

 **Food Standards (Application A1247 – D-allulose as a novel food) 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 variation commences on the date specified in clause 3 of this variation.

Dated 23 October 2024



Matthew O’Mullane, General Manager Risk Management and Intelligence

Delegate of the Board of Food Standards Australia New Zealand

**Note:**

This variation will be published in the Commonwealth of Australia Gazette No. FSC 173 on 29 October 2024.

**1 Name**

This instrument is the *Food Standards (Application A1247 – D-allulose as a novel food) 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 immediately after the commencement of the *Food Standards (Proposal P1063 – Code Revision (2024) – Added Sugar(s) Claims) Variation*.

**Schedule**

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

**[1] Subsection 1.1.2—2(3) (paragraph (a) of the definition of “*sugars*”)**

 Repeal the paragraph, substitute:

 (a) in Standard 1.2.7, Standard 1.2.8 and Schedule 4—means monosaccharides (other than D-allulose) and disaccharides; and

**Standard 1.2.3—Information requirements – warning statements, advisory statements and declarations**

**[2] Paragraph 1.2.3—2(2)(c)**

 Repeal the paragraph, substitute:

 (c) one or more of the substances listed in paragraph (a), in combination with one or more of the substances listed in paragraph (b), at a level of or in excess of 10 g/100 g; or

 (d) added D-allulose as an ingredient and the food is one of the following:

 (i) a bakery product;

 (ii) bubble gum;

 (iii) chewing gum;

 (iv) breakfast cereal;

 (v) confectionery (but not chocolate);

 (vi) a dessert (with or without gelatine);

 (vii) ice cream;

 (viii) edible ice;

 (ix) a non-alcoholic water based flavoured drink (as defined in the table to section S25—2);

 (x) yoghurt.

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

**[3] Section 1.2.7—2 (Note 1, definition of “*sugars*”)**

 Repeal the definition, substitute:

 ***sugars***, in Standard 1.2.7, Standard 1.2.8 and Schedule 4—means monosaccharides (other than D-allulose) and disaccharides. (Elsewhere in the Code it has a different definition).

**Standard 1.2.8—Nutrition information requirements**

**[4] Section 1.2.8—4 (Note 1, definition of “*sugars*”)**

 Repeal the definition, substitute:

 ***sugars***, in Standard 1.2.7, Standard 1.2.8 and Schedule 4—means monosaccharides (other than D-allulose) and disaccharides. (Elsewhere in the Code it has a different definition).

**Standard 2.6.2—Non-alcoholic beverages and brewed soft drinks**

**[5] Section 2.6.2—2 (Note 1, paragraph (a) of the definition of “*sugars*”)**

 Repeal the paragraph, substitute:

(a) in Standard 1.2.7, Standard 1.2.8 and Schedule 4—means monosaccharides (other than D-allulose) and disaccharides; and

**Schedule 2—Units of measurement**

**[6] Section S2—2 (table, after item dealing with ‘w/v**’**)**

 Insert:

|  |  |
| --- | --- |
| w/w | weight per weight  |

**Schedule 4—Nutrition, health and related claims**

**[7] Section S4—2 (Note, paragraph (a) of the definition of “*sugars*”)**

 Repeal the paragraph, substitute:

(a) in Standard 1.2.7, Standard 1.2.8 and Schedule 4—means monosaccharides (other than D-allulose) and disaccharides; and

**[8] Section S4—3 (table entry dealing with “Sugar or sugars”, descriptor of ‘No added’ in column 3, subparagraph (f)(i) in column 4)**

 Omit “hexose monosaccharides and disaccharides”, substitute “hexose monosaccharides (other than D-allulose) and disaccharides”

**Schedule 11—Calculation of values for nutrition information panel**

**[9] Subsection S11—2(3) (table, above item dealing with ‘erythritol’)**

 Insert:

|  |  |
| --- | --- |
| D-allulose | 2 |

**Schedule 18—Processing aids**

**[10] Subsection S18—9(3) (table)**

 Insert:

|  |  |  |
| --- | --- | --- |
| D-psicose 3-epimerase (EC 5.1.3.30) from *Microbacterium foliorum* | For use in the manufacture of D-allulose | GMP |

**Schedule 25— Permitted novel foods**

**[11] Section S25—2 (table)**

 Insert:

|  |  |
| --- | --- |
| D-allulose | 1. May only be a food for retail sale if that food is a tabletop sweetener.
2. May only be added to a food listed in condition 4.
3. A food listed in condition 4 must not contain added D-allulose in an amount or at a level greater than the limit, if any, specified in that condition for that food.

4. The listed foods are:(a) bakery products (limit: 10% w/w);(b) bubble gum (limit: 50% w/w);(c) breakfast cereals (limit: 5% w/w);(d) cereal bars (limit: 5% w/w);(e) chewing gum (limit: 50% w/w);(f) confectionery (but not chocolate) (limit: 50% w/w);(g) desserts (with or without gelatine) (limit: 10% w/w);(h) edible ices (including sorbet) (limit: 5% w/w);(i) frostings (limit: 5% (w/w));(j) fruit spreads (but not chutney) (limit: 10% w/w);(k) ice cream (limit: 5% w/w);(l) icings (limit: 5% w/w);(m) imitation cream (limit: 5% w/w);(n) non-alcoholic water based flavoured drinks (limit: 3.5% w/w); **Note** See the definition of ‘a non-alcoholic water based flavoured drink’ in condition 5 below.(o) salad dressings (limit: 5% w/w);(p) sweet sauces (limit: 10% w/w);(q) syrups (limit: 10% w/w);(r) tabletop sweeteners (limit: 100% w/w);(s) yoghurt (limit: 5% w/w); **Note** An advisory statement to the effect that excess consumption may have a laxative effect is required for certain foods for sale containing D-allulose. See subsection 1.2.3—2(2) 5. For the purposes of this permission, a **non-alcoholic water based flavoured drink:**(a) includes: a brewed soft drink; a non-brewed soft drink; a cola type drink; a formulated caffeinated beverage; a fruit drink; a tea beverage; a coffee beverage; a powdered drink concentrate; and a liquid drink concentrate; and(b) does not include: a food standardised in Part 2.9 of the Code; a dairy analogue; a fruit juice; a vegetable juice; a formulated beverage; an electrolyte drink; and an electrolyte drink base.6. During the exclusive use period, only D-allulose sold under the brand Nexweet may be a food for retail sale in accordance with condition 1 or added to food in accordance with conditions 2 to 5 above.7. For the purposes of condition 6 above, **exclusive use period** means the period commencing on the date of gazettal of the *Food Standards (Application A1247 – D-allulose as a novel food) Variation* and ending 15 months after that date. |
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