

Food Standards (Proposal P1031 – Allergen Labelling Exemptions) Variation

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 Standard commences on the date specified in clause 2 of this variation.

Dated 11 May 2016



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 105 on 19 May 2016. This means that this date is the gazettal date for the purposes of clause 2 of the variation.

1 Name of instrument

This instrument is the *Food Standards (Proposal P1031 – Allergen Labelling Exemptions) Variation*.

2 Commencement

This instrument commences on gazettal.

3 Variation to standards in the *Australia New Zealand Food Standards Code*

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

Schedule

[1] Standard 1.2.3 is varied by

[1.1] omitting subparagraph 1.2.3—4(1)(b)(i), substituting

- (i) cereals containing *gluten, namely, wheat, rye, barley, oats and spelt and their hybridised strains other than:
 - (A) where these substances are present in beer and spirits; or
 - (B) glucose syrups that are made from wheat starch and that:
 - (a) have been subject to a refining process that has removed gluten protein content to the lowest level that is reasonably achievable; and
 - (b) have a gluten protein content that does not exceed 20 mg/kg;
 - (C) alcohol distilled from wheat;

[1.2] omitting subparagraph 1.2.3—4(1)(b)(v), substituting

- (v) milk, other than alcohol distilled from whey;

[1.3] omitting subparagraph 1.2.3—4(1)(b)(vii), substituting

- (vii) soybeans other than:
 - (A) soybean oil that has been degummed, neutralised, bleached and deodorised; or
 - (B) soybean derivatives that are a tocopherol or a phytosterol;

[1.4] inserting after subsection 1.2.3—4(2)

- (3) To avoid doubt, subsection (1) does not require a declaration of the presence of a food or a product that is derived from a food or product that is exempt from declaration under paragraph 1.2.3—4(1)(b).

[2] Schedule 10 is varied by omitting the entry for “fats or oils” in the table to section S10—2, substituting

fats or oils

- (a) The statement of ingredients must declare:
 - (i) whether the source is animal or vegetable; and
 - (ii) if the source of oil is peanut or sesame—the specific source name; and
 - (iii) if the source of oil is soybeans and the oil has not been degummed, neutralised, bleached and deodorised—the specific source name; and
 - (iv) if the food is a dairy product, including ice cream—the specific source of animal fats or oils.
- (b) This generic name must not be used for diacylglycerol oil.