



Commonwealth  
of Australia

**Gazette**

No. FSC 53, Thursday, 13 August 2009  
Published by Commonwealth of Australia

**FOOD STANDARDS**

# **Food Standards Australia New Zealand**

## *Australia New Zealand Food Standards Code – Amendment No. 110 – 2009*

## ***Australia New Zealand Food Standards Code – Amendment No. 110 – 2009***

### ***Food Standards Australia New Zealand Act 1991***

#### **Preamble**

The variations set forth in the Schedule below are variations to Standards in the *Australia New Zealand Food Standards Code* published by the National Health and Medical Research Council in the *Commonwealth of Australia Gazette*, No. P 27, on 27 August 1987, which have been varied from time to time.

#### **Citation**

These variations may be collectively known as the *Australia New Zealand Food Standards Code – Amendment No. 111 – 2009*.

#### **Commencement**

These variations commence on 13 August 2009, except for Item [13.1] which commences on 13 September 2009.

### **SCHEDULE**

[1] ***Standard 1.2.3 is varied by –***

[1.1] *omitting subclause 2(2), substituting –*

(2) Where a food listed in column 1 of the Table to this clause is not required to bear a label pursuant to clause 2 of Standard 1.2.1, the advisory statement listed in relation to that food in column 2 of the Table must be –

- (a) displayed on or in connection with the display of the food; or
- (b) provided to the purchaser upon request; or
- (c) displayed on or in connection with food dispensed from a vending machine.

[1.2] *omitting from the Table to clause 2 –*

Foods containing added phytosterol esters	Statements to the effect that –  1. when consuming this product, it should be consumed as part of a healthy diet;  2. this product may not be suitable for children under the age of five years and pregnant or lactating women; and  3. plant sterols do not provide additional benefits when consumed in excess of three grams per day.
---	---

Foods containing added tall oil phytosterols	Statements to the effect that –  1. when consuming this product, it should be consumed as part of a healthy diet;  2. this product may not be suitable for children under 5 years and pregnant or lactating women; and  3. plant sterols do not provide additional benefits when consumed in excess of three grams per day.
--	---

*substituting –*

Foods containing added tall oil phytosterols or added phytosterol esters	Statements to the effect that –  1. when consuming this product, it should be consumed as part of a healthy diet;  2. this product may not be suitable for children under the age of five years and pregnant or lactating women; and  3. plant sterols do not provide additional benefits when consumed in excess of three grams per day.
--	---

[1.3] *omitting subclause 3(2), substituting –*

(2) Where a food listed in column 1 of the Table to this clause is not required to bear a label pursuant to clause 2 of Standard 1.2.1, the advisory statement listed in relation to that food in column 2 of the Table must be –

- (a) displayed on or in connection with the display of the food; or
- (b) displayed on or in connection with food dispensed from a vending machine.

[2] *Standard 1.2.10 is varied by omitting paragraph 2(4)(g), substituting –*

- (g) food standardised in Standard 2.9.1; or

[3] *Standard 1.2.11 is varied by omitting the Table to subclause 2(2), substituting –*

**Table to subclause 2(2)**

Column 1	Column 2
Food	Labelling requirement
<p><b>Where the food is displayed for retail sale other than in a package</b></p> <p>Fish, including cut fish, filleted fish, fish that has been mixed with one or more other foods and fish that has undergone any other processing including cooking, smoking, drying, pickling or coating with another food</p> <p>Fresh pork, whole or cut, except where the product has been mixed with food not regulated by this subclause</p> <p>Pork, whole or cut, that has been preserved by curing, drying, smoking or by other means, except where that product has been mixed with food not regulated by this subclause (other than those foods used in the preserving)</p> <p>Fresh whole or cut fruit and vegetables</p> <p>Whole or cut fruit and vegetables where that produce has been preserved, pickled, cooked, frozen or dehydrated except where that produce has been mixed with food not regulated by this subclause (other than with those foods used in the preserving, pickling or cooking as the case may be)</p>	<p>A label on or in connection with the display of the food –</p> <p>(a) identifying the country or countries of origin of the food; or</p> <p>(b) containing a statement indicating that the foods are a mix of local and/or imported foods as the case may be.</p> <p>A label on or in connection with the display of the food –</p> <p>(a) identifying the country or countries of origin of the food; or</p> <p>(b) containing a statement indicating that the foods are a mix of local and/or imported foods as the case may be.</p> <p>A label on or in connection with the display of the food –</p> <p>(a) identifying the country or countries of origin of the food; or</p> <p>(b) containing a statement indicating that the foods are a mix of local and/or imported foods as the case may be.</p> <p>A label on or in connection with the display of the food –</p> <p>(a) identifying the country or countries of origin of the food; or</p> <p>(b) containing a statement indicating that the foods are a mix of local and/or imported foods as the case may be.</p>

