*for foods*', substitute '*in food*'

**[58] Heading to the Schedule (Note 1)**

Omit 'for foods', substitute 'in food'

**[59] Section S27—1**

Omit '*for foods*', substitute '*in food*'

**[60] Section S27—4 (heading)**

Omit '*for foods*', substitute '*in food*'

**[61] Section S27—4 (heading of table)**

Omit '*in foods*', substitute '*in food*'

**[62] Section S27—4 (table)**

- (a) Omit the item '**Butter made from unpasteurised milk and/or unpasteurised milk products**'
- (b) Omit the item '**All raw milk cheese (cheese made from milk not pasteurised or thermised)**'
- (c) Omit the item '**Raw milk unripened cheeses (moisture content > 50% with pH > 5.0) mixed tart**'
- (d) After the item '**All cheese**', insert the following item

**Raw milk cheese**

<i>Salmonella</i>	5	0	not detected in 25 g
Staphylococcal enterotoxins	5	0	not detected in 25 g

- (e) Omit the item '**Unpasteurised milk for retail sale**', substitute the following item

**Unpasteurised milk for retail sale**

<i>Campylobacter</i>	5	0	not detected in 25 mL
Coliforms	5	1	$10^2$ /mL $10^3$ /mL
<i>Escherichia coli</i>	5	1	3/mL                              9/mL
<i>Salmonella</i>	5	0	not detected in 25 mL
SPC	5	1	$2.5 \times 10^4$ /mL $2.5 \times 10^5$ /mL

- (f) In the item '**Cooked crustacea**', omit 'SPC/g' and substitute 'SPC'
- (g) In the item '**Ready-to-eat food in which the growth of *Listeria monocytogenes* can occur**', omit ' $10^2$ cfu/g' and substitute 'not detected in 25 g'
- (h) In the item '**Ready-to-eat food in which the growth of *Listeria monocytogenes* will not occur**', omit 'not detected in 25 g' and substitute ' $10^2$ cfu/g'
- (i) Omit the item '**Powdered infant formula products**' and substitute the following item

**Powdered infant formula products**

<i>Bacillus cereus</i>	5	0	10 <sup>2</sup> /g	
Coagulase-positive staphylococci	5	1	not detected in 1 g	10/g
Coliforms	5	2	less than 3/g	10/g
<i>Salmonella</i>	10	0	not detected in 25 g	
SPC	5	2	10 <sup>3</sup> /g	10 <sup>4</sup> /g

**Schedule 29 – Special purpose foods**

**[63] Section S29—10**

Omit subsection S27-10(3) and substitute

- (3) It is recommended that the nutrition information table be set out in the format specified in the table to this section.

<b>NUTRITION INFORMATION</b>		
	Average amount per 100 mL made up formula (see Note 1)	Average amount per 100 g of powder (or per 100 mL for liquid concentrate) (see Note 2)
Energy	kJ	kJ
Protein	g	g
Fat	g	g
Carbohydrate	g	g
Vitamin A	µg	µg
Vitamin B <sub>6</sub>	µg	µg
Vitamin B <sub>12</sub>	µg	µg
Vitamin C	mg	mg
Vitamin D	µg	µg
Vitamin E	µg	µg
Vitamin K	µg	µg
Biotin	µg	µg
Niacin	mg	mg
Folate	µg	µg
Pantothenic acid	µg	µg
Riboflavin	µg	µg
Thiamin	µg	µg
Calcium	mg	mg
Copper	µg	µg
Iodine	µg	µg
Iron	mg	mg
Magnesium	mg	mg
Manganese	µg	µg
Phosphorus	mg	mg

Selenium	µg	µg
Zinc	mg	mg
Chloride	mg	mg
Potassium	mg	mg
Sodium	mg	mg
(insert any other substance used as a nutritive substance or inulin-type fructans and galactooligosaccharides to be declared)	g, mg, µg	g, mg, µg

**Note 1** Delete the words 'made up formula' in the case of formulas sold in 'ready to drink' form.

**Note 2** Delete this column in the case of formulas sold in 'ready to drink' form.