

Food Standards (Proposal P1051 – Code Revision (2020)) 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 3 of this variation.

Dated 28 May 2021



Joanna Richards
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 141 on 3 June 2021. This means that this date is the gazettal date for the purposes of clause 3 of the variation.

1 Name

This instrument is the *Food Standards (Proposal P1051 – Code Revision (2020)) Variation*.

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

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

3 Commencement

The variation commences on the date of gazettal.

Schedule

Standard 1.1.1 – Structure of the Code and general provisions

[1] Paragraph 1.1.1—5(1)(b)

Omit '2014', substitute '2019'.

Standard 1.1.2 – Definitions used throughout the Code

[2] Subsection 1.1.2—2(3) (definition of *permitted flavouring substance*)

Omit

- (i) Generally Recognised as Safe (GRAS) lists of flavouring substances published by the Flavour and Extract Manufacturers' Association of the United States from 1960 to 2018 (edition 28);

substitute

- (i) Generally Recognised as Safe (GRAS) lists of flavouring substances published by the Flavour and Extract Manufacturers' Association of the United States from 1960 to 2019 (edition 29);

[3] Subsection 1.1.2—3(2)

Insert in alphabetical order

wheat flour includes wholemeal wheat flour.

Standard 1.2.1 – Requirements to have labels or otherwise provide information

[4] Subsection 1.2.1—2(3)

Omit 'caterers', substitute '*caterers'.

[5] Paragraph 1.2.1—6(1)(c)

Omit 'fruit', substitute '*fruit'.

[6] Paragraph 1.2.1—8(1)(b)

Omit 'lot', substitute '*lot'.

[7] Paragraph 1.2.1—8(1)(d)

Omit 'warning', substitute '*warning'.

[8] Paragraph 1.2.1—8(1)(k)

Omit 'foods', substitute '*foods'.

[9] Subparagraph 1.2.1—8(1)(v)(i)

Omit 'average', substitute '*average'.

[10] Subsection 1.2.1—8(3)

Omit 'warning', substitute '*warning'.

[11] Section 1.2.1—10

Omit 'caterer', substitute '*caterer'.

[12] Paragraph 1.2.1—12(3)(b)

Omit 'fruit', substitute '*fruit'.

[13] Subsection 1.2.1—15(b)

Omit 'lot', substitute '*lot'.

[14] Subsection 1.2.1—15(c)

Omit 'warning', substitute '*warning'.

[15] Paragraph 1.2.1—20(2)(b)

Omit 'lot', substitute '*lot'.

[16] Paragraph 1.2.1—20(3)(c)

Omit the first occurrence of 'transportation', substitute '*transportation'.

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

[17] Subsection 1.2.5—3(3)

Omit 'small package', substitute '*small package'.

Standard 1.2.8 – Nutrition information requirements

[18] Section 1.2.8—4

Insert in alphabetical order

average quantity, of a substance in a food, means the average, for such foods from that producer or manufacturer, of:

- (a) where a serving or reference amount is specified—the amount of the substance that such a serving or reference amount contains; or
- (b) otherwise—the proportion of that substance in the food, expressed as a percentage.

Note See also section 1.1.1—6.

[19] Subsection 1.2.8—6(1)

Repeal the subsection, substitute

- (1) A nutrition information panel must contain the following information:
 - (a) the number of servings in the package, expressed as either:
 - (i) the number of servings of the food; or
 - (ii) if the weight or the volume of the food as packaged is variable—the number of servings of the food per kilogram, or other unit as appropriate;
 - (b) the average quantity of the food in a serving expressed in:
 - (i) for a solid or semi-solid food—grams; or
 - (ii) for a beverage or other liquid food—millilitres;
 - (c) the *unit quantity of the food;
 - (d) for a serving of the food and a unit quantity of the food:
 - (i) the *average energy content expressed in kilojoules or both in kilojoules and in kilocalories; and
 - (ii) the *average quantity of
 - (A) protein, carbohydrate, sugars, fat and,
 - (B) subject to subsection (4), saturated fatty acids, expressed in grams; and
 - (iii) the average quantity of sodium, expressed in milligrams or both milligrams and millimoles; and
 - (iv) the name and the average quantity of any other nutrient or

*biologically active substance in respect of which a *claim requiring nutrition information is made, expressed in grams, milligrams, micrograms or other units as appropriate;

(e) any other matter this Code requires to be included.