<p><b>Where the food is displayed for retail sale in a package that does not obscure the nature or quality of the food</b></p> <p>Fresh whole or cut fruit and vegetables</p>	<p>A label on the package or in connection with the display of the food –</p> <p>(a) identifying the country or countries of origin of the food; or</p> <p>(b) containing a statement indicating that the foods are a mix of local and/or imported foods as the case may be.</p>
---	--

[4] *Standard 1.3.1 is varied by –*

[4.1] *omitting the definition of **annatto** in subclause 5(2), substituting –*

**annatto** and annatto extracts shall include norbixin and bixin, calculated as bixin.

[4.2] *omitting clause 6, substituting –*

**Food additives performing the same function**

(1) Where a food contains a mixture of food additives that perform the same technological function, the sum of the proportion of these additives in the food must not be more than 1.

(2) The sum of the proportion of food additives in a food is calculated by:

- (a) dividing the concentration of each food additive in a food by the maximum permitted limit for that additive in that food; and
- (b) adding the proportions together for each of the food additives performing the same technological function.

**Example Formula for Food Additives Performing the Same Function**

$$\text{Sum of the proportion of food additives} = \frac{\text{Conc A}}{\text{MPLA}} + \frac{\text{Conc B}}{\text{MPLB}} + \frac{\text{Conc C}}{\text{MPLC}}$$

In this formula –

MPLA = Maximum permitted limit for food additive A in mg/kg

MPLB = Maximum permitted limit for food additive B in mg/kg

MPLC = Maximum permitted limit for food additive C in mg/kg

Conc A = concentration of food additive A in the food in mg/kg

Conc B = concentration of food additive B in the food in mg/kg

Conc C = concentration of food additive C in the food in mg/kg

[4.3] *omitting clause 7, substituting –*

## 7 Carry-over of food additives

Other than by direct addition, a food additive may be present in any food as a result of carry-over from a raw material or an ingredient, provided that the level of the food additive in the final food is no greater than would be introduced by the use of the raw material or ingredient under proper technological conditions and good manufacturing practice.

[4.4] *omitting from Schedule 1, under item 0 General Provisions the reference to ANZFA, substituting –*

*the*

[4.5] *omitting from Schedule 1, the heading and entry for item 1.1.3 Liquid milk to which phytosterol esters have been added, substituting –*

### 1.1.3 Liquid milk to which phytosterols or phytosterol esters have been added

401	Sodium alginate	2	g/kg
407	Carrageenan	2	g/kg
412	Guar gum	2	g/kg
471	Mono- and diglycerides of fatty acids	2	g/kg
460	Microcrystalline cellulose	5	g/kg

[4.6] *omitting from Schedule 1, the heading and entry for item 1.1.4. Liquid milk to which tall oil phytosterols have been added*

[4.7] *omitting from Schedule 1, the heading for item 2.2.2, substituting –*

### 2.2.2 Oil emulsions (<80% oil)\*

[4.8] *omitting from Schedule 1, the entry for item 6.4 Flour products (including noodles and pasta)\*, substituting –*

### 6.4 Flour products (including noodles and pasta)\*

160b	Annatto extracts	25	mg/kg
200 201 202 203	Sorbic acid and sodium, potassium and calcium sorbates	1000	mg/kg
220 221 222 223	Sulphur dioxide and sodium and potassium sulphites	300	mg/kg
224 225 228			
234	Nisin	250	mg/kg
280 281 282 283	Propionic acid and sodium and potassium and calcium propionates	2000	mg/kg
950	Acesulphame potassium	200	mg/kg
956	Alitame	200	mg/kg
962	Aspartame-acesulphame salt	450	mg/kg

Flour products that are cooked on hot plates only e.g. crumpets, pikelets, flapjacks, etc.

[4.9] *omitting from Schedule 1, the entry for item 7, substituting –*

**7 BREADS AND BAKERY PRODUCTS\***

200 201 202 203	Sorbic acid and sodium, potassium and calcium sorbates	1200	mg/kg
280 281 282 283	Propionic acid and sodium and potassium and calcium propionates	4000	mg/kg

[4.10] *omitting from Schedule 1, the heading fresh poultry for item 8.1, substituting –*

**poultry**

[4.11] *omitting from Schedule 1, under entry for item 13.4.1 Solid formulated supplementary sports foods\*, substituting –*

220	Sulphur dioxide	115	mg/kg
-----	-----------------	-----	-------

*substituting –*

220 221 222 223 224 225 228	Sulphur dioxide and sodium and potassium sulphites	115	mg/kg
--------------------------------	---	-----	-------

[4.12] *omitting from Schedule 1, the entry for item 13.4.2 Liquid formulated supplementary sports foods\*,*

220	Sulphur dioxide	115	mg/kg
-----	-----------------	-----	-------

*substituting –*

220 221 222 223 224 225 228	Sulphur dioxide and sodium and potassium sulphites	115	mg/kg
--------------------------------	---	-----	-------

[4.13] *inserting in the Alphabetical Listing of Schedule 2 –*

510	Ammonium chloride
-----	-------------------

[4.14] *inserting in the Numeric Listing of Schedule 2 –*

510	Ammonium chloride
-----	-------------------

[4.15] *omitting the heading to Schedule 4 wherever appearing, substituting –*

**Colours permitted singly or in combination to a total maximum level of 290 mg/kg in processed foods and to a total maximum level of 70 mg/L in beverages other than beverages specified in Schedule 1**

[5] **Standard 1.3.2** is varied by omitting from clause 1 the definition of **claimable food**, substituting –

**claimable food** means a food which consists of at least 90% by weight of –

- (a) primary foods; or
- (b) foods listed in the Table to clause 3; or
- (c) a mixture of –
  - (i) primary foods; and/or
  - (ii) water; and/or;
  - (iii) foods listed in the Table to clause 3 excluding butter, cream and cream products, edible oils, edible oil spreads and margarine.

[6] **Standard 1.3.3** is varied by –

[6.1] omitting from clause 1 the definition of **silicates**, substituting –

**silica or silicates** includes sodium calcium polyphosphate silicate, sodium hexafluorosilicate, sodium metasilicate, sodium silicate, silica and modified silica that complies with a monograph specification in clause 2 or clause 3 of Standard 1.3.4.

[6.2] omitting from the Table to clause 3 –

Ammonium chloride
-------------------

[6.3] omitting from the Table to clause 3 –

Silicates
-----------

substituting –

Silica or silicates
---------------------

[6.4] omitting from the Table to clause 17 the entries for Asparaginase EC 3.5.1.1, substituting –

Asparaginase EC 3.5.1.1	<i>Aspergillus niger</i> <i>Aspergillus oryzae</i>
----------------------------	---

[7] **Standard 1.3.4** is varied by –

[7.1] omitting clause 2, substituting –

## 2 Substances with specifications in primary sources

A substance must comply with a relevant monograph (if any) published in one of the following –



- (a) Combined Compendium of Food Additive Specifications, FAO JECFA Monograph 1 (2005) as superseded by specifications published in FAO JECFA Monographs 3 (2006) and FAO JECFA Monographs 4 (2007) and FAO JECFA Monographs 5 (2008), Food and Agriculture Organisation of the United Nations. Rome; or
- (b) *Food Chemicals Codex* (6<sup>th</sup> Edition) published by United States Pharmacopoeia (2008); or
- (c) the Schedule to this Standard.

[7.2] *omitting clause 3, substituting –*

### **3 Substances with specifications in secondary sources**

If there is no monograph applying to a substance under clause 2, the substance must comply with a relevant monograph (if any) published in one of the following –

- (a) the *British Pharmacopoeia 2009*, TSO, Norwich (2008); or
- (b) *The United States Pharmacopoeia*, 32nd Revision and *The National Formulary*, 27<sup>th</sup> Edition; or
- (c) *The Pharmaceutical Codex*, 12<sup>th</sup> Edition, Council of the Pharmaceutical Society of Great Britain. The Pharmaceutical Press, London (1994); or
- (d) *Martindale; The Complete Drug Reference*. The Pharmaceutical Press London (2007); or
- (e) the *European Pharmacopoeia* 6<sup>th</sup> Edition, Council of Europe, Strasbourg (2007); or
- (f) the *International Pharmacopoeia* 4<sup>th</sup> Edition, World Health Organization, Geneva (2006); or
- (g) *The Merck Index*, 14th Edition, (2006); or
- (h) Code of Federal Regulations of the United States of America, 1 April, 2008; or
- (i) the *Specifications and Standards for Food Additives*, 7<sup>th</sup> edition (2000), Ministry of Health and Welfare (Japan).

[7.3] *inserting in the Schedule –*

#### **bentonite**

##### **Specification for bentonite**

Bentonite must comply with a monograph specification in clause 2 or clause 3 of this Standard, except that the pH determination for a bentonite dispersion must be no less than 4.5 and no more than 10.5.

[8] *Standard 1.4.1 is varied by –*

[8.1] *omitting clause 6 from the Table of Provisions, substituting –*

6 Sampling plan for mercury in fish, fish products, crustacea and molluscs

[8.2] *omitting subclause 1(6), substituting –*

(6) For a mixed food, the prescribed formula for the purposes of this Standard is –

$$MLI = \frac{(MLA \times Total\ A)}{Total} + \frac{(MLB \times Total\ B)}{Total} + \frac{CF \times (Total - (Total\ A + Total\ B))}{Total}$$

Where –

ML1 = ML which applies to the contaminant or natural toxicant in the mixed food (mg/kg)

MLA = ML for contaminant or natural toxicant in food A (mg/kg)

MLB = ML for contaminant or natural toxicant in food B (mg/kg)

Total = total weight of mixed food (g)

Total A = total weight of food A in the mixed food (g)

Total B = total weight of food B in the mixed food (g)

CF = Background Calculation Factor where, in the case of –

- (a) lead, CF = 0.01 mg/kg; and
- (b) cadmium, CF = 0.005 mg/kg; and
- (c) other contaminants, CF = 0

[8.3] inserting in the Table to clause 5, in alphabetical order –

<b>The ML for Tutin to cease on 31 March 2011</b>	
<b>Tutin</b>	
Tutin in honey	2
Tutin in comb honey	0.1

[8.4] omitting wherever appearing –

column

substituting –

Column

[9] **Standard 1.4.4** is varied by –

[9.1] omitting from Schedule 1 the following entry –

*Ammi* spp. Bishops weed, Khella

[9.2] inserting in Schedule 1 the following entry –

*Ammi visnaga* Bisnaga, Khella

[10] **Standard 1.5.1** is varied by –

[10.1] inserting in the Table of Provisions –

3 Exclusive use of novel foods

[10.2] *omitting from the Table to clause 2 the entry for Diacylglycerol oil (DAG-Oil) substituting –*

Diacylglycerol oil (DAG-Oil)	The name ‘Diacylglycerol oil’ must be used when declaring the ingredient in the ingredient list, as prescribed in Standard 1.2.4.
------------------------------	---

[11] *Standard 1.5.2 is varied by omitting the Editorial Note at the end of clause 7*

[12] *Standard 1.6.2 is varied by omitting the Table of Provisions, substituting –*

### Table of Provisions

- 1 Reserved
- 2 Reserved
- 3 Processing of egg products
- 4 Eviscerated poultry
- 5 Dried meat
- 6 Crocodile meat
- 7 Game meat
- 8 Fermented comminuted processed meat

[13] *Standard 2.1.1 is varied by –*

[13.1] *inserting after clause 1 –*

### 1A Definition of bread for certain purposes

The definition of bread for the purposes of the mandatory addition of folic acid, thiamin and iodised salt to bread or wheat flour for making bread, does not include –

- (a) pizza bases;
- (b) breadcrumbs;
- (c) pastries;
- (d) cakes, including but not limited to brioche, panettone and stollen;
- (e) biscuits; or
- (f) crackers.

