



AMENDMENT NO. 139

The following instruments are separate instruments in the Federal Register of Legislative Instruments and are known collectively in the Food Standards Gazette as Amendment No. 139.

TABLE OF CONTENTS

**Food Standards (Proposal P242 – Food for Special Medical Purposes – Consequential)
Variation Amendment 2012 (No. 1)**
Standard 2.9.5 – Food for Special Medical Purposes Notice Amendment 2012 (No. 1)
**Food Standards (Application A1043 – World Health Organization Limits for Packaged Water)
Variation**
**Food Standards (Application A1070 – Packaging Size for Phytosterol-enriched Lower Fat
Cheese) Variation**
**Food Standards (Application A1071 – Food derived from Glyphosate-tolerant Canola
MON88302) Variation**
**Food Standards (Proposal 1023 – Tutin, Tocopherols & Food for Special Medical Purposes
Standards Amendments) Variation**

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**Food Standards (Proposal P242 – Food for Special Medical Purposes – Consequential)
Variation Amendment 2012 (No. 1)**

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*. This variation commences on the date specified in clause 2 of this instrument.

Dated 15 February 2013



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

1 Name

This instrument is the *Food Standards (Proposal P242 – Food for Special Medical Purposes – Consequential) Variation Amendment 2012 (No. 1)*.

2. Commencement

This instrument commences on 21 February 2013.

3. Variation to Legislative Instrument

The Schedule varies *Food Standards (Proposal P242 – Food for Special Medical Purposes – Consequential) Variation*.

SCHEDULE

[1] *Food Standards (Proposal P242 – Food for Special Medical Purposes – Consequential) Variation* is varied by

[1.1] omitting from clause 3 “28 June 2014” and substituting “the date of gazettal of Food Standards (Proposal 1023 – Tulin, Tocopherols & Food for Special Medical Purposes Standards Amendments) Variation.”

[1.2] omitting Item [2] of the Schedule and substituting

“[2] **Standard 1.1A.6** is varied by omitting subclause 2(3), substituting

(3) This Standard ceases to have effect in relation to:

- (a) food for special medical purposes on the date of gazettal of Food Standards (Proposal 1023 – Tulin, Tocopherols & Food for Special Medical Purposes Standards Amendments) Variation; and
- (b) other special purposes food, including food formulated and represented as being for the dietary management of obesity or overweight, two years from the commencement of any alternative applicable provisions elsewhere in this Code.”

Standard 2.9.5 – Food for Special Medical Purposes Notice Amendment 2012 (No. 1)

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*. This variation commences on the date specified in clause 2 of this instrument.

Dated 15 February 2013



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

1 Name

This instrument is the *Standard 2.9.5 – Food for Special Medical Purposes Notice Amendment 2012 (No.1)*.

2. Commencement

This instrument commences on 21 February 2013.

3. Variation to instrument

The Schedule varies the notice given under section 92 of the *Food Standards Australia New Zealand Act 1991* for *Standard 2.9.5 – Food for Special Medical Purposes* (Federal Register of Legislative Instruments (FRLI) No. F2012L01347).

SCHEDULE

[1] The notice given under section 92 of the *Food Standards Australia New Zealand Act 1991* for **Standard 2.9.5 – Food for Special Medical Purposes** (Federal Register of Legislative Instruments (FRLI) No. F2012L01347) is varied by omitting the sentence “The Standard commences on 28 June 2014.” and substituting “The Standard commences on the date of gazettal of *Food Standards (Proposal 1023 – Tulin, Tocopherols & Food for Special Medical Purposes Standards Amendments) Variation*.”

**Food Standards (Application A1043 – World Health Organization Limits for Packaged Water)
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.

Dated 15 February 2013



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

1 Name

This instrument is the *Food Standards (Application A1043 – World Health Organization Limits for Packaged Water) 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

These variations commence on 21 February 2013, other than variation [3.2] which commences on 21 February 2015.

SCHEDULE

[1] Standard 1.3.3 is varied by omitting from the Table to clause 11 “0.03 (as styrene)” and substituting “0.02 (as styrene)”

[2] Standard 1.4.1 is varied by omitting from the Table to clause 3

“	Vinyl chloride	All food	0.01	”
and substituting				
“	Vinyl chloride	All food except packaged water	0.01	”

[3] Standard 2.6.2 is varied by

[3.1] inserting after clause 2 the following –

“2AA Limits for chemicals in packaged water

(1) Water presented in packaged form may or may not contain added carbon dioxide.

(2) Water presented in packaged form must not contain a chemical listed in *Table A3.3 Guideline values for chemicals that are of health significance in drinking-water of Annex 3 Chemical summary tables in the Guidelines for drinking-water quality, 4th edition, 2011, World Health Organization, Geneva*, at a level greater than the guideline value for the chemical specified in that Table.

(3) Subclause (2) does not apply to fluoride.

(4) Water presented in packaged form must not contain fluoride that is naturally-occurring in the water at a level greater than 1.0 mg/L.

Editorial note:

Clause 3 of Standard 1.4.1 sets a maximum level for Acrylonitrile of 0.02 mg/kg in all food. Clause 4 of Standard 1.4.1 sets a maximum level for Pulegone of 250 mg/kg in beverages.

2AB Compliance with clause 2 or 2AA

Water presented in packaged form must comply with clause 2 or 2AA, but not a combination of both.”

[3.2] repealing clauses 2 and 2AB

[3.3] updating the Table of Provisions to reflect these variations.

Food Standards (Application A1070 – Packaging Size for Phytosterol-enriched Lower Fat Cheese) 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 15 February 2013



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

1 Name

This instrument is the *Food Standards (Application A1070 – Packaging Size for Phytosterol-enriched Lower Fat Cheese) Variation*.

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

The Schedule varies Standard 2.5.4 in the *Australia New Zealand Food Standards Code*.

3 Commencement

This variation commences on 21 February 2013.

SCHEDULE

[1] Standard 2.5.4 is varied by omitting paragraph 3(b).

Food Standards (Application A1071 – Food derived from Glyphosate-tolerant Canola MON88302) 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 15 February 2013



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

1 Name

This instrument is the *Food Standards (Application A1071 – Food derived from Glyphosate-tolerant Canola MON88302) 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

These variations commence on 21 February 2013.

SCHEDULE

[1] Standard 1.5.2 is varied by inserting in numerical order in the Schedule –

“

1.4 Food derived from herbicide-tolerant
canola line MON88302

”

Food Standards (Proposal 1023 – Tulin, Tocopherols & Food for Special Medical Purposes Standards Amendments) 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 instrument.

Dated 15 February 2013



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

1 Name

This instrument is the *Food Standards (Proposal 1023 – Tulin, Tocopherols & Food for Special Medical Purposes Standards 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 variations commence on 21 February 2013 except for Item 1.2 of the Schedule which commences on 21 February 2015.

SCHEDULE

[1] Standard 1.2.4 is varied by

[1.1] inserting into Part 2 of Schedule 2

“Tocopherols concentrate, mixed 306”

[1.2] omitting from Part 2 of Schedule 2

“Tocopherols concentrate, mixed 306”

[1.3] omitting “Tocopherols, concentrate mixed” (wherever occurring) and substituting “Tocopherols concentrate, mixed”

[1.4] inserting at the end of Part 1 of Schedule 2

“

Editorial note:

The permissions for food additive Tocopherols concentrate, mixed with INS Number 306 will be repealed 2 years after the date of gazettal of the Food Standards (Proposal P1021 – Code Maintenance X) Variation.

[1.5] omitting from the end of Schedule 1

“

Editorial note:

The permissions for food additive Tocopherols, concentrate mixed with INS Number 306 will be repealed 2 years after the date of gazettal of the Food Standards (Proposal P1021 – Code Maintenance X) Variation.

[1.6] inserting at the end of Part 2 of Schedule 2

“

Editorial note:

The permissions for food additive Tocopherols concentrate, mixed with INS Number 306 will be repealed 2 years after the date of gazettal of the Food Standards (Proposal P1021 – Code Maintenance X) Variation.

[2] Standard 1.3.1 is varied by omitting “Tocopherols, concentrate mixed” (wherever occurring) and substituting “Tocopherols concentrate, mixed”

[3] Standard 1.4.1 is varied by omitting from subclause 5(5) “31 March 2013” and substituting “31 March 2015”.

[4] Standard 1.5.1 is varied by

[4.1] inserting after clause 1

“2A Foods for Special Medical Purposes

To avoid doubt, the presence of a food in a food for special medical purposes or the use of a food as a food for special medical purposes does not constitute a history of human consumption in Australia or New Zealand in relation to that food for the purposes of this Standard.

Editorial note:

Standard 1.5.1 does not apply to foods for special medical purposes. See paragraph 3(1)(b) of Standard 2.9.5.

[4.2] updating the Table of Provisions to reflect these variations.

[5] Standard 2.9.5 is varied by

[5.1] inserting after clause 2

“2A Deemed compliance with Standard for certain periods

(1) This clause applies to a food for special medical purposes that does not comply with this Standard.

(2) If the food for special medical purposes is present in Australia or New Zealand on the date of commencement of this Standard, the food for special medical purposes is taken to comply with this Standard during the period that starts on that date of commencement and ends on 28 June 2014.

(3) If the food for special medical purposes is imported into Australia or New Zealand on a date after the date of commencement of this Standard, the food for special medical purposes is taken to comply with this Standard during the period that starts immediately prior to importation and ends on 28 June 2014.

(4) If the food for special medical purposes is produced in Australia or New Zealand on a date after the date of commencement of this Standard, the food for special medical purposes is taken to comply with this Standard during the period that starts on the date the food for special medical purposes was produced and ends on 28 June 2014.”

[5.2] inserting after subclause 3(2)

“(3) Subclause 1(2) of Standard 1.1.1 does not apply in relation to a food for special medical purposes that did not comply with Standard 2.9.5 on the date that Standard 2.9.5 commenced.”

[5.3] omitting from Column 2 of Schedule 1 for Amino acids “L-carnitine”

[5.4] omitting from Schedule 1

Carnitine	L-carnitine hydrochloride
	L-carnitine L-tartrate
	Choline
Choline	Choline bitartrate
	Choline chloride
	Choline citrate
	Choline hydrogen tartrate
	Inositol
Inositol	Adenosine 5'-monophosphate

Nucleotides	Adenosine 5'-monophosphate sodium salt
	Cytidine 5'-monophosphate
	Cytidine 5'-monophosphate sodium salt
	Guanosine 5'-monophosphate
	Guanosine 5'-monophosphate sodium salt
	Inosine 5'-monophosphate
	Inosine 5'-monophosphate sodium salt
	Uridine 5'-monophosphate
	Uridine 5'-monophosphate sodium salt

”

and substituting

“

Carnitine	L-carnitine
	L-carnitine hydrochloride
	L-carnitine L-tartrate
Choline	Choline
	Choline bitartrate
	Choline chloride
	Choline citrate
	Choline hydrogen tartrate
Inositol	Inositol
Nucleotides	Adenosine 5'-monophosphate
	Adenosine 5'-monophosphate sodium salt
	Cytidine 5'-monophosphate
	Cytidine 5'-monophosphate sodium salt
	Guanosine 5'-monophosphate
	Guanosine 5'-monophosphate sodium salt
	Inosine 5'-monophosphate
	Inosine 5'-monophosphate sodium salt
	Uridine 5'-monophosphate
Uridine 5'-monophosphate sodium salt	

”

[5.5] updating the Table of Provisions to reflect these variations.