[20] Subsection 1.2.8—6(7)

Omit '*unavailable carbohydrate', substitute 'unavailable carbohydrate'.

[21] Paragraph 1.2.8—14(1)(a)

Omit '*average quantity', substitute 'average quantity'.

Standard 1.6.1 – Microbiological limits in food

[22] Subsection 1.6.1—3(2)

Omit 'S27—3', substitute 'S27—4'.

Standard 2.2.3 – Fish and fish products

[23] Note 3

Omit the Note, substitute

Note 3 This Code does not define specific names for fish.

1. An Australian Fish Names Standard (AS SSA 5300) has been published which provides guidance on standard fish names to be used in Australia. Hard copies of the Standard are available at https://infostore.saiglobal.com/en-au/Standards/AS-5300-2015-111200_SAIG_AS_AS_232622/.
2. A searchable database of Australian Standard Fish Names is available at <http://www.fishnames.com.au>.
3. New Zealand common, Maori, and scientific names for fish species are available at <https://www.mpi.govt.nz/food-business/seafood-processing-storage-testing/fish-names-labelling-requirements/>.

Standard 2.6.3 – Kava

[24] Section 2.6.3—4 Note

Omit '1.2.1—9(4)(c)', substitute '1.2.1—9(3)(f)'

Standard 3.2.3 – Food Premises and Equipment

[25] Subsection 3.2.3—3(d)

Omit '(ii) not provide harbourage for pests', substitute '(iii) not provide harbourage for pests'.

Standard 4.2.3 – Primary production and processing standard for meat

[26] Table of Provisions

Omit 'sail', substitute 'sale'.

Standard 4.2.4 – Primary production and processing standard for dairy products

[27] Subsection 4.2.4—15(1) Editorial note

Omit 'The provision concerning an applicable law of a State or Territory is a temporary one and will be reviewed by FSANZ under another proposal.'

Schedule 2 – Units of measurement

[28] Section S2—2

Insert in the table in alphabetical order

MU

mouse unit

Schedule 3 – Identity and purity

[29] Paragraph S3—2(1)(b)

Omit

(xii) FAO JECFA Monographs 20 (2017); or
substitute

(xii) FAO JECFA Monographs 20 (2017);
(xiii) FAO JECFA Monographs 22 (2018);
(xiv) FAO JECFA Monographs 23 (2019); or

[30] Paragraph S3—2(1)(c)

Repeal the subsection, substitute

(c) United States Pharmacopeial Convention (2020) Food chemicals codex. 12th
ed, United States Pharmacopeial Convention, Rockville, MD; or

[31] Subsection S3—2(2)

Omit

| | |
|--|---------------|
| rebaudioside M | section S3—31 |
| resistant maltodextrins | section S3—26 |
| <i>Salmonella</i> phage preparation (S16 and FO1a) | section S3—33 |
| steviol glycoside mixtures including rebaudioside M | section S3—32 |
| steviol glycosides from fermentation | section S3—39 |
| steviol glycosides from <i>Stevia rebaudiana</i> Bertoni | section S3—35 |

substitute

| | |
|---|---------------|
| resistant maltodextrins | section S3—26 |
| <i>Salmonella</i> phage preparation (S16 and FO1a) | section S3—33 |
| steviol glycosides from fermentation | section S3—39 |
| steviol glycosides produced by enzymatic conversion | section S3—35 |

[32] Subsection S3—3(b)

Repeal the subsection, substitute

United States Pharmacopeial Convention (2020) United States Pharmacopeia (43) and the National Formulary (38), (USP 43-NF 38). United States Pharmacopeial Convention, Rockville, MD;

[33] Subsection S3—3(i)

Omit '8th Edition (2007)', substitute '9th Edition (2018)'.

[34] Section S3—31

Repeal the section.

[35] Section S3—32

Repeal the section.