[13.2] *inserting in the heading to the Note under entry Wheat flour for making bread, after subclause 4(2) –*

### Editorial

[14] *Standard 2.5.1 is varied by –*

[14.1] *omitting from the Table of Provisions, clause 5 and clause 6, substituting –*

- 5 Tall oil phytosterols and added phytosterol esters

[14.2] *omitting clause 5, Phytosterol esters*

[14.3] *omitting* clause 6, Tall oil phytosterols, *substituting* –

## **5 Tall oil phytosterols and added phytosterol esters**

Tall oil phytosterols or phytosterol esters may only be added to milk –

- (a) that contains no more than 1.5 g total fat per 100 g; and
- (b) that is supplied in a package, the labelled volume of which is no more than 1 litre; and
- (c) where the total phytosterol ester added is no less than 5.2 g/litre of milk and no more than 6.4 g/litre of milk; and
- (d) where the total tall oil phytosterol added is no less than 3.2 g/litre of milk and no more than 4.0 g/litre of milk.

[15] **Standard 2.6.3** is varied by –

[15.1] *omitting the Purpose*, *substituting* –

### **Purpose**

This Standard regulates the sale and distribution of *Piper methysticum* (kava) in Australia and New Zealand. It also provides for labelling requirements and restrictions on the parts of the *Piper methysticum* (kava) plant which may be sold under food legislation.

In Australia, this Standard should be considered in conjunction with the *Customs (Prohibited Imports) Regulations 1956* and certain State and Territory restrictions on the supply of kava which seek to minimise the detrimental effects associated with kava abuse. Where kava is permitted for supply, the requirements in this Standard complement those restrictions.

[15.2] *omitting the definition of kava in clause 1*

[15.3] *omitting clause 2*, *substituting* –

## **2 Prohibition**

(1) *Piper methysticum* (kava) or any derived substance must not be sold unless it is –

- (a) a beverage obtained by cold water extraction; or
- (b) the dried or raw form

of the peeled root and/or peeled rootstock of plants of the species *Piper methysticum*.

(2) Kava must not be used as an ingredient in foods.

[16] **Standard 2.6.4** is varied by *omitting the words Food Standards Code in the Editorial Note at the end of subclause 2(3)*, *substituting* –

*Australia New Zealand Food Standards Code*

[17] **Standard 2.7.4** is varied by –

[17.1] *omitting clause 3 from the Table of Provisions*

[17.2] *omitting the definition of **wine product** from clause 1, substituting –*

**wine product** means a food containing no less than 700 mL/L of wine as defined in this Standard, which has been formulated, processed, modified or mixed with other foods such that it is not wine.

[18] *Standard 3.1.1 is varied by omitting the following words wherever appearing in the subclause 2(5) –*

*Food Standards Code*

*substituting –*

*Australia New Zealand Food Standards Code*

[19] *Standard 3.2.3 is varied by –*

[19.1] *omitting the word Clause wherever appearing in the Editorial Note to subclause 4(1), substituting –*

clause

[19.2] *omitting the word Clause wherever appearing in the Editorial Note to subclause 13(1), substituting –*

clause

[20] *Standard 4.2.3 is varied by –*

[20.1] *inserting in the Table of Provisions, after Division 3 – Production of ready-to-eat meat –*

Schedule                      Method for measuring pH

[20.2] *omitting the heading to the Schedule, substituting –*

**Method for measuring pH**

© Commonwealth of Australia 2009

This work is copyright. You may download, display, print and reproduce this material in unaltered form only (retaining this notice) for your personal, non-commercial use or use within your organisation. All other rights are reserved. Requests and inquiries concerning reproduction and rights should be addressed to The Information Officer, Food Standards Australia New Zealand, PO Box 7186, Canberra BC ACT 2610 or by email [information@foodstandards.gov.au](mailto:information@foodstandards.gov.au).