[36] Section S3—35

Omit the heading, substitute

S3—35 Specification for steviol glycosides produced by enzymatic conversion

[37] Subsection S3—35(2)

Repeal the subsection, substitute

- (2) The preparation must be obtained from the leaves of the *Stevia rebaudiana* Bertoni plant by using one of the following processes:
- (a) by enzymatic conversion of purified stevia leaf extract to produce rebaudioside M using protein engineered enzymes that:
 - (i) contain both UDP-glucosyltransferase and sucrose synthase (EC 2.4.1.13) components; and
 - (ii) are sourced from both of the following:
 - (a) a *Pichia pastoris* strain expressing UGT-A;
 - (b) a *Pichia pastoris* strain expressing both UGT-B1 and UGT-B2;
 - (b) by enzymatic conversion of purified stevia leaf extract to produce rebaudioside D using a protein engineered enzyme that:
 - (i) contains both UDP-glucosyltransferase and sucrose synthase (EC 2.4.1.13) components; and
 - (ii) is sourced from *Pichia pastoris* strain UGT-A;
 - (c) by enzymatic conversion of purified stevia leaf extract to produce one or more prescribed rebaudiosides using a combination of enzymes that contains:
 - (i) a UDP-glucosyltransferase from *Stevia rebaudiana* sourced from *Escherichia coli*; and
 - (ii) a UDP-glucosyltransferase from *Solanum lycopersicum* sourced from *Escherichia coli*; and
 - (iii) a sucrose synthase (EC 2.4.1.13) sourced from *Escherichia coli*.
 - (d) by enzymatic conversion of purified stevia leaf extract to produce rebaudioside E using a protein engineered enzyme that:
 - (i) contains both of the following components:
 - (A) UDP-glucosyltransferase; and
 - (B) sucrose synthase (EC 2.4.1.13); and
 - (ii) is sourced from *Pichia pastoris* strain UGT-A.

Schedule 11 – Calculation of values for nutrition information panel

[38] Subsection S11—2(1)

Omit 'average amount', substitute '*average quantity'.

Schedule 13 – Nutrition information required for food in small packages

[39] Section 13—2

Omit 'sugars and dietary', substitute 'sugars and dietary fibre'.

Schedule 15 – Substances that may be used as food additives

[40] Section 15—5 (table entry 2.2.2 Oil emulsions (<80% oil))

Omit

2.2.2 Oil emulsions (<80% oil)
additives permitted at GMP
colourings permitted at GMP
colourings permitted to a maximum level

substitute

| | | | |
|--------------|--|--|------------|
| 2.2.2 | Oil emulsions (<80% oil) Additives permitted at GMP Colourings permitted at GMP Colourings permitted to a maximum level | | |
| [41] | Section 15—5 (table entry 5.4 Icings and frostings) Omit | | |
| 5.4 | <i>Icings and frostings</i> additives permitted at GMP colourings permitted at GMP colourings permitted to a maximum level | | |
| | substitute | | |
| 5.4 | <i>Icings and frostings</i> Additives permitted at GMP Colourings permitted at GMP Colourings permitted to a maximum level | | |
| [42] | Section 15—5 (table entry 13.2 Food for infants) Omit | | |
| | 307b | Tocopherols concentrate, mixed | 300 Of fat |
| | 322 | Lecithin | 15 000 |
| | 330 331 332 333 | Citric acid and sodium, potassium, calcium and ammonium citrates | GMP |
| | 380 | | |
| | 307b | Tocopherols concentrate, mixed | 300 Of fat |
| | 322 | Lecithin | 15 000 |
| | 330 331 332 333 | Citric acid and sodium, potassium, calcium and ammonium citrates | GMP |
| | 380 | | |
| | substitute | | |
| | 307b | Tocopherols concentrate, mixed | 300 Of fat |
| | 322 | Lecithin | 15 000 |
| | 330 331 332 333 | Citric acid and sodium, potassium, calcium and ammonium citrates | GMP |
| | 380 | | |

Schedule 18 – Processing aids

[43] Subsection S18—9(3)

Omit '(EC 2.4.1.17)' wherever occurring.

Schedule 19 – Maximum levels of contaminants and natural toxicants

[44] Paragraph S19—7(2)(c)

Omit '(a) of', substitute '(a) or'.

Schedule 20 – Maximum residue limits

[45] Section S20—3 (table entry for Agvet chemical: Aminocyclopyrachlor)

Omit 'Mammalian fats [except poultry fats]', substitute 'Mammalian fats [except milk fats]'.

[46] Section S20—3 table

Omit

Agvet chemical: Clodinafop-propargyl

Permitted residue: Clodinafop-propargyl

Edible offal (mammalian)

*0.05

| | |
|--------------------------|-------|
| Eggs | *0.05 |
| Meat (mammalian) | *0.05 |
| Milks | *0.05 |
| Poultry, edible offal of | *0.05 |
| Poultry meat | *0.05 |
| Wheat | *0.05 |

Agvet chemical: Clodinafop acid

Permitted residue: (R)-2-[4-(5-chloro-3-fluoro-2-pyridinyloxy) phenoxy] propanoic acid

| | |
|--------------------------|------|
| Edible offal (mammalian) | *0.1 |
| Eggs | *0.1 |
| Meat (mammalian) | *0.1 |
| Milks | *0.1 |
| Poultry, edible offal of | *0.1 |
| Poultry meat | *0.1 |
| Wheat | *0.1 |

substitute

Agvet chemical: Clodinafop acid

Permitted residue: (R)-2-[4-(5-chloro-3-fluoro-2-pyridinyloxy) phenoxy] propanoic acid

| | |
|--------------------------|------|
| Edible offal (mammalian) | *0.1 |
| Eggs | *0.1 |
| Meat (mammalian) | *0.1 |
| Milks | *0.1 |
| Poultry, edible offal of | *0.1 |
| Poultry meat | *0.1 |
| Wheat | *0.1 |

Agvet chemical: Clodinafop-propargyl

Permitted residue: Clodinafop-propargyl

| | |
|--------------------------|-------|
| Edible offal (mammalian) | *0.05 |
| Eggs | *0.05 |
| Meat (mammalian) | *0.05 |
| Milks | *0.05 |
| Poultry, edible offal of | *0.05 |
| Poultry meat | *0.05 |
| Wheat | *0.05 |

[47] Section S20—3 (table entry for Agvet chemical: Difenoconazole)

Omit

| | |
|--------|---|
| Carrot | 2 |
|--------|---|

substitute

| | |
|--------|-----|
| Carrot | 0.2 |
|--------|-----|

[48] Section S20—3 (table entry for Agvet chemical: Flumioxazin)

Omit

| | |
|----------|------|
| Cherries | 0.02 |
|----------|------|

[49] Section S20—3 (table entry for Agvet chemical: Kresoxim-methyl)

Omit

| | | |
|-------------|---|-------|
| | Egg plant | 0.6 |
| | Fruiting vegetables, cucurbits | 0.4 |
| | Egg plant | 0.6 |
| | substitute | |
| | Egg plant | 0.6 |
| | Fruiting vegetables, cucurbits | 0.4 |
| [50] | Section S20—3 (table entry for Agvet chemical: Phosphine) | |
| | Omit | |
| | Citrus fruits | 0.01 |
| | substitute | |
| | Citrus fruits | *0.01 |
| [51] | Section S20—3 (table entry for Agvet chemical: Pirimicarb) | |
| | Omit | |
| | All other foods except animal food commodities | 0.05 |
| | substitute | |
| | All other foods except animal food commodities | 0.05 |

Schedule 25 – Permitted novel foods

| | | |
|-------------|--|--|
| [52] | Section S25—2 (table entry for *Phytosterols, phytosteranols and their esters) | |
| | Omit | |
| | 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 <i>Sanitarium Health and Wellbeing</i> or <i>Weet-Bix</i> – 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 <i>Food Standards (Application A1134 – Increased Concentration of Plant Sterols in Breakfast Cereals) Variation</i> and ending 15 months after that date. | |
| | substitute | |
| | 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 no less than 0.5 g per serving and no more than 2.2 g per serving. | |

Schedule 27 – Microbiological limits in food

| | |
|-------------|---|
| [53] | Note 1 |
| | Omit 'section 1.6.1—2 and subsection 1.6.1—3(2)', substitute 'sections 1.6.1—2 and 1.6.1—4, and subsection 1.6.1—3(2)'. |

[54] Section S27—4

Omit 'For section 1.6.1—2, the table is:' from under the heading.

Schedule 29 – Special purpose foods

[55] Section S29—7

Omit

S29—7 Permitted forms of vitamins, minerals and electrolytes in infant formula products, food for infants and food for special medical purposes

For sections 2.9.1—12, 2.9.2—4, 2.9.2—5, 2.9.2—6 and 2.9.5—6, the table is:

substitute

S29—7 Permitted forms of vitamins, minerals and electrolytes in infant formula products, food for infants, formulated meal replacements (vitamin K) and food for special medical purposes

For sections 2.9.1—12, 2.9.2—4, 2.9.2—5, 2.9.2—6, 2.9.3—3(2)(c)(iii) and 2.9.5—6, the table is: