FOOD STANDARDS
Australia New Zealand
Te Mana Kounga Kai – Ahitereiria me Aotearoa

8-06
13 December 2006

DRAFT ASSESSMENT REPORT

PROPOSAL P279

REVIEW OF SCHEDULE 1 AND RELATED CLAUSES, STANDARD 1.3.1 – FOOD ADDITIVES

DEADLINE FOR PUBLIC SUBMISSIONS: 6pm (Canberra time) 7 February 2007
SUBMISSIONS RECEIVED AFTER THIS DEADLINE WILL NOT BE CONSIDERED
(See 'Invitation for Public Submissions' for details)

For Information on matters relating to this Assessment Report or the assessment process generally, please refer to http://www.foodstandards.gov.au/standardsdevelopment/

Executive Summary

This Proposal is to review the content and relevant clauses relating to permissions in Schedule 1 of Standard 1.3.1 – Food Additives in the *Australia New Zealand Food Standards Code* (the Code) for the purposes of improving clarity and operational effectiveness . This review is not to provide a mechanism to change the substantive content or the structure, of Standard 1.3.1. The review is not an opportunity to seek new permissions for the use of food additives in Schedule 1 of Standard 1.3.1, unless these are considered to be omissions due to anomalies or errors.

Standard 1.3.1 was developed considering food additive provisions from the former Australian *Food Standards Code* and the former *New Zealand Food Regulations, 1984* (NZFR) in the development of the Code.

The general Standard allows for use of a wide range of food additives at levels determined by Good Manufacturing Practice (GMP). The Confederation of Food and Drink Industries of the European Community developed the basic food classification system that was modified to categorise Australian and New Zealand foods into Schedule 1. Each additive included in Schedule 1 underwent a risk analysis including identification and application of acceptable levels of exposure based upon toxicological and other safety data, examination of the technological function and justification for use, during an earlier Proposal, P150 which created Standard 1.3.1.

The principles applied in establishing this Standard were consistent with those set out in the preamble to the draft Codex General Standard for Food Additives (GSFA).

Purpose

The purpose of this Food Standards Australia New Zealand (FSANZ) Proposal is to formally review the content and relevant clauses relating to permissions in Schedule 1 of Standard 1.3.1– Food Additives, after the implementation of the Standard. The review will allow for consideration of complaints and comments received from stakeholders since the introduction of Standard 1.3.1, as the sole Standard for food additives in December 2002.

Matters for Review

Matters initially identified for review were:

- the removal of the asterisks from Schedule 1;
- the inclusion of a diagram to explain the permissions allowed through the categories;
- the qualifications column in Schedule 1;
- the editorial note to Clause 4;
- Clause 7 and its practical implications;
- Clause 8 and its practical implications;

- permissions for sulphur dioxide in formulated supplementary sports foods; and
- other minor anomalies and ambiguities identified within Schedule 1.

The outcomes of the review at Draft Assessment are as follows:

- Removal of the asterisks was not generally supported as they provide clarification for some submitters.
- Insertion of a diagram into the Standard explaining hierarchical permissions was generally supported.
- The entries in the qualifications column require some amendments to clarify permissions.
- The editorial note to clause 4 should be split to clarify which provisions apply to intense sweeteners.
- Amendment to clause 7 was generally supported in submissions, but the key concerns raised about the interpretation of the current clause seem to be resolved.
- Amendment to clause 8 was not generally supported.
- Permissions for all the permitted sulphites should be added to the categories for formulated supplementary sports foods to be consistent with other entries for sulphites in categories of Schedule 1.
- Correct anomalies and clarify ambiguities including:
    - the editorial note regarding longans requires updating and clarification and will be moved to a qualification statement in category 4.1 of Schedule 1;
    - the qualifications for fruit juices require further clarification; and
    - the qualifications for frozen fish and uncooked crustacea require further clarification.

Preferred Approach

FSANZ proposes to amend Schedule 1 and some of the related clauses of Standard 1.3.1 – Food Additives to make the Standard easier to understand without substantially altering the permissions for food additives within Australia and New Zealand.

Reasons for Preferred Approach

- The proposed amendments are consistent with FSANZ's objectives.
- There are no expected additional costs to food manufacturers, consumers or regulatory agencies arising from these proposed amendments.

- There are no other alternatives that are more cost effective than the proposed amendments to the Code.

- The comments received from the first round of consultation all supported amendments to Schedule 1 and some of the related clauses of Standard 1.3.1.

Consultation

The Initial Assessment Report was circulated for a round of public comment from 15 December 2004 till 9 February 2005. Fifteen submissions were received. All submitters supported amending the Standard, though there was a broad range of views on most of the issues flagged in the Initial Assessment Report. No submissions supported option 1- to maintain the status quo.

Three submissions were also received arising from questions to the FSANZ advice line relevant to the review of Schedule 1:

The NSW Food Authority questioned the intention of an editorial note regarding the treatment of longans with sulphur dioxide.

The Australian Fruit Juice Association provided a joint response with the New Zealand Juice and Beverage Association about the qualifications column with regard to fruit juices.

The Australian Quarantine and Inspection Service wrote to FSANZ requesting clarification of the current permissions for phosphates as additives for uncooked and cooked crustacea.

These three submissions raise matters which are anomalies or ambiguities within Standard 1.3.1 that can be addressed in the second round of public comments for this Proposal. FSANZ staff consulted with these submitters resulting in general agreements to further address these items through Proposal P279.

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INVITATION FOR PUBLIC SUBMISSIONS

FSANZ invites public comment on this Draft Assessment Report based on regulation impact principles and the draft variations to the Code for the purpose of preparing an amendment to the Code for approval by the FSANZ Board.

Written submissions are invited from interested individuals and organisations to assist FSANZ in preparing the Final Assessment of this Proposal. Submissions should, where possible, address the objectives of FSANZ as set out in section 10 of the FSANZ Act. Information providing details of potential costs and benefits of the proposed change to the Code from stakeholders is highly desirable. Claims made in submissions should be supported wherever possible by referencing or including relevant studies, research findings, trials, surveys etc. Technical information should be in sufficient detail to allow independent scientific assessment.

The processes of FSANZ are open to public scrutiny, and any submissions received will ordinarily be placed on the public register of FSANZ and made available for inspection. If you wish any information contained in a submission to remain confidential to FSANZ, you should clearly identify the sensitive information and provide justification for treating it as commercial-in-confidence. Section 39 of the FSANZ Act requires FSANZ to treat in-confidence, trade secrets relating to food and any other information relating to food, the commercial value of which would be, or could reasonably be expected to be, destroyed or diminished by disclosure.

Submissions must be made in writing and should clearly be marked with the word 'Submission' and quote the correct project number and name. Submissions may be sent to one of the following addresses:

Food Standards Australia New Zealand
PO Box 7186
Canberra BC ACT 2610
AUSTRALIA
Tel (02) 6271 2222
www.foodstandards.gov.au

Food Standards Australia New Zealand
PO Box 10559
The Terrace WELLINGTON 6036
NEW ZEALAND
Tel (04) 473 9942
www.foodstandards.govt.nz

Submissions need to be received by FSANZ by 6pm (Canberra time) 7 February 2007.

Submissions received after this date will not be considered, unless agreement for an extension has been given prior to this closing date. Agreement to an extension of time will only be given if extraordinary circumstances warrant an extension to the submission period. Any agreed extension will be notified on the FSANZ website and will apply to all submitters.

While FSANZ accepts submissions in hard copy to our offices, it is more convenient and quicker to receive submissions electronically through the FSANZ website using the Standards Development tab and then through Documents for Public Comment. Questions relating to making submissions or the application process can be directed to the Standards Management Officer at the above address or by emailing slo@foodstandards.gov.au.

Assessment reports are available for viewing and downloading from the FSANZ website. Alternatively, requests for paper copies of reports or other general inquiries can be directed to FSANZ's Information Officer at either of the above addresses or by emailing info@foodstandards.gov.au.

INTRODUCTION

The purpose of this Proposal is to formally review the content and relevant clauses relating to permissions in Schedule 1 of Standard 1.3.1 – Food Additives, after implementation of the Standard. The review will allow for consideration of complaints and comments received from stakeholders concerning the operation of Standard 1.3.1.

This review is not a mechanism to change the substantive content or the structure of Standard 1.3.1. The review is not an opportunity to seek new permissions for the use of food additives in Schedule 1 of Standard 1.3.1, unless these are considered to be omissions due to anomalies or errors.

A food additive is described in the purpose clause to Standard 1.3.1 – Food Additives as follows:

> *A **food additive** is any substance not normally consumed as a food in itself and not normally used as an ingredient of food, but which is intentionally added to a food to achieve one or more of the technological functions specified in Schedule 5 to Standard 1.3.1. It or its by-products may remain in the food.*

The Standard allows for use of a wide range of food additives at levels determined by Good Manufacturing Practice (GMP). These additives are considered to be safe, even if consumed in excess or are self-limiting in the food categories where they are permitted at GMP determined levels. Schedule 1 is based on the same classification system used by the Codex Alimentarius Commission to categorise all foods to ensure the comprehensive regulation of additives in foods and to allow for better accuracy in dietary exposure estimates. Each additive included in Schedule 1 underwent a risk analysis including identification and application of acceptable levels of exposure based upon toxicological and other safety data, examination of the technological function and justification for use, in Proposal P150 that developed the general Australian and New Zealand Standard for food additives.

The principles applied in establishing this Standard were consistent with those set out in the preamble to the draft Codex General Standard for Food Additives (GSFA).

1. Background

In June 2003, preliminary information was presented to the FSANZ internal scoping group regarding issues and concerns with Schedule 1 of Standard 1.3.1.

From these discussions, Proposal P279 was raised and two main tasks requiring action were identified:

1. Check that the Schedule 1 food additive permissions are correctly gazetted, reflecting the intent of the Standard at the time of gazettal in December 2000 and that subsequent amendments have also been correctly gazetted.

2. Clarify the inconsistencies and ambiguities that are recognised with this Schedule, particularly those associated with the use of the asterisk, which indicate permissions to use food additives listed in Schedules 2, 3 and 4.

1.1 Current Standard

Team members of the FSANZ advice line determined that many users of the Code have difficulty interpreting Schedule 1 and related clauses of Standard 1.3.1. This was confirmed by the comments received from stakeholders in the first round of public consultation. The correct gazettal of the food additive permissions has been addressed through omnibus amendments.

Schedule 1 provides a hierarchical structure which restricts the use of most additives at the higher levels within food categories, which are for mainly unprocessed foods. The Schedule allows for cascading permissions for more food additives down through the hierarchies, consistent with the processes applied, providing technological justification for their use.

The majority of the permitted food additives are listed in Schedule 2 with levels of use determined by GMP. Colours permitted to GMP levels are contained in Schedule 3 and colours generally restricted by numerical levels are listed in Schedule 4. Permissions for uses of additives and their maximum levels of use, including those additives listed in Schedules 2, 3 and 4, are provided under the food categories within Schedule 1.

1.2 Historical Background

Standard 1.3.1 was established as a general standard from Proposal P150 considering food additive provisions from the former Australian *Food Standards Code* and the former *New Zealand Food Regulations, 1984* (NZFR) in the development of the Code.

The Standard allows for use of a wide range of food additives at levels determined by Good Manufacturing Practice (GMP). The Confederation of Food and Drink Industries of the European Community developed the basic food classification system that was used to categorise foods in Schedule 1.

2. The Problem

Many users of the Code reported difficulties in interpreting Schedule 1. There are some areas within the Schedule and related clauses where redrafting may provide clarity of the original intent and assist with the general use and interpretation of the Schedule.

2.1 Matters for review

Matters initially identified for review through Proposal P279 are:

- the removal of the asterisks from Schedule 1;
- the inclusion of a diagram to explain the permissions allowed through the categories;
- the qualifications column in Schedule 1;
- the editorial note to clause 4;
- clause 7 and its practical implications;

- clause 8 and its practical implications;
- permissions for sulphur dioxide in formulated supplementary sports foods; and
- other minor anomalies and ambiguities identified within Schedule 1.

FSANZ recognised that other matters could be identified and considered as part of the review. This review is not, however, a mechanism for the approval of new food additives in New Zealand and Australia. New additives will need to go through the normal application process.

3. Objectives

In developing or varying a food standard, FSANZ is required by its legislation to meet three primary objectives which are set out in section 10 of the FSANZ Act. These are:

- the protection of public health and safety;
- the provision of adequate information relating to food to enable consumers to make informed choices; and
- the prevention of misleading or deceptive conduct.

In developing and varying standards, FSANZ must also have regard to:

- the need for standards to be based on risk analysis using the best available scientific evidence;
- the promotion of consistency between domestic and international food standards;
- the desirability of an efficient and internationally competitive food industry;
- the promotion of fair trading in food; and
- any written policy guidelines formulated by the Ministerial Council.

The objectives of this Proposal are to ensure that the review of Schedule 1 in Standard 1.3.1 – Food Additives is conducted in a manner that is consistent with the section 10 objectives of the FSANZ Act and with the principles of minimal effective regulation.

4. Relevant Issues

Public submissions to the Initial Assessment Report included comments on a number of specific issues. The submissions to the individual topics are addressed under these topics in this report with discussion of how FSANZ proposes to address them and finally, the outcomes at Draft Assessment. Where the proposed outcome is an amendment to the Code, it is included in **Attachment 1** – Draft variations to the *Australia New Zealand Food Standards Code*.

Attachment 2 – Summary of Public Submissions contains the list of submitters and a summary of their comments.

Attachment 3 – Summary of Issues Raised in Submissions contains the issues raised in submissions and FSANZ's position on these issues at Draft Assessment.

4.1 Removal of the asterisks (*)

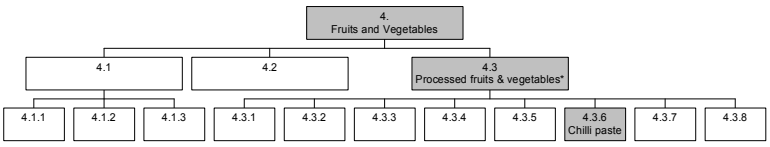
The purpose of the asterisks in Schedule 1 is to indicate which additives in Schedules 2, 3 and 4 ***are*** permitted for use in the particular food type. This is used in conjunction with an explanation in the general provisions of Standard 1.3.1 and editorial notes on the bottom of each page. However, the asterisk itself does not legally provide permissions, just clarification of the permissions as a quick reference. Removing the asterisks was not intended to affect the functionality of Schedule 1, as permissions are listed and explained under the relevant category headings and are also provided at the bottom of each page.

As many submissions did not support the removal of the asterisks they will be retained in the Standard, but some permissions will be reworded to provide better clarity.

4.2 Diagram to explain the permissions through the categories

Staff on the FSANZ advice line identified issues raised by industry, jurisdictions and consumers regarding the interpretation of some aspects of Schedule 1. In particular, there are some people that still experience difficulty understanding the permissions allowed through the hierarchies.

This issue is made somewhat clearer in the user guide for food additives however, it has been suggested that a diagram within Schedule 1 may be useful, perhaps as part of an editorial note. ***For example****: to explain which additives are permitted in chilli paste, the relevant hierarchical permissions are represented diagrammatically as follows:*



Chilli paste is a sub-group of category 4.3.6 and therefore has the permissions for additives of those food types directly above it in the hierarchy i.e. additives permitted in categories 4.3 and 4. In addition, chilli paste would also be allowed additives in Schedules 2, 3 and 4 as indicated by the asterisk (*) at category 4.3.

The diagram is proposed to be added as an editorial note in Clause 3 of Standard 1.3.1.

4.3 Review of the qualifications column

The intent of the qualifications column in Schedule 1 is to assist users in the interpretation of the Schedule. The qualifications column at present however, performs 2 distinct functions:

(a) to limit permissions; and

(b) to explain permissions and exemptions from permissions.

Using the qualifications column to limit permissions provides more than a 'qualification' and the dual purpose of the qualifications column is confusing.

For example: the terms 'ginger only' and 'shortening only' are used in the qualifications column to limit permissions. This should not be the purpose of a qualification as it creates ambiguity and may not be enforceable. The preferred approach is to list the foods as separate categories within the hierarchies and provide direct permissions.

Other statements in the qualifications column explain permissions e.g. 'Clause 4 limits do not apply'. This particular statement is not very useful in the interpretation of the Schedule as there are no obvious 'limits' within Clause 4.

A number of qualifications will be made into permissions and added into categories within the Schedule. Other qualifications have been reviewed and some are reworded. The editorial note relating to sulphur dioxide and longans currently within clause 11 of Standard 1.3.1 has been updated and added as a qualification statement in category 4.1 of Schedule 1 since it relates to this category and it was thought it made more sense to be in this position.

4.4 Review of clause 7 – Carry-over of additives

Clause 7 (with the accompanying editorial note) explains how the carry-over principle for food additives works in relation to a food category other than by direct addition allowed by the permission for a particular food additive. However, it was apparently not clear to some users of the Code whether the Clause applied to:

(a) the addition of vitamins and minerals and processing aids as they are not regulated by Standard 1.3.1; and

(b) the permitted levels of an additive in the preparation of another food with a different level of permission of the same additive.

The Initial Assessment Report questioned whether the clause applied outside of the Standard and whether the level of an additive in a final food could exceed the maximum permitted level in a food category.

Comments received generally supported amending Clause 7. The comments received did not however, verify that either of the 2 reported problems remain. Submitters understood that the carry-over clause in Standard 1.3.1 applies only to food additives and that maximum levels of additives within the categories must not be exceeded. Therefore no changes to Clause 7 are proposed.

4.5 Review of clause 8 – Food for use in preparation of another food

Foods used in the preparation of another food are permitted to contain any or all of the food additives permitted to be present in the final food.

The maximum permitted levels of additives in premixes are determined by the level permitted in the final food. Clause 8 outlines these permissions as follows:

Any food additive permitted in a food may be added to an ingredient intended for use in the preparation of that food provided that the level in the final food when prepared complies with the maximum permitted level in the Standard.

The Initial assessment report questioned:

- is the meaning of clause 8 clear; and
- how is the principle applied when the premix could be used for the manufacture of several different products e.g. one with the additive permission and one without?

Comments received did not generally support amending clause 8. Therefore no changes to clause 8 are proposed.

4.6 Review of the Editorial note to clause 4

Clause 4 – Requirements for use of intense sweeteners, restricts the use of intense sweeteners to the amount necessary to replace, either wholly or partially, the sweetness normally provided by sugars or as a flavour enhancer.

This review considered the editorial note in clause 4 and possibly replacing it with a reference to the user guide on food additives. The editorial note to clause 4 however, also refers to reduced joule and low joule foods and to other sweeteners that are not 'intense sweeteners'.

The qualifications column of Schedule 1 for category 5 – Confectionery, contains a reference to clause 4 for chewing gum. There is also a qualification about clause 4 limits for category 14.1.3.1 – Brewed soft drinks.

The current editorial note is proposed to be split in two, since part of the note does not relate specifically to intense sweeteners. The qualifications relating to clause 4 are proposed to be reworded to indicate that sugar and intense sweeteners can be present in the chewing gum and brewed soft drink categories.

4.7 Review of permissions for sulphur dioxide

(a) There are inconsistencies with the entries for the use of sulphur dioxide or the broader group of sulphites as indicated in the following categories of Schedule 1:

13.4.2 Liquid formulated supplementary sports foods*

220	sulphur dioxide	115	mg/kg

14.2.2 wine, sparkling wine and fortified wine containing greater than 35 g/L residual sugar

220 221 222 223 224 225 228	sulphur dioxide and sodium and potassium sulphites	400	mg/kg

(b) The current entries under 13.4 Formulated supplementary sports foods* (13.4.1 and 13.4.2) duplicate some of the additive permissions and permit sulphur dioxide and not other sulphites, as follows:

13.4	Formulated supplementary sports foods*		
123	Amaranth	300	mg/kg
160b	Annatto extracts	100	mg/kg
13.4.1	Solid formulated supplementary sports foods*		
210 211 212 213	Benzoic acid and sodium, potassium, and calcium benzoates	400	mg/kg
220	Sulphur dioxide	115	mg/kg
280	Propionic acid	400	mg/kg
281	Sodium propionate	400	mg/kg
282	Calcium propionate	400	mg/kg
13.4.2	Liquid formulated supplementary sports foods*		
200 201 202 203	Sorbic acid and sodium, potassium and calcium sorbates	400	mg/kg
210 211 212 213	Benzoic acid and sodium, potassium, and calcium benzoates	400	mg/kg
220	Sulphur dioxide	115	mg/kg

There are no gaseous formulated supplementary sports foods, only liquid and solid forms are available. As sulphur dioxide is a gas, it cannot be incorporated into solid formulated supplementary sports foods and other forms of sulphites must be used.

The category could therefore be simplified as follows:

13.4	Formulated supplementary sports foods*		
123	Amaranth	300	mg/kg
160b	Annatto extracts	100	mg/kg
210 211 212 213	Benzoic acid and sodium, potassium, and calcium benzoates	400	mg/kg
220 221 222 223 224 225 228	Sulphur dioxide and sodium and potassium sulphites	115	mg/kg
13.4.1	Solid formulated supplementary sports foods*		
280	Propionic acid	400	mg/kg
281	Sodium propionate	400	mg/kg
282	Calcium propionate	400	mg/kg
13.4.2	Liquid formulated supplementary sports foods*		
200 201 202 203	Sorbic acid and sodium, potassium and calcium sorbates	400	mg/kg

Changes as indicated above will be made for consistency and to address an anomaly for solid formulated supplementary sports foods.

4.8 Other minor anomalies within Schedule 1

(a) There are inconsistent ways of providing permissions for additives in Schedules 2, 3 and 4 in some of the categories in Schedule 1.

For example in categories 5.1 and 8.3 permissions to use Schedule 2 additives are provided by different means as follows:

5.1 Chocolate and cocoa products

Additives in Schedules 3 & 4 must not be added to chocolate and cocoa products unless expressly permitted below

476	Polyglycerol esters of interesterified ricinoleic acids	5000	mg/kg
477	Propylene glycol esters of fatty acids	4000	mg/kg

In this example Schedule 2 additives are permitted by excluding Schedule 3 and 4 additives.

8.3 Processed comminuted meat, poultry and game products*

160b	Annatto extracts	100	mg/kg
220 221 222 223 224 225 228	Sulphur dioxide and sodium and potassium sulphites	500	mg/kg
249 250	Nitrites (potassium and sodium salts)	125	mg/kg

sausage and sausage meat containing raw, unprocessed meat

Additives must not be added to sausage and sausage meat containing raw, unprocessed meat, unless expressly permitted below

Additives in Schedule 2

* Additives in Schedules 2, 3 and 4 are permitted

In this example Schedule 2 additives are directly permitted.

FSANZ proposes to make the permissions for Schedule 2 additives in Schedule 1 more consistent.

(b) Category 4.1.2 contains a typographical error i.e. the entry for walnut and pecan nut kernels does not require 'mg/kg' after the GMP permission for 304 Ascorbyl palmitate.

(c) The editorial note in clause 11 of Standard 1.3.1, regarding longans requires updating and clarification that it refers to the permission for sulphur dioxide. It will now be added as a qualification statement in category 4.1 of Schedule 1, since it relates to longans.

(d) The qualification for fruit juice requires further clarification in category 14.1.2.

(e) The qualifications for frozen fish and uncooked crustacea require further clarification in category 9.1.

These anomalies are addressed in the revised drafting for Schedule 1.

4.9 Other issues raised in submissions

A number of other issues were raised in submissions and these are more fully summarised in Attachment 3.

Submitter	Issue	How FSANZ has addressed
Sanitarium Health Food Company	The omission of l-cysteine as a food additive.	This is outside the scope of this Proposal.
New Zealand Food Safety Authority	Supplied a revised draft of Schedule 1.	Dependent on the acceptance of other comments expressed in the submission.
Queensland Public Health Services	The definition of 'technological function' should be rewritten to remove ambiguity.	The sentence cannot be simply redrafted as 2 sentences without altering the meaning.
Brian Thorn	Raises an issue for glazed fruit as opposed to those for cocktail cherries.	The current permissions appear adequate.
Department of Agriculture, Fisheries and Forestry, Australian Quarantine and Inspection Service	They suggested other affected parties in section 7.1 – Affected parties in the report are 'food importers'. AQIS requested changes to category 9 for fish and fish products regarding clarification of the permissions for phosphates in cooked and uncooked crustacea.	The Draft Assessment Report to include food importers and exporters as affected parties. FSANZ proposes to clarify the qualifications column for category 9.1 for unprocessed fish.
New Zealand Juice & Beverage Association	Requested a review of item 14.1.2.1 – Fruit and vegetable juices. NZJBA believes permissions for flavourings and ascorbic acid, which were permitted for these products in the former New Zealand Food Regulations 1984, have been removed during the review.	The review of permissions is outside the scope of this Proposal, however FSANZ proposes changes to the qualifications column to clarify additive permissions for category 14.1.2 for juices.
Australian Food and Grocery Council	Making amendments to the Standard may also require making amendments to the user guide. The statement for nitrites and nitrates could be removed within category 8 and placed into subclause 5(2).	Consequential amendments to the user guide are not essential within the timeframe of this Proposal. The qualifications regarding calculation of nitrates and nitrites should be moved to subclause 5(2) for consistency.
Hansells (NZ)	Requests reinstatement of permissions for cyclamate as an intense sweetener in tabletop sweeteners.	This issue is outside the scope of this Proposal.
NSW Food Authority	NSWFA requested clarification of the editorial note regarding longans.	FSANZ agrees to update the editorial note about longans.

The changes agreed to above are included in the draft revised Schedule 1.

5. Regulatory Options

Possible regulatory options for Proposal P279 – Review Schedule 1 and related clauses of Standard 1.3.1 are given below.

Option 1. Maintain the *status quo*

Option 2. Amend Schedule 1 and other relevant clauses of Standard 1.3.1 – Food Additives in the Code to assist with the practical use and interpretation of the Standard.

6. Impact Analysis

6.1 Affected Parties

The parties affected by this proposal are:

- food manufacturers, importers and exporters in Australia and New Zealand;
- food additive manufacturers internationally;
- consumers in Australia and New Zealand; and
- Australian, State, Territory and New Zealand Governments involved in the enforcement of the Code.

6.2 Benefit Cost Analysis

The purpose of this Proposal is to formally review the content and relevant clauses of Standard 1.3.1. This review is not to provide a mechanism to change the substantive content or the structure of the Standard. The review allows for consideration of complaints and comments received from stakeholders since the introduction of the Standard.

The impacts in terms of benefits and costs should not be substantive but clarification of anomalies and ambiguities identified within the Standard will reduce confusion for all stakeholders and therefore avoid some potential disputes.

6.3 Comparison of Options

6.3.1 Option 1

Maintaining the status quo would mean that the current permissions may not be up to date in relation to current safety guidelines, and therefore the objectives of section 10 in the FSANZ Act might not be met.

6.3.2 Option 2

To amend Schedule 1 and other relevant clauses of Standard 1.3.1 – Food Additives in the Code would mean that users of the Code would have clearer regulations.

COMMUNICATION

7. Communication and Consultation Strategy

This is a standard FSANZ Proposal with two rounds of public consultation, now requesting further submissions to assist FSANZ in making a Final Assessment. FSANZ will ensure that relevant stakeholders and other interested parties are made aware of the Proposal, and their comments sought, particularly those of the submitters and jurisdictions which enforce the Code.

8. Consultation

The Initial Assessment Report was circulated for a round of public comment from 15 December 2004 till 9 February 2005. Fifteen submissions were received, with no submission supporting option 1, maintaining the status quo. All submitters who made an option selection supported amending the Standard, though there was a broad range of views on most of the issues flagged in the Initial Assessment Report.

The summary of comments is at **Attachment 2** – Summary of Public Submissions. The main issues raised and FSANZ's position on each issue are contained in **Attachment 3** – Summary of Issues Raised in Submissions. The submissions on the individual issues and how they have been addressed by FSANZ are contained under the individual headings in section 4 of this report.

The views of submitters will assist in the development of the Final Assessment and a preferred regulatory approach for the on-going management and safe use of additives. Further public comment will be sought on the Final Assessment, including the proposed draft variations to the Code.

In seeking public submissions from all stakeholders for use in preparing a Final Assessment, FSANZ requests information regarding:

- the matters raised in this review and any other issues that may require consideration;
- safety concerns with amendments to Schedule 1 and related clauses of Standard 1.3.1 in the Code;
- current information, quantitative where possible, that identifies any relevant costs and benefits of the proposed changes to Standard 1.3.1.

Some specific issues that FSANZ also seeks comments on relate to draft variations proposed at Draft Assessment. These are:

- Is the statement for nitrates and nitrites added into subclause 5(2) correct, and does the removal of the qualification statements relating to nitrate and nitrite calculations in Schedule 1 cause any unintended consequences?

- Do the amended statements in the General Provisions section preceding Schedule 1 and those in Schedule 1 relating to permissions of additives in Schedule 2, 3 and 4 work, or are there any anomalies where permissions are incorrectly stated?

- Are the amended qualification statements, including those that have been brought into the food category area of Schedule 1, correct and helpful?

- A number of minor anomalies and corrections have been made, including the removal of the term dried yeast from category 12.5 since it does not provide any permission. Are there any unexpected consequences of this removal?

8.1 World Trade Organization (WTO)

As members of the World Trade Organization (WTO), Australia and New Zealand are obligated to notify WTO member nations where proposed mandatory regulatory measures are inconsistent with any existing or imminent international standards and the proposed measure may have a significant effect on trade.

There are not any relevant international standards that directly relate to Schedule 1 of Standard 1.3.1. The proposed amendments are of a minor nature and aimed to improve the interpretation and usefulness of Schedule 1 and related clauses in Standard 1.3.1. This Proposal will not be used to alter or amend any food additive permissions, so it is not FSANZ's intention to recommend relevant authorities notify the WTO.

9. Conclusion and Preferred Option

Preferred Approach

FSANZ proposes to amend Schedule 1 and some of the related clauses of Standard 1.3.1 – Food Additives to make the Standard easier to understand without substantially altering the permissions for food additives within Australia and New Zealand.

The outcomes of the review at Draft Assessment are as follows:

- Removal of the asterisks was not generally supported as they provide clarification for some submitters.

- Insertion of a diagram into the Standard explaining hierarchical permissions was generally supported.

- The entries in the qualifications column require some amendments to clarify permissions.

- The editorial note to clause 4 should be split to clarify which provisions apply to intense sweeteners.

- Amendment to clause 7 was not generally supported.

- Amendment to clause 8 was not generally supported.

- Permissions for the other permitted sulphites should be added to the categories for formulated supplementary sports foods to be consistent with other entries in categories of Schedule 1.

- Correct anomalies and clarify ambiguities including:

    - the editorial note regarding longans requires updating and clarification and will be moved to a qualification statement in category 4.1 of Schedule 1;
    - the qualifications for fruit juices require further clarification; and
    - the qualifications for frozen fish and uncooked crustacea require further clarification.

The draft variations to Standard 1.3.1 – Food Additives of the Code are recommended for the following reasons:

- The proposed amendments are consistent with FSANZ's objectives.

- There are no expected additional costs to food manufacturers, consumers or regulatory agencies arising from these proposed amendments.

- There are no other alternatives that are more cost effective than the proposed amendments to the Code.

- The comments received from the first round of consultation all supported amendments to Schedule 1 and some of the related clauses of Standard 1.3.1.

10. Implementation and Review

The amendments for this Proposal are to take effect on the date of gazettal, after completion of the Final Assessment. The FSANZ advice line will continue to monitor comments about food additives to assess if users of the Code are continuing to have problems with the general Standard for food additives.

ATTACHMENTS

1. Draft variations to the *Australia New Zealand Food Standards Code*
2. Summary of Public Submissions
3. Summary of Issues Raised in Submissions

Attachment 1

Draft variations to the *Australia New Zealand Food Standards Code*

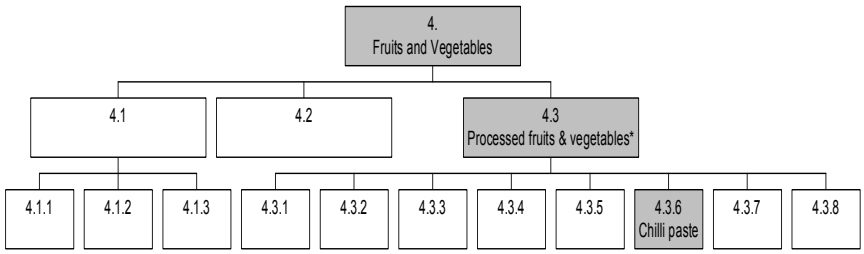
To commence: on gazettal

[1] ***Standard 1.3.1*** *of the Australia New Zealand Food Standards Code is varied by –*

[1.1] *inserting immediately following paragraph 3(b) –*

Editorial note:

Using chilli paste as an example, an explanation of how the hierarchical permissions for additives operate is represented diagrammatically below:



Chilli paste is a sub group of category 4.3.6 and is therefore allowed the additive permissions of those food types directly above in the hierarchy i.e. additives in categories 4.3 and 4. In addition, chilli paste would also be allowed additives in Schedules 2, 3 and 4 as indicated by the asterisk (*) at category 4.3.

[1.2] *omitting the* Editorial note *following clause 4, substituting –*

Editorial note:

Intense Sweeteners
In general, the use of intense sweeteners is limited to:

1. foods meeting the definition of 'reduced joule' or 'low joule';
2. 'no added sugars' food e.g. artificially sweetened canned fruit without added sugar; or
3. specific foods in which the use of the sweetener is in addition to sugars rather than as an alternative e.g. chewing gum, brewed soft drink (these foods are listed in Schedule 1 on a case-by-case basis).

Other Sweeteners
The use of sweeteners is also covered by provisions other than those in Standard 1.3.1.

Polyols, isomalt and polydextrose may be considered to be food additives when used as humectants and texturisers. Where these substances constitute a significant part of the final food, they would be regarded as a food in their own right rather than food additives. Polyols, isomalt and polydextrose are not considered to be bulking agents if used in large amounts to replace sugars, as they may contribute significantly to the available energy of the food.

Conditions relating to the use of reduced/low joule and no added sugar claims can be found in Standard 1.2.8 or in ANZFA's Code of Practice on Nutrient Claims in Food Labels and in Advertisements (Commonwealth of Australia, AGPS 1995).

[1.3] *inserting in subclause 5(2) –*

nitrates and nitrites as their potassium and sodium salts shall be calculated as sodium nitrite.

[1.4] *omitting from the* Editorial note *following clause 11 –*

The National Registration Authority has issued a maximum residue limit for longans of 500 mg/kg in the whole fruit (see category 4 of Schedule 1).

[1.5] *omitting* Schedule 1*, substituting –*

SCHEDULE 1

Permitted uses of food additives by food type

INS Number	Additive Name	Max Permitted Level	Qualifications
0	**GENERAL PROVISIONS**		
	Additives in Schedule 2 may be present in processed foods specified in this Schedule as a result of use in accordance with GMP where expressly permitted in this schedule.		
	Colours in Schedule 3 may be present in processed foods specified in this Schedule as a result of use in accordance with GMP where expressly permitted in this schedule.		
	Colours in Schedule 4 may be present in processed foods specified in this Schedule to a maximum level of 290 mg/kg in foods other than beverages and 70 mg/L in beverages where expressly permitted in this schedule		

The asterisk (*) in Schedule 1 indicates that additives in Schedules 2, 3 and 4 are permitted.

For an explanation and examples of the different food additive classifications in Schedule 1, please refer to the FSANZ user guide to Standard 1.3.1 - Food Additives.

0.1 Preparations of food additives

Additives in Schedule 2 are permitted.

200 201 202 203	Sorbic acid and sodium, potassium and calcium sorbates	1000	mg/kg
210 211 212 213	Benzoic acid and sodium, potassium and calcium benzoates	1000	mg/kg
216	Propyl p-hydroxybenzoate (propylparaben)	2500	mg/kg
218	Methyl p-hydroxybenzoate (methylparaben)	2500	mg/kg
220 221 222 223 224 225 228	Sulphur dioxide and sodium and potassium sulphites	350	mg/kg
304	Ascorbyl palmitate	GMP	
306	Tocopherols concentrate mixed	GMP	
307	Tocopherol, d-alpha-, concentrate	GMP	
308	Synthetic gamma-tocopherol	GMP	
309	Synthetic delta-tocopherol	GMP	
310	Propyl gallate	100	mg/kg
311	Octyl gallate	100	mg/kg
312	Dodecyl gallate	100	mg/kg
319	Tertiary butylhydroquinone	200	mg/kg
320	Butylated hydroxyanisole	200	mg/kg
385	Calcium disodium EDTA	500	mg/kg

baking compounds

541	Sodium aluminium phosphate	GMP	

colourings

Additives in Schedules 3 & 4 are permitted

-	Ethanol	GMP	

flavourings

Additives in Schedules 3 & 4 are permitted

-	Ethanol	GMP		
-	Benzyl alcohol	500	mg/kg	In the final food
-	Ethyl acetate	GMP		
-	Glycerol diacetate	GMP		
-	Glyceryl monoacetate	GMP		
-	Isopropyl alcohol	1000	mg/kg	In the final food
320	Butylated hydroxyanisole	1000	mg/kg	
1505	Triethyl citrate	GMP		

rennetting enzymes

200 201 202 203	Sorbic acid and sodium, potassium and calcium sorbates	9000	mg/kg
210 211 212 213	Benzoic acid and sodium, potassium and calcium benzoates	9000	mg/kg

1 DAIRY PRODUCTS (excluding butter and butter fats)

1.1 Liquid milk and liquid milk based drinks

1.1.1 Liquid milk (including buttermilk)

Additives in Schedules 2,3 & 4 must not be added to liquid milk (including buttermilk) unless expressly permitted below

1.1.2 UHT goat milk

Additives in Schedule 2 are permitted

1.1.3 Liquid milk products and flavoured liquid milk*

160b	Annatto extracts	10	mg/kg
950	Acesulphame potassium	500	mg/kg
956	Alitame	40	mg/kg
962	Aspartame-acesulphame salt	1100	mg/kg

1.1.4 Liquid milk to which 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

1.1.5 Liquid milk to which tall oil phytosterols have been added

460	Microcrystalline cellulose	**5**	**g/kg**

1.2 Fermented and rennetted milk products

1.2.1 Fermented milk and rennetted milk

Additives in Schedules 2, 3 & 4 must not be added to fermented milk and rennetted milk

1.2.2 Fermented milk products and rennetted milk products*

160b	Annatto extracts	60	mg/kg
950	Acesulphame potassium	500	mg/kg
956	Alitame	60	mg/kg
962	Aspartame-acesulphame salt	1100	mg/kg

1.3 Condensed milk and evaporated milk*

1.4 Cream and cream products

1.4.1 Cream, reduced cream and light cream)

Additives in Schedules 2, 3 & 4 must not be added to cream, reduced cream and light cream unless expressly permitted below

UHT creams and creams receiving equivalent or greater heat treatments only

Additives in Schedule 2 are permitted

1.4.2 Cream products (flavoured, whipped, thickened, sour cream etc.)*

234	Nisin	10	mg/kg	

whipped thickened light cream

475	Polyglycerol esters of fatty acids	5000	mg/kg	

1.5 Dried milk, milk powder, cream powder*

304	Ascorbyl palmitate	5000	mg/kg	
320	Butylated hydroxyanisole	100	mg/kg	
343	Magnesium phosphates	10000	mg/kg	
431	Polyoxyethylene (40) stearate	GMP		
530	Magnesium oxide	10000	mg/kg	
542	Bone phosphate	1000	mg/kg	
555	Potassium aluminium silicate	GMP		

1.6 Cheese and cheese products*

160b	Annatto extracts	50	mg/kg	
200 201 202 203	Sorbic acid and sodium, potassium and calcium sorbates	3000	mg/kg	
220 221 222 223 224 225 228	Sulphur dioxide and sodium and potassium sulphites	300	mg/kg	
234	Nisin	GMP		
235	Pimaricin (natamycin)	15	mg/kg	On cheese surfaces, based on individual cheese weight
251 252	Nitrates (potassium and sodium salts)	50	mg/kg	
338	Phosphoric acid	GMP		
555	Potassium aluminium silicate	10000	mg/kg	
560	Potassium silicate	10000	mg/kg	

2 EDIBLE OILS AND OIL EMULSIONS

160b	Annatto extracts	20	mg/kg
304	Ascorbyl palmitate	GMP	
306	Tocopherols concentrate mixed	GMP	
307	Tocopherol, d-alpha-, concentrate	GMP	
308	Synthetic gamma-tocopherol	GMP	
309	Synthetic delta-tocopherol	GMP	
310	Propyl gallate	100	mg/kg
311	Octyl gallate	100	mg/kg
312	Dodecyl gallate	100	mg/kg
319	Tertiary butylhydroquinone	200	mg/kg
320	Butylated hydroxyanisole	200	mg/kg
321	Butylated hydroxytoluene	100	mg/kg

2.1 Edible oils essentially free of water*

shortening

475	Polyglycerol esters of fatty acids	20000	mg/kg
476	Polyglycerol esters of interesterified ricinoleic acids	20000	mg/kg

frying oils

900a	Polydimethylsiloxane	10	mg/kg

olive oil

Additives in Schedules 3 and 4 must not be added to olive oil

2.2 Oil emulsions (water in oil)

2.2.1 Oil emulsions (>80% oil)

2.2.1.1 Butter

Additives in Schedules 2, 3 and 4 must not be added to butter unless expressly permitted below

160a	Carotenes	GMP	
160b	Annatto extracts	20	mg/kg
160e	Carotenal, b-apo-8'-	GMP	
160f	Carotenal, b-apo-8'-, methyl or ethyl esters	GMP	
508	Potassium chloride	GMP	

2.2.1.2 Butter products*

2.2.1.3 Margarine and similar products*

475	Polyglycerol esters of fatty acids	5000	mg/kg
476	Polyglycerol esters of interesterified ricinoleic acids	5000	mg/kg

2.2.2 Oil emulsions (<80% oil)

200 201 202 203	Sorbic acid and sodium, potassium and calcium sorbates	2000	mg/kg
210 211 212 213	Benzoic acid and sodium, potassium and calcium benzoates	1000	mg/kg
234	Nisin	GMP	
281	Sodium propionate	GMP	
282	Calcium propionate	GMP	
475	Polyglycerol esters of fatty acids	5000	mg/kg
476	Polyglycerol esters of interesterified ricinoleic acids	5000	mg/kg

3 ICE CREAM AND EDIBLE ICES*

123	Amaranth	290	mg/kg
160b	Annatto extracts	25	mg/kg
950	Acesulphame potassium	1000	mg/kg
956	Alitame	100	mg/kg
962	Aspartame-acesulphame salt	2200	mg/kg

ice confection sold in liquid form

200 201 202 203	Sorbic acid and sodium, potassium and calcium sorbates	400	mg/kg

210 211 212 213	Benzoic acid and sodium, potassium and calcium benzoates	400	mg/kg	
220 221 222 223 224 225 228	Sulphur dioxide and sodium and potassium sulphites	25	mg/kg	

4 FRUITS AND VEGETABLES (including fungi, nuts, seeds, herbs and spices)

4.1 Unprocessed fruits and vegetables

Additives in Schedules 2, 3 & 4 must not be added to unprocessed fruits and vegetables unless expressly permitted below

grapes packed with permeable envelopes

220 221 222 223 224 225 228	Sulphur dioxide and sodium and potassium sulphites	10	mg/kg	

longans

220 221 222 223 224 225 228	Sulphur dioxide and sodium and potassium sulphites	10	mg/kg	The Australian Pesticides and Veterinary Medicines Authority (APVMA) has issued a maximum residue limit of sulphur dioxide for longans of 500 mg/kg in the whole fruit

4.1.1 Untreated fruits and vegetables

Additives in Schedules 2, 3 & 4 must not be added to untreated fruits and vegetables

4.1.2 Surface treated fruits and vegetables

Additives in Schedules 2, 3 & 4 must not be added to surface treated fruits and vegetables unless expressly permitted below

342	Ammonium phosphates	GMP	
473	Sucrose esters of fatty acids	100	mg/kg
901	Beeswax, white and yellow	GMP	
903	Carnauba wax	GMP	
904	Shellac	GMP	

citrus fruit

914	Oxidised polyethylene	250	mg/kg
1520	Propylene glycol	30000	mg/kg

walnut and pecan nut kernels

304	Ascorbyl palmitate	GMP	
320	Butylated hydroxyanisole	70	mg/kg
321	Butylated hydroxytoluene	70	mg/kg

4.1.3 Peeled and/or cut fruits and vegetables

Additives in Schedules 2 are permitted

200 201 202 203	Sorbic acid and sodium, potassium and calcium sorbates	375	mg/kg

apples and potatoes for manufacturing purposes

220 221 222 223 224 225 228	Sulphur dioxide and sodium and potassium sulphites	200	mg/kg

root and tuber vegetables

220 221 222 223 224 225 228	Sulphur dioxide and sodium and potassium sulphites	50	mg/kg
920	L-cysteine monohydrochloride	GMP	

4.2 Frozen unprocessed fruits and vegetables

Additives in Schedules 2, 3 & 4 must not be added to frozen unprocessed fruits and vegetables unless expressly permitted below

Note: additives permitted in category 4.1 may be present in category 4.2 due to carry-over as per Clause 7 of this Standard

frozen avocado

220 221 222 223 224 225 228	Sulphur dioxide and sodium and potassium sulphites	300	mg/kg

4.3 Processed fruits and vegetables*

processed ginger

220 221 222 223 224 225 228	Sulphur dioxide and sodium and potassium sulphites	20	mg/kg

mushrooms in brine or water and not commercially sterile

200 201 202 203	Sorbic acid and sodium, potassium and calcium sorbates	500	mg/kg
210 211 212 213	Benzoic acid and sodium, potassium and calcium benzoates	500	mg/kg

preserved cherries known as maraschino cherries, cocktail cherries or glace cherries

127	Erythrosine	200	mg/kg
210 211 212 213	Benzoic acid and sodium, potassium and calcium benzoates	1000	mg/kg

tomato products pH < 4.5

234	Nisin	GMP	

4.3.1 Dried fruits and vegetables*

200 201 202 203	Sorbic acid and sodium, potassium and calcium sorbates	1000	mg/kg
220 221 222 223 224 225 228	Sulphur dioxide and sodium and potassium sulphites	3000	mg/kg

desiccated coconut

220 221 222 223 224 225 228	Sulphur dioxide and sodium and potassium sulphites	50	mg/kg

4.3.2 Fruits and vegetables in vinegar, oil, brine or alcohol*

200 201 202 203	Sorbic acid and sodium, potassium and calcium sorbates	1000	mg/kg

210 211 212 213	Benzoic acid and sodium, potassium and calcium benzoates	1000	mg/kg
950	Acesulphame potassium	3000	mg/kg
956	Alitame	40	mg/kg
962	Aspartame-acesulphame salt	6800	mg/kg

products made from bleached vegetables

220 221 222 223 224 225 228	Sulphur dioxide and sodium and potassium sulphites	750	mg/kg

4.3.3 Commercially sterile fruits and vegetables in hermetically sealed containers*

950	Acesulphame potassium	500	mg/kg
952	Cyclamates	1350	mg/kg
954	Saccharin	110	mg/kg
962	Aspartame-acesulphame salt	1100	mg/kg

canned asparagus

512	Stannous chloride	100	mg/kg

4.3.4 Fruit and vegetable spreads including jams, chutneys and related products*

123	Amaranth	290	mg/kg
281	Sodium propionate	GMP	
282	Calcium propionate	GMP	
950	Acesulphame potassium	3000	mg/kg
952	Cyclamates	1000	mg/kg
954	Saccharin	1500	mg/kg
956	Alitame	300	mg/kg
962	Aspartame-acesulphame salt	6800	mg/kg

low joule chutneys, low joule jams and low joule spreads

200 201 202 203	Sorbic acid and sodium, potassium and calcium sorbates	1000	mg/kg
210 211 212 213	Benzoic acid and sodium, potassium and calcium benzoates	1000	mg/kg
220 221 222 223 224 225 228	Sulphur dioxide and sodium and potassium sulphites	285	mg/kg

4.3.5 Candied fruits and vegetables*

200 201 202 203	Sorbic acid and sodium, potassium and calcium sorbates	500	mg/kg
220 221 222 223 224 225 228	Sulphur dioxide and sodium and potassium sulphites	2000	mg/kg

4.3.6 Fruit and vegetable preparations including pulp*

200 201 202 203	Sorbic acid and sodium, potassium and calcium sorbates	1000	mg/kg
210 211 212 213	Benzoic acid and sodium, potassium and calcium benzoates	1000	mg/kg
220 221 222 223 224 225 228	Sulphur dioxide and sodium and potassium sulphites	350	mg/kg
234	Nisin	GMP	

chilli paste

210 211 212 213	Benzoic acid and sodium, potassium and calcium benzoates	3000	mg/kg

fruit and vegetable preparations for manufacturing purposes

220 221 222 223 224 225 228	Sulphur dioxide and sodium and potassium sulphites	1000	mg/kg

4.3.7 Fermented fruit and vegetable products*

lactic acid fermented fruits and vegetables*

200 201 202 203	Sorbic acid and sodium, potassium and calcium sorbates	500	mg/kg

4.3.8 Other fruit and vegetable based products*

dried instant mashed potato

304	Ascorbyl palmitate	GMP	
320	Butylated hydroxyanisole	100	mg/kg

imitation fruit

200 201 202 203	Sorbic acid and sodium, potassium and calcium sorbates	500	mg/kg
210 211 212 213	Benzoic acid and sodium, potassium and calcium benzoates	400	mg/kg
220 221 222 223 224 225 228	Sulphur dioxide and sodium and potassium sulphites	3000	mg/kg

5 CONFECTIONERY *

123	Amaranth	300	mg/kg
160b	Annatto extracts	25	mg/kg
173	Aluminium	GMP	
174	Silver	GMP	
175	Gold	GMP	
950	Acesulphame potassium	2000	mg/kg
951	Aspartame	10000	mg/kg
955	Sucralose	2500	mg/kg
956	Alitame	300	mg/kg
961	Neotame	300	mg/kg
962	Aspartame-acesulphame salt	4500	mg/kg

fruit filling for confectionery containing not less than 200 g/kg of fruit

200 201 202 203	Sorbic acid and sodium. potassium and calcium sorbates	500	mg/kg

5.1 Chocolate and cocoa products

Additives in Schedule 2 are permitted

Additives in Schedules 3 and 4 are permitted on the surface of chocolate only

476	Polyglycerol esters of interesterified ricinoleic acids	5000	mg/kg
477	Propylene glycol esters of fatty acids	4000	mg/kg

5.2 Sugar confectionery

200 201 202 203	Sorbic acid and sodium, potassium and calcium sorbates	1000	mg/kg	

bubble gum and chewing gum

304	Ascorbyl palmitate	GMP		Chewing gum and bubble gum may contain both sugars and intense sweeteners
310	Propyl gallate	200	mg/kg	
320	Butylated hydroxyanisole	200	mg/kg	
321	Butylated hydroxytoluene	200	mg/kg	

low joule chewing gum

952	Cyclamates	20000	mg/kg	
954	Saccharin	1500	mg/kg	

5.3 Not assigned

5.4 Icings and frostings

200 201 202 203	Sorbic acid and sodium, potassium and calcium sorbates	1500	mg/kg	
210 211 212 213	Benzoic acid and sodium, potassium and calcium benzoates	1000	mg/kg	

6 CEREALS AND CEREAL PRODUCTS

6.1 Cereals (whole and broken grains)

Additives in Schedules 2,3 & 4 must not be added to cereals (whole and broken grains) unless expressly permitted below

precooked rice

471	Mono-and diglycerides of fatty acids	GMP		

6.2 Flours, meals and starches

Additives in Schedules 2,3 & 4 must not be added to flours, meals and starches

Note: flour, meal and starch products (e.g. self raising flour, bakers flour) sold at wholesale or retail for use in the preparation of other foods may contain such additives as are permitted in those foods in accordance with clause 8

6.3 Processed cereal and meal products*

extruded and/or puffed cereals

160b	Annatto extracts	100	mg/kg	

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	
220 221 222 223 224 225 228	Sulphur dioxide and sodium and potassium sulphites	300	mg/kg	
280	Propionic acid	2000	mg/kg	

281	Sodium propionate	2000	mg/kg	
282	Calcium propionate	2000	mg/kg	
283	Potassium propionate	2000	mg/kg	
950	Acesulphame potassium	200	mg/kg	
956	Alitame	200	mg/kg	
962	Aspartame-acesulphame salt	450	mg/kg	
crumpets, flapjacks and pikelets				
234	Nisin	250	mg/kg	Flour products that are cooked on hotplates only

7 BREADS AND BAKERY PRODUCTS*

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

7.1 Breads and related products

7.2 Biscuits, cakes and pastries

160b	Annatto extracts	25	mg/kg
220 221 222 223 224 225 228	Sulphur dioxide and sodium and potassium sulphites	300	mg/kg
950	Acesulphame potassium	200	mg/kg
956	Alitame	200	mg/kg
962	Aspartame-acesulphame salt	450	mg/kg
cake			
475	Polyglycerol esters of fatty acids	15000	mg/kg

8 MEAT AND MEAT PRODUCTS (including poultry and game)

8.1 Raw meat, poultry and game

Additives in Schedules 2,3 & 4 must not be added to raw meat, poultry and game unless expressly permitted below

fresh poultry			
262	Sodium acetates	5000	mg/kg

8.2 Processed meat, poultry and game products in whole cuts or pieces*

commercially sterile canned cured meat			
249 250	Nitrites (potassium and sodium salts)	50	mg/kg
cured meat			
249 250	Nitrites (potassium and sodium salts)	125	mg/kg
dried meat			
200 201 202 203	Sorbic acid and sodium, potassium and calcium sorbates	1500	mg/kg

249 250	Nitrites (potassium and sodium salts)	125	mg/kg	

slow dried cured meat

249 250	Nitrites (potassium and sodium salts)	125	mg/kg	
251 252	Nitrates (potassium and sodium salts)	500	mg/kg	

8.3 Processed comminuted meat, poultry and game products*

160b	Annatto extracts	100	mg/kg	
220 221 222 223 224 225 228	Sulphur dioxide and sodium and potassium sulphites	500	mg/kg	
249 250	Nitrites (potassium and sodium salts)	125	mg/kg	

fermented, uncooked processed comminuted meat products

200 201 202 203	Sorbic acid and sodium, potassium and calcium sorbates	1500	mg/kg	
235	Pimaricin (natamycin)	1.2	mg/dm^2	When determined in a surface sample taken to a depth of not less than 3 mm and not more than 5 mm including the casing, applied to the surface of food.
251 252	Nitrates (potassium and sodium salts)	500	mg/kg	

sausage and sausage meat containing raw, unprocessed meat

Additives must not be added to sausage and sausage meat containing raw, unprocessed meat, unless expressly permitted below

Additives in Schedule 2 are permitted

220 221 222 223 224 225 228	Sulphur dioxide and sodium and potassium sulphites	500	mg/kg	

8.4 Edible casings*

200 201 202 203	Sorbic acid and sodium, potassium and calcium sorbates	100	mg/kg	
220 221 222 223 224 225 228	Sulphur dioxide and sodium and potassium sulphites	500	mg/kg	

8.5 Animal protein products*

9 FISH AND FISH PRODUCTS

9.1 Unprocessed fish and fish fillets (including frozen and thawed)

Additives in Schedules 2,3&4 must not be present in unprocessed fish and fish fillets (including frozen and thawed) unless expressly permitted below

	frozen fish				
	300 301 302 303	Ascorbic acid and sodium, calcium and potassium ascorbates	400	mg/kg	Fish as defined in Standard 2.2.3 includes crustacea and molluscs
	315 316	Erythorbic acid and sodium erythorbate	400	mg/kg	
	339 340 341	Sodium, potassium and calcium phosphates	GMP		
	450	Pyrophosphates	GMP		
	451	Triphosphates	GMP		
	452	Polyphosphates	GMP		
	uncooked crustacea				
	220 221 222 223 224 225 228	Sulphur dioxide and sodium and potassium sulphites	100	mg/kg	Uncooked crustacea may include frozen and thawed products
	300 301 302 303	Ascorbic acid and sodium, calcium and potassium ascorbates	GMP		
	315 316	Erythorbic acid and sodium erythorbate	GMP		
	330 331 332 333 380	Citric acid and sodium, potassium, calcium and ammonium citrates	GMP		
	500	Sodium carbonates	GMP		
	504	Magnesium carbonates	GMP		
	586	4-hexylresorcinol	GMP		
9.2	**Processed fish and fish products***				
	cooked crustacea				
	220 221 222 223 224 225 228	Sulphur dioxide and sodium and potassium sulphites	30	mg/kg	
	roe				
	123	Amaranth	300	mg/kg	
9.3	**Semi preserved fish and fish products***				
	160b	Annatto extracts	10	mg/kg	
	200 201 202 203	Sorbic acid and sodium, potassium and calcium sorbates	2500	mg/kg	
	210 211 212 213	Benzoic acid and sodium, potassium and calcium benzoates	2500	mg/kg	
	roe				
	123	Amaranth	300	mg/kg	
9.4	**Fully preserved fish including canned fish products***				
	220 221 222 223 224 225 228	Sulphur dioxide and sodium and potassium sulphites	30	mg/kg	
	385	Calcium disodium EDTA	250	mg/kg	
	canned abalone (paua)				
	220 221 222 223 224 225 228	Sulphur dioxide and sodium and potassium sulphites	1000	mg/kg	
	roe				

123	Amaranth	300	mg/kg	

10 EGGS AND EGG PRODUCTS

10.1 Eggs

Additives in Schedules 2,3 & 4 must not be added to eggs

10.2 Liquid egg products

Additives in Schedule 2 are permitted

234	Nisin	GMP		
1505	Triethyl citrate	1250	mg/kg	Liquid white only

10.3 Frozen egg products

Additives in Schedule 2 are permitted

10.4 Dried and/or heat coagulated egg products

Additives in Schedule 2 are permitted

11 SUGARS, HONEY AND RELATED PRODUCTS

11.1 Sugar

Additives in Schedules 2,3 & 4 must not be added to sugar unless expressly permitted below

460	Cellulose, microcrystalline and powdered	GMP		

rainbow sugar*

11.2 Sugars and syrups

Additives in Schedules 2,3 & 4 must not be added to sugars and syrups unless expressly permitted below

220 221 222 223 224 225 228	Sulphur dioxide and sodium and potassium sulphites	450	mg/kg	

11.3 Honey and related products

Additives in Schedules 2,3 & 4 must not be added to honey and related products unless expressly permitted below

11.3.1 Dried honey

Additives in Schedule 2 are permitted

11.4. Tabletop sweeteners*

636	Maltol	GMP		
637	Ethyl maltol	GMP		

640	Glycine	GMP			
641	L-Leucine	GMP			
950	Acesulphame potassium	GMP			
956	Alitame	GMP			
962	Aspartame-acesulphame salt	GMP			
1201	Polyvinylpyrrolidone	GMP			

11.4.1 Tabletop sweeteners – liquid preparation*

200 201 202 203	Sorbic acid and sodium, potassium and calcium sorbates	GMP			
210 211 212 213	Benzoic acid and sodium, potassium and calcium benzoates	GMP			
954	Saccharin	GMP			

11.4.2 Tabletop sweeteners – tablets or powder or granules packed in portion sized packages*

954	Saccharin	GMP			

12 SALTS AND CONDIMENTS

12.1 Salt and salt substitutes

12.1.1 Salt

Additives in Schedules 2,3 & 4 must not be added to salt unless expressly permitted below

341	Calcium phosphates	GMP			
381	Ferric ammonium citrate	GMP			
504	Magnesium carbonates	GMP			
535	Sodium ferrocyanide	50	mg/kg		total of sodium and
536	Potassium ferrocyanide	50	mg/kg		potassium ferrocyanide
551	Silicon dioxide (amorphous)	GMP			
552	Calcium silicate	GMP			
554	Sodium aluminosilicate	GMP			
556	Calcium aluminium silicate	GMP			

12.1.2 Reduced sodium salt mixture *

12.1.3 Salt substitute*

359	Ammonium adipate	GMP			
363	Succinic acid	GMP			
1001	Choline salts of acetic, carbonic, hydrochloric, citric, tartaric and lactic acid	GMP			

12.2 not assigned

12.3 Vinegars and related products

Additives in Schedule 3 are permitted

220 221 222 223 224 225 228	Sulphur dioxide and sodium and potassium sulphites	100	mg/kg		
300 301 302 303	Ascorbic acid and sodium, calcium and potassium ascorbates	100	mg/kg		
315 316	Erythorbic acid and sodium erythorbate	100	mg/kg		
-	Flavourings, excluding quinine and caffeine				

12.4 not assigned

12.5 Yeast and yeast products

Additives in Schedules 2 and 3 are permitted

12.6 Vegetable protein products

Additives in Schedules 2 and 3 are permitted

13 FOODS INTENDED FOR PARTICULAR DIETARY USES

13.1 Infant formula products

Additives in Schedules 2,3 & 4 must not be added to infant formula products unless expressly permitted below

270	Lactic acid	GMP		
304	Ascorbyl palmitate	10	mg/L	
306	Tocopherols concentrate mixed	10	mg/L	
322	Lecithin	5000	mg/L	
330	Citric acid	GMP		
331	Sodium citrate	GMP		
332	Potassium citrate	GMP		
410	Locust bean (carob bean) gum	1000	mg/L	
412	Guar gum	1000	mg/L	
471	Mono- and diglycerides of fatty acids	4000	mg/L	
526	Calcium hydroxide	GMP		

soy-based infant formula

1412	Distarch phosphate	5000	mg/L	Clause 6 applies mg/L in total
1413	Phosphated distarch phosphate	5000	mg/L	
1414	Acetylated distarch phosphate	5000	mg/L	
1440	Hydroxypropyl starch	25000	mg/L	

liquid infant formula products

407	Carrageenan	300	mg/L	

infant formula products for specific dietary use based on protein substitutes

407	Carrageenan	1000	mg/L	
471	Mono- and diglycerides of fatty acids	5000	mg/L	
472c	Citric and fatty acid esters of glycerol	9000	mg/L	
472e	Diacetyltartaric and fatty acid esters of glycerol	400	mg/L	
1412	Distarch phosphate	25000	mg/L	Clause 6 applies mg/L in total
1413	Phosphated distarch phosphate	25000	mg/L	
1414	Acetylated distarch phosphate	25000	mg/L	
1440	Hydroxypropyl starch	25000	mg/L	

13.2 Foods for infants

	Additives in Schedules 2,3 & 4 must not be added to foods for infants unless expressly permitted below			
-	Flavourings, excluding quinine and caffeine	GMP		
170i	Calcium carbonate	GMP		
260 261 262 263 264	Acetic acid and its potassium, sodium, calcium and ammonium salts	5000	mg/kg	
270 325 326 327 328	Lactic acid and its sodium, potassium, calcium and ammonium salts	2000	mg/kg	
300 301 302 303	Ascorbic acid and its sodium, calcium and potassium salts	500	mg/kg	
304	Ascorbyl palmitate	100	mg/kg	
306	Tocopherols, concentrate mixed	300	mg/kg	Clause 6 applies mg/kg fat in total
307	Tocopherols, d-alpha-, concentrate	300	mg/kg	
322	Lecithin	15000	mg/kg	
330 331 332 333 380	Citric acid and sodium, potassium, calcium and ammonium citrates	GMP		
407	Carrageenan	10000	mg/kg	
410	Locust bean (carob bean) gum	10000	mg/kg	
412	Guar gum	10000	mg/kg	
414	Gum arabic (Acacia)	10	mg/kg	
415	Xanthan gum	10000	mg/kg	
440	Pectin	10000	mg/kg	
471	Mono- and diglycerides of fatty acids	5000	mg/kg	
500	Sodium carbonates	GMP		
501	Potassium carbonates	GMP		
503	Ammonium carbonates	GMP		
509	Calcium chloride	750	mg/kg	
1412	Distarch phosphate	50000	mg/kg	Clause 6 applies mg/kg in total
1413	Phosphated distarch phosphate	50000	mg/kg	
1414	Acetylated distarch phosphate	50000	mg/kg	
1422	Acetylated distarch adipate	50000	mg/kg	
1440	Hydroxypropyl starch	50000	mg/kg	

13.3 Formula meal replacements and formulated supplementary foods*

950	Acesulphame potassium	500	mg/kg
956	Alitame	85	mg/kg
962	Aspartame-acesulphame salt	1100	mg/kg

13.4 Formulated supplementary sports foods*

123	Amaranth	300	mg/kg
160b	Annatto extracts	100	mg/kg
210 211 212 213	Benzoic acid and sodium, potassium and calcium benzoates	400	mg/kg
220 221 222 223 224 225 228	Sulphur dioxide and sodium and potassium sulphites	115	mg/kg
950	Acesulphame potassium	500	mg/kg
956	Alitame	40	mg/kg
962	Aspartame-acesulphame salt	1100	mg/kg

13.4.1 Solid formulated supplementary sports foods*

280	Propionic acid	400	mg/kg	
281	Sodium propionate	400	mg/kg	
282	Calcium propionate	400	mg/kg	

13.4.2 Liquid formulated supplementary sports foods*

200 201 202 203	Sorbic acid and sodium, potassium and calcium sorbates	400	mg/kg	

14 NON-ALCOHOLIC AND ALCOHOLIC BEVERAGES

14.1 Non-alcoholic beverages

14.1.1 Waters

14.1.1.1 Mineral water

Additives in Schedules 2,3 & 4 must not be added to mineral water unless expressly permitted below

290	Carbon dioxide	GMP		

14.1.1.2 Carbonated, mineralised and soda waters*

14.1.2 Fruit and vegetable juices and fruit and vegetable juice products

200 201 202 203	Sorbic acid and sodium, potassium and calcium sorbates	400	mg/kg	May include pasteurised or commercially sterile products.
210 211 212 213	Benzoic acid and sodium, potassium and calcium benzoates	400	mg/kg	GMP principle precludes the use of preservatives in juices represented as not preserved by chemical or heat treatment.
220 221 222 223 224 225 228	Sulphur dioxide and sodium and potassium sulphites	115	mg/kg	
242	Dimethyl dicarbonate	250	mg/kg	
281	Sodium propionate	GMP		
282	Calcium propionate	GMP		

14.1.2.1 Fruit and vegetable juices

Additives in Schedules 2,3 & 4 must not be added to fruit and vegetable juices unless expressly permitted below

Applies to fruit and vegetable juices separated by mechanical means only. Carry- over of additives from concentrates and fruit and vegetable juice products is not permitted.

270	Lactic acid	GMP		
290	Carbon dioxide	GMP		
296	Malic acid	GMP		
330	Citric acid	GMP		
334 335 336 337 353 354	Tartaric acid and sodium, potassium and calcium tartrates	GMP		

coconut milk coconut cream and coconut syrup

200 201 202 203	Sorbic acid and sodium, potassium and calcium sorbates	1000	mg/kg	
210 211 212 213	Benzoic acid and sodium, potassium and calcium benzoates	1000	mg/kg	
	tomato juices pH < 4.5			
234	Nisin	GMP		
14.1.2.2	**Fruit and vegetable juice products***			
123	Amaranth	30	mg/kg	
160b	Annatto extracts	10	mg/kg	
950	Acesulphame potassium	500	mg/kg	
956	Alitame	40	mg/kg	
962	Aspartame-acesulphame salt	1100	mg/kg	
	fruit drink			
444	Sucrose acetate isobutyrate	200	mg/kg	
445	Glycerol esters of wood rosins	100	mg/kg	
480	Dioctyl sodium sulphosuccinate	10	mg/kg	
	carbonated fruit drinks			
385	Calcium disodium EDTA	33	mg/kg	
	low joule fruit and vegetable products			
950	Acesulphame potassium	3000	mg/kg	
952	Cyclamates	400	mg/kg	
954	Saccharin	80	mg/kg	
962	Aspartame-acesulphame salt	6800	mg/kg	
14.1.3	**Water based flavoured drinks***			
123	Amaranth	30	mg/kg	
200 201 202 203	Sorbic acid and sodium, potassium and calcium sorbates	400	mg/kg	
210 211 212 213	Benzoic acid and sodium, potassium and calcium benzoates	400	mg/kg	
220 221 222 223 224 225 228	Sulphur dioxide and sodium and potassium sulphites	115	mg/kg	
242	Dimethyl dicarbonate	250	mg/kg	
385	Calcium disodium EDTA	33	mg/kg	Products containing fruit flavouring, juice or pulp or orange peel extract only
444	Sucrose acetate isobutyrate	200	mg/kg	
445	Glycerol esters of wood rosins	100	mg/kg	
480	Dioctyl sodium sulphosuccinate	10	mg/kg	
950	Acesulphame potassium	3000	mg/kg	
952	Cyclamates	600	mg/kg	
954	Saccharin	150	mg/kg	
956	Alitame	40	mg/kg	
962	Aspartame-acesulphame salt	6800	mg/kg	
	tonic drinks, bitter drinks and quinine drinks			
-	Quinine	100		
	electrolyte drink and electrolyte drink base			
950	Acesulphame potassium	150	mg/kg	
951	Aspartame	150	mg/kg	

962	Aspartame-acesulphame salt	230	mg/kg	
	kola type drinks			
-	Caffeine	145	mg/kg	
338	Phosphoric acid	570	mg/kg	

14.1.3.1 Brewed soft drink*

950	Acesulphame potassium	1000	mg/kg	
951	Aspartame	1000	mg/kg	
952	Cyclamates	400	mg/kg	Brewed soft drinks may contain sugars and intense sweeteners
954	Saccharin	50	mg/kg	
955	Sucralose	250	mg/kg	
956	Alitame	40	mg/kg	
957	Thaumatin	GMP		
962	Aspartame-acesulphame salt	1500	mg/kg	

14.1.4 Formulated Beverages*

123	Amaranth	30	mg/kg	
160b	Annatto extracts	10	mg/kg	Products containing fruit or vegetable juice only
200 201 202 203	Sorbic acid and sodium, potassium and calcium sorbates	400	mg/kg	
210 211 212 213	Benzoic acid and sodium, potassium and calcium benzoates	400	mg/kg	
220 221 222 223 224 225 228	Sulphur dioxide and sodium and potassium sulphites	115	mg/kg	
242	Dimethyl dicarbonate	250	mg/kg	
281	Sodium propionate	GMP		Products containing fruit or vegetable juice only
282	Calcium propionate	GMP		
385	Calcium disodium EDTA	33	mg/kg	Products containing fruit flavouring, juice or pulp or orange peel extract only
444	Sucrose acetate isobutyrate	200	mg/kg	
445	Glycerol esters of wood rosins	100	mg/kg	
480	Dioctyl sodium sulphosuccinate	10	mg/kg	
950	Acesulphame potassium	3000	mg/kg	
951	Aspartame	GMP		
954	Saccharin	150	mg/kg	Formulated beverages may contain sugars and intense sweeteners
955	Sucralose	GMP		
956	Alitame	40	mg/kg	
957	Thaumatin	GMP		
961	Neotame	GMP		
962	Aspartame-acesulphame salt	6800	mg/kg	

14.1.5 Coffee, coffee substitutes, tea, herbal infusions and similar products

Additives in Schedule 2 are permitted

950	Acesulphame potassium	500	mg/kg
962	Aspartame-acesulphame salt	1100	mg/kg

14.2 Alcoholic beverages (including no and low alcohol)

14.2.1 Beer and related products

Additives in Schedules 2,3 & 4 must not be added to beer and related products unless expressly permitted below

-	Flavourings, excluding quinine and caffeine	GMP		
150a	Caramel I	GMP		
150b	Caramel II – caustic sulphite process	GMP		
150c	Caramel III – ammonia process	GMP		
150d	Caramel IV – ammonia sulphite process	GMP		
220 221 222 223 224 225 228	Sulphur dioxide and sodium and potassium sulphites	25	mg/kg	
234	Nisin	GMP		
290	Carbon dioxide	GMP		
300 301 302 303	Ascorbic acid and sodium, calcium and potassium ascorbates	GMP		
315 316	Erythorbic acid and sodium erythorbate	GMP		
405	Propylene glycol alginate	GMP		
941	Nitrogen	GMP		

14.2.2 Wine, sparkling wine and fortified wine

	Additives in Schedules 2,3 & 4 must not be added to wine, sparkling wine and fortified wine unless expressly permitted below			
150a	Caramel I – plain	GMP		
150b	Caramel II – caustic sulphite process	GMP		
150c	Caramel III – ammonia process	GMP		
150d	Caramel IV – ammonia sulphite process	GMP		
163ii	Grape skin extract	GMP		
170	Calcium carbonates	GMP		
181	Tannins	GMP		
200 201 202 203	Sorbic acid and sodium, potassium and calcium sorbates	200	mg/kg	
242	Dimethyl dicarbonate	200	mg/kg	
270	Lactic acid	GMP		
290	Carbon dioxide	GMP		
296	Malic acid	GMP		
297	Fumaric acid	GMP		
300	Ascorbic acid	GMP		
301	Sodium ascorbate	GMP		
302	Calcium ascorbate	GMP		
315	Erythorbic acid	GMP		
316	Sodium erythorbate	GMP		
330	Citric acid	GMP		
334	Tartaric acid	GMP		
336	Potassium tartrate	GMP		
337	Potassium sodium tartrate	GMP		
341	Calcium phosphates	GMP		
342	Ammonium phosphates	GMP		
353	Metatartaric acid	GMP		
414	Gum arabic	GMP		
431	Polyoxyethylene (40) stearate	GMP		
491	Sorbitan monostearate	GMP		
500	Sodium carbonates	GMP		
501	Potassium carbonates	GMP		
636	Maltol	250	mg/kg	Wine made with other

637	Ethyl maltol	100	mg/kg	than *Vitis vinifera* grapes only

wine, sparkling wine and fortified wine containing greater than 35 g/L residual sugar

220 221 222 223 224 225 228	Sulphur dioxide and sodium and potassium sulphites	400	mg/kg

wine, sparkling wine and fortified wine containing less than 35 g/L residual sugar

220 221 222 223 224 225 228	Sulphur dioxide and sodium and potassium sulphites	250	mg/kg

14.2.3 Wine based drinks and reduced alcohol wines*

-	Quinine	300	mg/kg
123	Amaranth	30	mg/kg
160b	Annatto extracts	10	mg/kg
175	Gold	100	mg/kg

14.2.4 Fruit wine, vegetable wine and mead (including cider and perry)

	Additives in Schedules 2,3 & 4 must not be added to fruit wine, vegetable wine and mead (including cider and perry) unless expressly permitted below		
150a	Caramel I – plain	1000	mg/kg
150b	Caramel II – caustic sulphite process	1000	mg/kg
150c	Caramel III – ammonia process	1000	mg/kg
150d	Caramel IV – ammonia sulphite process	1000	mg/kg
170i	Calcium carbonates	GMP	
181	Tannins	GMP	
200 201 202 203	Sorbic acid and sodium, potassium and calcium sorbates	400	mg/kg
210 211 212 213	Benzoic acid and sodium, potassium and calcium benzoates	400	mg/kg
242	Dimethyl dicarbonate	200	mg/kg
260	Acetic acid, glacial	GMP	
270	Lactic acid	GMP	
290	Carbon dioxide	GMP	
296	Malic acid	GMP	
297	Fumaric acid	GMP	
300	Ascorbic acid	GMP	
315	Erythorbic acid	GMP	
330	Citric acid	GMP	
334	Tartaric acid	GMP	
336	Potassium tartrate	GMP	
341	Calcium phosphates	GMP	
342	Ammonium phosphates	GMP	
353	Metatartaric acid	GMP	
491	Sorbitan monostearate	GMP	
500	Sodium carbonates	GMP	
501	Potassium carbonates	GMP	
503	Ammonium carbonates	GMP	
516	Calcium sulphate	GMP	

fruit wine, vegetable wine and mead containing greater than 5 g/L residual sugar

220 221 222 223 224 225 228	Sulphur dioxide and sodium and potassium sulphites	300	mg/kg

fruit wine, vegetable wine and mead containing less than 5 g/L residual sugar

220 221 222 223 224 225 228	Sulphur dioxide and sodium and potassium sulphites	200	mg/kg

14.2.4.1 Fruit and vegetable wine products*

14.2.5 Spirits and liqueurs*

123	Amaranth	30	mg/kg
160b	Annatto extracts	10	mg/kg
173	Aluminium	GMP	
174	Silver	GMP	
175	Gold		

14.3 Alcoholic beverages not included in item 14.2*

-	Quinine	300	mg/kg
160b	Annatto extracts	10	mg/kg
200 201 202 203	Sorbic acid and sodium, potassium and calcium sorbates	400	mg/kg
210 211 212 213	Benzoic acid and sodium, potassium and calcium benzoates	400	mg/kg
220 221 222 223 224 225 228	Sulphur dioxide and sodium and potassium sulphites	250	mg/kg
342	Ammonium phosphates	GMP	

20 MIXED FOODS*

20.1 Beverages

160b	Annatto extracts	10	mg/kg

20.2 Food other than beverages

160b	Annatto extracts	25	mg/kg

custard mix, custard powder and blanc mange powder

950	Acesulphame potassium	500	mg/kg
956	Alitame	100	mg/kg
962	Aspartame-acesulphame salt	1100	mg/kg

jelly

123	Amaranth	300	mg/kg
950	Acesulphame potassium	500	mg/kg
956	Alitame	100	mg/kg
952	Cyclamates	1600	mg/kg
954	Saccharin	160	mg/kg
962	Aspartame-acesulphame salt	1100	mg/kg

dairy and fat based desserts, dips and snacks

200 201 202 203	Sorbic acid and sodium, potassium and calcium sorbates	500	mg/kg
210 211 212 213	Benzoic acid and sodium, potassium and calcium benzoates	700	mg/kg
234	Nisin	GMP	

475	Polyglycerol esters of fatty acids	5000	mg/kg
476	Polyglycerol esters of interesterified ricinoleic acids	5000	mg/kg
950	Acesulphame potassium	500	mg/kg
956	Alitame	100	mg/kg
962	Aspartame-acesulphame salt	1100	mg/kg

sauces and toppings (including mayonnaises and salad dressings)

200 201 202 203	Sorbic acid and sodium, potassium and calcium sorbates	1000	mg/kg
210 211 212 213	Benzoic acid and sodium, potassium and calcium benzoates	1000	mg/kg
220 221 222 223 224 225 228	Sulphur dioxide and sodium and potassium sulphites	350	mg/kg
234	Nisin	GMP	
281	Sodium propionate	GMP	
282	Calcium propionate	GMP	
385	Calcium disodium EDTA	75	mg/kg
444	Sucrose acetate isobutyrate	200	mg/kg
445	Glycerol esters of wood rosins	100	mg/kg
475	Polyglycerol esters of fatty acids	20000	mg/kg
480	Dioctyl sodium sulphosuccinate	50	mg/kg
950	Acesulphame potassium	3000	mg/kg
952	Cyclamates	1000	mg/kg
954	Saccharin	1500	mg/kg
956	Alitame	300	mg/kg
962	Aspartame-acesulphame salt	6800	mg/kg

soup bases (made up as directed)

950	Acesulphame potassium	3000	mg/kg
954	Saccharin	1500	mg/kg
956	Alitame	40	mg/kg
962	Aspartame-acesulphame salt	6800	mg/kg

Attachment 2

Summary of Public Submissions

Submitter organisation	Name
Sanitarium Health Food Company	Alison Tickle
Dietitians Association of Australia	Sue Cassidy
New Zealand Food Safety Authority	Carole Inkster
Cadbury Schweppes Pty Ltd	Neil Smith
Australian Beverages Council Ltd	Tony Gentile
Queensland Public Health Services	Gary Bielby
Private	Brian Thorn
Department of Agriculture, Fisheries and Forestry, Australian Quarantine and Inspection Service	Brigid Hardy
Food Technology Association of Victoria Inc	David Gill
Fonterra Co-operative Group Ltd	Joan Wright
Unilever Australia	Julie Newlands
Department of Human Services Victoria	Victor Di Paola
New Zealand Juice & Beverage Association	John Robertson
Australian Food and Grocery Council	Tony Downer
Hansells (NZ) Ltd	Pauline Leech

Submitter	Comment
Sanitarium Health Food Company	The submission supports option 2 to amend Schedule 1 and other relevant clauses of Standard 1.3.1 of the Code. Believe the current Standard is unclear in a number of areas so any amendments to make the Standard easier to understand and use is welcome. It raised specific issues against the sections of the report. • Supports the removal of the asterisk, as believe its purpose is already covered off in the general provisions at the beginning of Schedule 1. • Supports alternative formats for Schedules 1-4 to make them easier to understand, especially how the hierarchy of permissions operate. However suggest testing different options first before decisions are made. • Notes that currently the qualifications column serves two purposes, which they believe is inappropriate. Suggest it should be amended to notes of explanations only, not including some permissions or exemptions from permissions which further complicates Schedule 1. • Recommends that this clause (carry-over of food additives) be clarified so that it also applies to vitamins, minerals and processing aids. Some clarification on labelling with regards to vitamins and minerals and the levels of processing aids in the final food is recommended to improve interpretation. • The meaning of clause 8 is clear however the wording could be simplified. Reference to the user guide could be used which gives appropriate explanation and examples.

Submitter	Comment
	• Agrees that the editorial note for clause 4 (intense sweeteners) should be clarified to indicate that intense sweeteners are not permitted just for 'low joule' and 'no added sugar' products but also to replace sugars (mention possible future breakfast cereal products where some of the sugar may be replaced by intense sweeteners but not marketed as low joule or no added sugar products). The final paragraph may be more appropriate in its own box (as they are not considered intense sweeteners). • Would like the permissions to use additives in Schedule 2, 3 and 4 to be expressed in a consistent manner, as much as possible. • Believes there is an omission of permission to use l-cysteine as a food additive (especially for meat analogue products). It currently has approval as a processing aid as a dough conditioner but the permitted levels are too low to be effective in the very high protein dough preparations used in meat analogues. Also since it is used to affect the final food texture, its action is more like a food additive than a processing aid. (This comment appears to be outside the scope of the Proposal, and would probably require an Application to seek this permission).
Dietitians Association of Australia	Comments about clauses 7 and 8 of Standard 1.3.1 made in the submission. • Would like some clarification about how clauses 7 and 8 work. Believe currently the two clauses are contradictory. • Its understanding that clause 8 requires that the total amount of a food additive in the final food must not exceed the maximum permitted level, even when the food additive is used in an ingredient used to make this final food. Agree with this clause, being fair and reasonable. • However had concerns about how clause 7 – carry-over of additives then works with clause 8. Example 2 of section 5.4 of the report shows that addition of an ingredient can result in the final food exceeding the maximum permitted level of an additive. • Believes this clause, or this interpretation of the clause is inconsistent with two of the section 10 objectives of the FSANZ Act, namely: - the provision of adequate information relating to food to enable consumers to make informed choices; and - the prevention of misleading or deceptive conduct. • Suggested a modified and combined clauses 7 and 8, to eliminate confusion, as: - Other than by direct addition, an additive may be present in any food as a result of carry-over from an ingredient, provided that the additive is allowed in the ingredient and the final product and does not exceed the maximum permitted level for the ingredient or the final product.

Submitter	Comment
New Zealand Food Safety Authority	The submission supports option 2 to amend Schedule 1 and other relevant clauses of Standard 1.3.1 of the Code. Specific comments made in the submission to improve the general appearance and format of Schedule 1 are given and specific comments compared to the relevant section in the Initial Assessment Report. • Appearance and format of Schedule 1. Provided an attachment with suggestions of a re-formatted Schedule 1. The suggestion includes an index of the food categories and subcategories. As well as some guidance examples of where products are classified. Suggests that the hierarchical format should be empathised by indenting the tiers of the subheadings as indicated in their attachment. Suggests the statements within the Schedule (Additives in Schedule 2, 3 and 4 MUST NOT be added to …) and at the front under General Provisions be written across the full width of the table. • Suggests the asterisk can be removed by making the general statement 'Additives in Schedule 2, 3 and 4 ARE PERMITTED unless OTHERWISE stated' be inserted into the header of each page, for emphasis. • Suggests the proposed diagram and explanation be included in an editorial note. • Supports retaining the qualifications column but have requested FSANZ ensure they are legally enforceable. • Believes the carry-over provisions for food additives should also be extended to vitamins and minerals and processing aids. This could be done by specific clauses in the individual standards, 1.3.2 and 1.3.3, or a general note in Standard 1.1.1. Believes the current maximum additive levels are sufficient to ensure maximum additive levels will not be exceeded due to carry over from all sources, and this is what the maximum permitted levels should mean. • Supports the current wording for clause 4, though agree the editorial note could be amended to provide more information than appearing to limit their use. The proposed amendment to the first sentence to read 'In general, the main usage of intense sweeteners is in:' Or this sentence and the 3 examples to be deleted. As well suggest the note on polyols, isomalt and polydextrose should be removed to another spot as they are not intense sweeteners. • Supports removing inconsistencies in permissions for sulphur dioxide and sulphites, by permitting the broader range of sulphites where currently only sulphur dioxide is permitted.

Submitter	Comment
Cadbury Schweppes Pty Ltd	Comments made in the submission against the sections of the report. • Believes the asterisk should be removed as it does not serve any purpose. • Questions whether the use of a diagram to explain how the permission hierarchy system works within Schedule 1 is required. If it was to replace the information in the table form in Schedule 1 would agree but to have both is unnecessary. • Believes the qualifications column should be removed from Schedule 1 and any food listed in this column should be listed as a food in its own right. • Welcomes the review of clause 7 –Carry-over of additives, as an interpretation may be that a finished food may actually contain high levels of additives through their presence in other foods. Interpretation is that if the finished product <u>is not</u> permitted to contain an additive they would review to ensure they complied. For example 1 it would ensure there is no benzoic acid in the final product, while for example 2 it would ensure the total benzoic acid concentration would not exceed the listed limit of 400 mg/kg. • The intent of clause 8 is clear and does not need amending. The emphasis is on the final food needing to comply with the relevant permitted levels in the Schedule. • Agrees that the editorial note to clause 4 should be rewritten to be more accurate and meaningful. • Agrees that generic information can be referenced in the user guide, but where appropriate Schedule 1 should be amended to include specific references to the levels of intense sweeteners in products. • Agrees that the category relating to sulphur dioxide and sulphites should be simplified as stated in the Report.
Australian Beverages Council Ltd	Supports option 2 to amend Schedule 1 and other relevant clauses. Agree that this review will not change the substantive content or structure of Standard 1.3.1. Comments made in the submission against the sections of the report. • Accepts that the asterisk may be redundant in Schedule 1, but urge careful consideration since it provides additional direction for new entrants to the market (i.e. people not that familiar with the Standard). • Supports use of a diagram to assist in explaining how permissions work in a hierarchical system, as diagrams generally improve clarity. • Supports the review of the qualifications column, where believe a number of inaccuracies and misinterpretations exist. • Supports the proposed revision of permissions for sulphur dioxide, provided the current maximum permitted levels are maintained for liquid formulated supplementary sports foods.

Submitter	Comment
Queensland Public Health Services	Comments made in the submission against the sections of the report. • General comment: The definition of 'technological function' is ambiguous and should be rewritten, possibly into two sentences to remove ambiguity. • Believes the asterisk (*) should be retained. Believe removing it is likely to further increase misinterpretations, especially for less experienced users of the Code. • Supports the inclusion of a diagram and written explanations of how the hierarchies of permissions work. Suggests it is better from a legal point of view for this to be within the Standard, rather than an editorial note, since there is nothing within the Standard explaining how Schedule 1 operates. • Agrees that the 'Qualifications' column should not have a dual purpose. It should only be used to limit or modify permissions in the columns on the left. Other explanations should be made as editorial notes as is customary, included as small boxes in the Schedule. Disagree that qualification statements are not enforceable. Believe anything in any column of Schedule 1 is enforceable due to subclause 3(a) which states 'the use complies with any restrictions on use listed in Schedule 1'. The Macquarie Dictionary defines 'qualifications' as a limitation or restriction. • Generally, carry-over of additives (clause 7) would not be expected to result in concentrations of additives in the final food being higher than permitted in the food. They believe the example of 10% of flavouring in a food to be exceptionally high. • Believes the meaning of clause 8 – Food for use in preparation of another food is clear enough and does not amending. • Clause 4 – Requirements for use of intense sweeteners Believe the last paragraph of the editorial note is out of place as the substances discussed are not intense sweeteners. Clause 4 does not have quantitative limits, it has qualitative limits, i.e. intense sweeteners can only be used for 'dietary' foods or specialised foods. Therefore the first two paragraphs should be left and not removed to the user guide. Suggest the reference to 'flavour enhancer' be reconsidered in the definition. Propose such wording as '…or to food of a type specified in Schedule 1 where the desired level of sweetness cannot be attained by the use of sugar alone.' • Sulphur dioxide permissions Wherever sulphur dioxide is permitted, the reference should be for 'sulphur dioxide and sodium and potassium sulphites'. Sulphites are more usually used than sulphur dioxide in the food industry. Agrees with the simplification of additive permissions as suggested for items 13.4 – Formulated supplementary sports foods. Though question why permission should be listed for 'sulphur dioxide' by itself should be used for these products, rather than the term used for other permissions, that is 'sulphur dioxide and sodium and potassium sulphites'.

Submitter	Comment
Brian Thorn	He supports the thrust of the proposal to amend the Code to make it more user friendly. It grieved him that lawyers are required to clarify particular issues related to interpretation. He did have one specific issue with the current Schedule 1 related to how the food additive permissions for glacé fruit (not just cherries) are regulated compared to how they were regulated in the former Australian *Food Standards Code*. Other glacé fruits are regulated under category 4.3.5 – Candied fruits and vegetables (giving permissions for sorbates and sulphites as preservatives) which he is happy with. But glazed cherries are contained with cocktail cherries in a separate category under category 4.3 to allow for permissions for the colour erythrosine. But these products have different preservative permissions, being benzoates. Therefore they, as manufacturers of glazed fruit, need to manufacture their glazed cherries differently to the other glaze fruits. This is counter to the assurances given during the development of the Code that products made under the 'old' Code would still be able to be made under the 'new' Code. He requests that this situation be re-examined and rectified. His solution was to remove the term 'glacé' from the description for cocktail cherries.
Department of Agriculture, Fisheries and Forestry, Australian Quarantine and Inspection Service	Supports option 2 with specific comments made in the submission compared to the relevant section in the Initial Assessment Report. • Supports the removal of the asterisk, as it causes confusion in interpreting the Standard, for regulatory officers and industry personnel. Any way to ensure the user of the Standard has greater clarity should be considered. • Supports the use of diagrams in conjunction with worked examples in the Standard (included in an editorial note, and repeated or expanded in the user guide). • Supports the retention of the qualifications statements, and suggest they could perhaps be expanded to provide greater clarification. • The ambiguity of clause 7 (carry-over) should be removed. An express statement could be made as to what permissions this clause covers. The editorial note could be clearer with an example calculation provided. • The intent of clause 8 is clear however a suitable editorial note could be added to ensure the intent is clear for non technical users. • Agrees with the review of the editorial note to clause 4. • Agrees the inconsistencies for the permissions for sulphur dioxide should be addressed and clarified. • Agrees with correcting the minor anomalies and ambiguities identified. • Other effected parties in the impact analysis section (section 7.1) would be 'Food importers'.
Food Technology Association of Victoria Inc	The submission supports option 2 to amend Schedule 1 and other relevant clauses of Standard 1.3.1 of the Code.

Submitter	Comment
Fonterra Co-operative Group Ltd	The submission supports option 2 to amend Schedule 1 and other relevant clauses of Standard 1.3.1 of the Code. Specific comments for the individual sections of the report are as listed. • Supports the removal of the asterisk, to clarify Schedule 1. Believe all additives in Schedule 2, 3 and 4 should be permitted unless specifically prohibited in Schedule 1. Believes example 2 in this section of the report is incorrect. A statement that additives in Schedules 3 and 4 are not permitted in olive oil is required to be consistent with the general approach (as stated in the general provisions of Schedule 1) that additives in Schedules 1 to 4 are permitted unless specifically prohibited. • Supports the inclusion of a diagram, which would be useful, but this still does not fully explain the detail. To clarify the example further they suggest listing the additive permissions alongside each stage of the hierarchy diagram. • Supports the removal of the qualification column. • Agrees that clause 7 needs to be reviewed to clarify carry over of food additives (and vitamins and minerals). • Believes clause 8 is clear but an example as a editorial note is recommended. • Agrees that the editorial note to clause 4 should be reviewed. • Agrees with the proposed simplified version as outlined in the report. Since sulphur dioxide is permitted in both formulated supplementary sports foods (categories 13.4.1 and 13.4.2) it should be listed in the highest appropriate hierarchy to avoid duplication. • Agrees with making the indicated changes to address minor anomalies. Agree there needs to be consistency with the way the schedules are worded and presented.
Unilever Australia	It has participated in the discussion within the Australian Food and Grocery Council (AFGC) working parties for this Proposal and support the AFGC submission. The submission is in general agreement to amend Schedule 1 and other relevant clauses of Standard 1.3.1 of the Code (and also within the whole Code). Specific comments for the individual sections of the report are as listed. • Opposes the removal of the asterisk, as it is a useful aid. • Opposes the removal of the qualifications column, as it also aids in clarification. If it is not believed to be performing the role of qualification, then it could be renamed, such as 'notes'. Also request clarification on the statement on page 12 of the report that qualification statements are not legally enforceable. Understands that since the qualification section is part of Schedule 1 they should be legally enforceable. • Supports clarifying clause 7, and the AFGC suggestion for how this could be done. • Considers clause 8 is clear and well understood by industry and so there is no need to amend this. • Supports the review of the editorial note to clause 4 to improve clarity, especially as the use of intense sweeteners has progressed. Clarity is required when intense sweeteners are used to replace some but not all of the sweetness of added sugars.

Submitter	Comment
	Likewise support reviewing and updating the user guide to reflect significant changes that have been (and are made) to the Standard. • Supports the consistent use of the group of sulphur dioxide and other sulphites for all categories of foods and beverages. • Supports amending the anomalies noted in this section to ensure consistency.
Department of Human Services Victoria	Supports this Proposal.
New Zealand Juice & Beverage Association	The submission supports option 2 to amend Schedule 1 and other relevant clauses of Standard 1.3.1 of the Code. Specific comments for the individual sections of the report are as listed. • Believes the dual system of indicating permissions is confusing so they support the removal of the asterisk. • Members do have difficulty understanding the permissions with the hierarchies, so support the use of further explanation and/or use of the diagram to improve clarity. • Finds the use of the qualifications column ambiguous and confusing (the specific example they mention is that for item 14.1.2.1 of Schedule 1) and support the removal or review of the qualifications column. Recommends a review of item 14.1.2.1 – Fruit and vegetable juices to remove the qualifications column and clarify the permissions. It believes the permissions that allowed the addition of flavourings and ascorbic acid to fruit juices has been inadvertently removed during the transition to the current Code, as these permissions were in the former *New Zealand Food Regulations (1984)*. These additives are listed in Schedule 2. They are commonly used to replace the flavour and ascorbic acid lost during processing. It explains that many fruit juice concentrates imported into Australia and New Zealand for use into fruit juices contain these additives and are permitted in international food regulations.
Australian Food and Grocery Council	The submission supports option 2 to amend Schedule 1 and other relevant clauses of Standard 1.3.1 of the Code (and also within the whole Code) to ensure consistency in drafting. Believes it is appropriate to review standards from time to time. Specific comments for the individual sections of the report are as listed. • Supports retaining the asterisk, as it provides clarification and assistance in understanding permissions. Industry understand the use of the asterisk. Notes the different use of the asterisk in the examples given, which is contrary to ensuring consistency, as required by the objectives in establishing the Code. • Wondered why a diagram was required but did not object to its inclusion, together with accompanying words in an editorial note. Suggested this editorial note be located in Schedule 1 immediately after the paragraphs in item 0 – General provisions. • Recommends that the qualification column be reviewed not removed as they found the statements useful and not confusing. Questioned the statement within the report that qualification statements are not legally enforceable, as this is contrary to previous advice given by FSANZ and at least one jurisdiction believes they are legally enforceable.

Submitter	Comment
	Believes this due to the requirements of clause 3 of Standard 1.3.1 which refers to any restrictions in Schedule 1. The qualifications column is contained in Schedule 1. Request a detailed explanation on this point in the Draft Assessment Report. Does not object to listing food from the qualifications column within the hierarchy. If this occurs the qualifications heading may be better called 'clarifying notes' or 'notes'. Notes that the statement 'total nitrites and nitrates calculated as sodium nitrite' appears several times within category 8 of Schedule 1. Recommends this statement would be better placed in subclause 5(2) of the Standard. • Considers clause 7 refers only to food additives, and not vitamins and minerals and processing aids. Members operate and understand that clause 7 operates with clause 8 and any maximum levels in the final food apply. Recommend amending clause 7 to clarify that additive levels prescribed in Schedules 1 and 4 apply if the additive is permitted to be added to the food. Suggested additional words to be added to the clause to do this. • Considers clause 8 is clear and well understood. Would not object to an appropriate editorial note to clarify intent, if considered necessary. • Opposes the suggestion to replace the editorial note to clause 4 with a reference in the user guide. Believe editorial notes and user guides serve two different purposes. Suggests the editorial note should be retained but modified. The reference to other sweeteners other than intense sweeteners should be removed and placed elsewhere. Notes that the use of intense sweeteners is developing more than the two examples contained in the editorial note (major uses when the editorial note was written). Industry is now producing more products where intense sweeteners are used to replace small amounts of sugars, but not enough to claim 'reduced' or 'low joule'. Suggests the editorial note be altered to include this developing use. • Supports consistent reference to permissions and those places where reference is to only 'sulphur dioxide' should be amended to 'sulphur dioxide and sodium and potassium sulphites'. • Supports ensuring consistency in how permissions are written. Pointed out an omission in the report where the qualifications comment for category 5.1 – Chocolate and cocoa products is not included. Asked that this qualification needs to be kept. Also points out that the indicated errors listed in examples (b) and (c) were not in the official Amendment No. 53 of the Code and so these errors have not been made through any gazettal. Recommends not proceeding with any 'official' amendment to these entries. • Also suggests that making these amendments may require also amending the user guide.

Submitter	Comment
Hansells (NZ) Ltd	The submitter manufacture and market a range of products that contain the intense sweetener, cyclamate. This submission seeks FSANZ to re-instate the permissions for cyclamate in tabletop sweeteners, which were in both the former Australian *Food Standards Code* and the New Zealand *Food Regulations 1984*. Has provided detailed reasons and justifications for this request, as well as a copy of their submission to the separate Proposal P287 – Review of cyclamate permissions in all foods. This issue is also the subject of an Application, A515 – Cyclamate level in tabletop sweeteners, which has been withdrawn since the issues are being addressed in the Proposal, P287 – Review of Cyclamate Permissions.

Attachment 3

Summary of Issues Raised in Submissions

4.1 Removal of the asterisk (*)

Submitter	Position	Additional comment
Sanitarium Health Food Company	Remove	Its purpose is covered off by the general provisions at the beginning.
New Zealand Food Safety Authority	Remove	Suggests the general statement 'Additives in Schedule 2,3 and 4 ARE PERMITTED unless OTHERWISE stated' be used as a header for each page of Schedule 1, for emphasis.
Cadbury Schweppes Pty Ltd	Remove	It does not serve any purpose.
Australian Beverages Council Ltd	Careful consideration before remove	Accepts it may be considered redundant but provides useful directions to people not familiar with the Schedule.
Queensland Public Health Services	Retain	Removal is likely to further increase misinterpretations, especially for less experienced users.
Department of Agriculture, Fisheries and Forestry, Australian Quarantine and Inspection Service	Remove	Currently causes confusion in interpretation for regulatory officers and industry personnel.
Fonterra Co-operative Group Ltd	Remove	Removal improves clarification of the Schedule. Schedule 2,3 and 4 additives should be permitted unless specifically prohibited in Schedule 1.
Unilever Australia	Retain	It is a useful aid.
New Zealand Juice & Beverage Association	Remove	The dual permission system is confusing.
Australian Food and Grocery Council	Retain	It provides clarification and assistance. Industry understands the use of the asterisk. They noted the different uses, which is contrary to ensuring consistency.

10 submissions: 3 supported retaining, 6 supported removing and one sought careful consideration if it is removed.

FSANZ's position

The majority supported removal of the asterisks however, some submitters found the asterisks to be helpful. Many users of the Code are now more familiar with the Standard and changing this now may cause more confusion. The asterisks will therefore be retained as there is not general support for their removal. There are statements outlining that the additives in Schedules 2, and the colours in Schedules 3 and 4 are permitted unless otherwise stated in the general provisions at the front of Schedule 1. The wording has been more closely aligned to the wording at the beginning of the Schedules for clarity.

4.2 Explanation and/or diagram to explain the permissions through the hierarchies

Submitter	Position	Additional comment
Sanitarium Health Food Company	Support	Supports alternatives to improve comprehension of how hierarchy of permissions work. Suggest testing different options before final decision made.
New Zealand Food Safety Authority	Support	The proposed diagram and explanation be included in an editorial note.
Cadbury Schweppes Pty Ltd	Questions if required	If to replace information at the front of Schedule 1, agrees but does not support having both.
Australian Beverages Council Ltd	Support	Diagram generally would improve clarity.
Queensland Public Health Services	Support	From a legal standpoint, believes this should be done within the Standard, not in an editorial note, since there is nothing within the Standard explaining how Schedule 1 operates.
Department of Agriculture, Fisheries and Forestry, Australian Quarantine and Inspection Service	Support	Supports use of the diagram and worked examples in an editorial note (and repeated or expanded in the user guide).
Fonterra Co-operative Group Ltd	Support	But does not explain the detail. To clarify further they suggest listing the additive permissions alongside each stage of the hierarchy diagram.
New Zealand Juice & Beverage Association	Support	Supports the use of further explanation and/or diagram to improve clarity.
Australian Food and Grocery Council	Questioned need but did not object	If a diagram is used, it should be accompanied with an explanation. This should be an editorial note located immediately after the current paragraphs in item 0-General provisions.

9 submissions: 7 support including a diagram (with accompanying words, including worked examples from 1 submission) while 2 questioned the need but did not object. One did not support having both the current words and the diagram. Two supported the inclusion as an editorial note while one submission thought it should be contained in the Standard.

FSANZ's position

The majority of submitters supported inclusion of a diagram explaining how the hierarchy of permissions works. A diagram will be added as an editorial note within Clause 3 to provide assistance on how Schedule 1 operates.

4.3 Removal or review of the qualifications column

Submitter	Position	Additional comment
Sanitarium Health Food Company	Retain, but for explanations only, not for permissions	Including some permissions or exempting permissions in the qualifications column further complicates Schedule 1.
New Zealand Food Safety Authority	Retain	Ensure qualifications are legally enforceable
Cadbury Schweppes Pty Ltd	Remove	Any food permissions in it should be listed as a food in its own right within Schedule 1.

Submitter	Position	Additional comment
Australian Beverages Council Ltd	Retain and review	Believes there are a number of inaccuracies and misinterpretations currently.
Queensland Public Health Services	Retain and review	Agrees that qualifications should not have a dual purpose. Should be used only to limit or modify permissions on the left. Other explanations should be as editorial notes (made as small boxes within the Schedule). Believes the qualifications column is legally enforceable.
Department of Agriculture, Fisheries and Forestry, Australian Quarantine and Inspection Service	Retain	Believes they can be expanded to provide greater clarification.
Fonterra Co-operative Group Ltd	Remove	
Unilever Australia	Retain	Aids in clarification. Understand qualifications are legally enforceable since they are in the Schedule. If it is not performing the role of qualification, then change the name to 'notes'.
New Zealand Juice & Beverage Association	Review or remove	Believes is ambiguous and confusing.
Australian Food and Grocery Council	Retain and review	Does not support their removal as they find the statements helpful and not confusing. Also believes the statements are legally enforceable, as does at least one enforcement jurisdiction. Seeks clarification on this point. Agrees with removing foods from the qualifications into the main part of the Schedule. With this then the title may be changed to 'clarifying notes' or 'notes'. The statement for nitrites and nitrates could be removed within category 8 and placed into subclause 5(2).

10 submissions: 7 seek retaining (which include 3 that request reviewing current qualifications), 3 ask for it to be removed (includes one seeking to review or remove). Submissions seeking review thought that its function should be qualified. A number thought permissions relating to foods should be brought back within the main section of the Schedule.

FSANZ's position

Permissions for foods should be removed from the qualifications column and positioned within the Schedule. A number of the qualifications can be expressed as permissions within the food categories. Some rewording of the qualifications column is required for clarity and to address submitters' comments.

The phrase 'total of nitrates and nitrites, calculated as sodium nitrite' is used a number of times in category 8 – Meat and meat products of Schedule 1. There is some confusion about how this is applied when there are different bracketed levels for nitrates and for nitrites. There is also a qualification for category 1.6 for cheese and cheese products for nitrates.

These entries should be removed from the qualifications column and the statement should be placed in subclause 5(2) of the Standard with the other statements regarding the calculation of maximum permitted levels.

4.4 Review of Clause 7 – Carry-over of additives

Submitter	Position	Additional comment
Sanitarium Health Food Company	Clarify	Seeks clarification so that carry-over also applies to vitamins, minerals and processing aids
Dietitians Association of Australia	Clarify, combined clause 7 and 8.	Seeks clarification about how clauses 7 and 8 work and are interpreted. They currently seem contradictory. Concerns with the example in the Initial Assessment Report, which they believe is incorrect. Agrees with clause 8 that the total amount of a food additive (including from carry-over) in the final food must not exceed the maximum permitted level. Suggested a combined clause 7 and 8 to eliminate confusion, being: *Other than by direct addition, an additive may be present in any food as a result of carry-over from an ingredient, provided that the additive is allowed in the ingredient and the final product and does not exceed the maximum permitted level for the ingredient or the final product.*
New Zealand Food Safety Authority	Clarify	Believes the carry-over provisions should also be applied to vitamins and minerals and processing aids. This would need to be done within Standards 1.3.2 and 1.3.3 (or a general note in Standard 1.1.1). NZFSA believes the maximum permitted levels are sufficient to ensure they are not exceeded by carry-over form all sources, and this is what the maximum permitted levels should mean.
Cadbury Schweppes Pty Ltd	Clarify	Interpretation is that the final product should comply with maximum permitted levels, regardless of carry-over.
Queensland Public Health Services	No position stated	States that generally the carry-over of food additives would not be expected to result in higher than permitted additives in the final food. Thought 10% of flavouring in a food to be exceptionally high in example 2.
Department of Agriculture, Fisheries and Forestry, Australian Quarantine and Inspection Service	Clarify	The ambiguity needs to be removed, with an express statement as to what permissions this clause covers. Suggests the editorial note could be made clearer with an example calculation provided.
Fonterra Co-operative Group Ltd	Clarify	Supports reviewing clause 7, to clarify carry-over of food additives (and vitamins and minerals).
Unilever Australia	Clarify	Supports the AFGC's suggestion on how to achieve this.

Submitter	Position	Additional comment
Australian Food and Grocery Council	Clarify	Considers clause 7 only refers to food additives, not vitamins and minerals and processing aids. Understands clause 7 and 8 operates together and any maximum permitted levels in the final food apply. Recommends amending clause 7 to clarify that additive levels prescribed in Schedule 1 and 4 apply if the additive is permitted to be added to the food. Suggested words are: *Other than by direct addition, an additive may be present in any food as a result of carry-over from an ingredient provided that;* *a) where the additive is not specifically permitted to be used in that food according to Schedule 1, the use of the additive in the final food is no greater than would be introduced by use of the ingredient under proper technological conditions and good manufacturing practice; and* b) *where the additive is permitted to be used in that food according to Schedule 1, the level of the additive in the final food is no greater than any level prescribed by this Standard.*

9 Submissions, with 8 supporting clarification of the clause relating to carry-over permissions. Solutions suggested included combining clause 7 and 8 or an expansion of the current clause 7 to provide greater clarity. However many submitted that clause 7 only applies to food additives and that the maximum permitted levels specified in categories must not be exceeded.

FSANZ's position

The carry-over clause listed in Standard 1.3.1 only applies to food additives and not vitamins and minerals or processing aids. Changes to other Standards to insert separate carry-over clauses for vitamins and minerals, or processing aids is outside the scope of this Proposal. As these were the main 2 areas of apparent confusion, there does not seem to be any urgent reason to change the current situation.

4.5 Review of clause 8 – Food for use in preparation of another food

Submitter	Position	Additional comment
Sanitarium Health Food Company	Clarify	The meaning is clear but the wording could be simplified. The user guide is useful as it gives an appropriate explanation and examples.
Dietitians Association of Australia	Clarify	The same comment as for clause 7 in section 5.5. Provided alternative wording for a combined clause 7 and 8.
Cadbury Schweppes Pty Ltd	No change needed	The meaning is clear and does not need amending.
Queensland Public Health Services	No change needed	The meaning is clear and does not need amending.

Submitter	Position	Additional comment
Department of Agriculture, Fisheries and Forestry, Australian Quarantine and Inspection Service	Editorial note suggested	The meaning is clear but they suggest the addition of a suitable editorial note to ensure the intent is clear for non technical users.
Fonterra Co-operative Group Ltd	Editorial note suggested	The meaning is clear but an example as an editorial note is recommended.
Unilever Australia	No change needed	Considers it is well understood by industry so there is no need to amend it.
Australian Food and Grocery Council	Editorial note if considered necessary	The meaning is clear and well understood but would not object if an appropriate editorial note is added to clarify intent, if considered necessary.

8 Submissions; 6 submissions thought that the meaning of the clause was clear, 3 thought no changes needed, 2 thought clarity needed and 3 supported an appropriate editorial note, if deemed appropriate.

FSANZ's position

Most submissions thought that the meaning and intention of the clause was clear and did not need amending. FSANZ therefore proposes not to amend clause 8.

4.6 Review of the Editorial note to Clause 4

Submitter	Position	Additional comment
Sanitarium Health Food Company	Clarify	Needs clarification to indicate that intense sweeteners are not permitted just for 'low joule' or 'no added sugar' products, but also to replace sugars. The final paragraph, relating to polyols, isomalt and polydextrose, may be more appropriate as its own editorial note, as they are not considered intense sweeteners.
New Zealand Food Safety Authority	Clarify	Supports the current wording for clause 4 but agree the editorial note could be amended. Proposed amendment to the first sentence is: *In general, the main usage of intense sweeteners is in:* Or else this sentence and the 3 examples could be deleted. Also agrees the final paragraph should also be removed to a separate spot as they are not intense sweeteners.
Cadbury Schweppes Pty Ltd	Clarify	Believes the editorial note should be rewritten to be more accurate and meaningful. Generic information can be referenced in the user guide but where appropriate Schedule 1 should be amended to include specific references to the levels of intense sweeteners in products.

Submitter	Position	Additional comment
Queensland Public Health Services	Clarify	Believes the last paragraph of the editorial note is out of place as the substances are not intense sweeteners (so needs to be removed from this editorial note). Clause 4 does not have quantitative limits but qualitative limits so the first two paragraphs of the editorial note are acceptable and do not need to be removed and placed in the user guide. Suggests the reference to 'flavour enhancer' should be reconsidered in the first sentence. Propose alternative wording (for the clause) as: *... or to food of a type specified in Schedule 1 where the desired level of sweetness cannot be attained by the use of sugar alone.*
Department of Agriculture, Fisheries and Forestry, Australian Quarantine and Inspection Service	Clarify	
Fonterra Co-operative Group Ltd	Clarify	
Unilever Australia	Clarify	The use of intense sweeteners has progressed since the clause was written, so needs to be reviewed. Clarity is required where intense sweeteners are used to replace some but all of the sweetness of added sugars.
Australian Food and Grocery Council	Clarify	Opposes replacing the editorial note to the user guide. Believes the 2 uses are different. Agrees that the last paragraph of the editorial note should be removed and placed elsewhere since they are not intense sweeteners. Also agrees that the use of intense sweeteners has evolved since the editorial note was written and so needs to be amended. Industry is now producing more products where intense sweeteners are used to replace small amounts of sugars. The editorial note needs to reflect this.

8 submissions, all supporting reviewing and amending the clause and the editorial note to clarify and update usage of intense sweeteners. A number of submissions supported removing the final paragraph of the editorial note to a new position since it does not refer to intense sweeteners but different sweetening products.

FSANZ's position

The last paragraph of the editorial note should be separated from the earlier information as it does not relate to intense sweeteners.

4.7 Review permissions for sulphur dioxide

Submitter	Position	Additional comment
New Zealand Food Safety Authority	Remove inconsistencies	Permit the broader range of sulphites where currently only sulphur dioxide is permitted.
Cadbury Schweppes Pty Ltd	Remove inconsistencies	Supports that the category should be simplified as stated in the report.
Australian Beverages Council Ltd	Remove inconsistencies	Supports the proposed revisions of permissions for sulphur dioxide. Requests that the current maximum permitted levels are maintained for liquid formulated supplementary sports foods.
Queensland Public Health Services	Remove inconsistencies	Agrees that wherever sulphur dioxide is permitted the full reference 'sulphur dioxide and sodium and potassium sulphites' should be used, since sulphites are usually used rather than sulphur dioxide. Agrees with the proposed solution to example (b) for category 13.4, however, also believed the entry should not be 'sulphur dioxide' but the usual term 'sulphur dioxide and sodium and potassium sulphites'.
Department of Agriculture, Fisheries and Forestry, Australian Quarantine and Inspection Service	Remove inconsistencies	The inconsistencies should be addressed and clarified.
Fonterra Co-operative Group Ltd	Remove inconsistencies	Agrees with the proposed amendments to improve consistency and to avoid duplication.
Unilever Australia	Remove inconsistencies	Supports the consistent use of the group of sulphur dioxide and other sulphites, for all categories of foods and beverages.
Australian Food and Grocery Council	Remove inconsistencies	Permit the broader range of sulphites where currently only sulphur dioxide is permitted.

8 submissions, all supported the proposed amendments to replace the term 'sulphur dioxide' where currently permitted with the full reference 'sulphur dioxide and sodium and potassium sulphites', to ensure consistency of terms and permissions within Schedule 1. Submitters also supported part (b) of the proposed amendment, to reduce duplication and make the hierarchical system for permissions correct (relating to category 13.4 – Formulated supplementary sports foods).

FSANZ's position

The term 'sulphur dioxide' will be replaced by 'sulphur dioxide and sodium and potassium sulphites' within permissions in Schedule 1, to ensure consistency. The hierarchical system for permissions for category 13.4 as outlined in the Initial Assessment Report will be made to remove duplication and ensure consistency.

4.8 Other minor anomalies within Schedule 1

Submitter	Position	Additional comment
Sanitarium Health Food Company	Support (a)	Supports consistency in how permissions are expressed in Schedule 1, 2, 3 and 4.
Department of Agriculture, Fisheries and Forestry, Australian Quarantine and Inspection Service	Support	Agrees with correcting the minor anomalies and ambiguities identified.
Fonterra Co-operative Group Ltd	Support	Agrees with correcting the minor anomalies and ambiguities identified.
Unilever Australia	Support	Supports amending the anomalies noted to ensure consistency.
Australian Food and Grocery Council	Support (a) Believe (b) and (c) not needed	Supports amending the anomalies noted to ensure consistency. Believes the errors indicated in (b) and (c) were not in the official gazettal Amendment No. 53. Recommends not proceeding with any 'official' amendment to these entries.

5 submissions, all supporting ensuring consistency in how permissions are written. One submission noted that the errors pointed out in sections (b) and (c) of the report, were not contained in the official gazettal notice, Amendment No. 53 of the Code, so were not made through gazettal. They recommend not proceeding with any 'official' amendment to these entries.

FSANZ's position

Permissions within Schedule 1 for additives in Schedules 2, 3 and 4 will be made as consistent as possible. The errors pointed out in section (b) and (c) of the Initial Assessment Report were not errors made in the official gazettal of the Standard, in Amendment No. 53. These have now been addressed by the omnibus amendments processes.

4.9 Other issues raised in submissions

Submitter	Issue	How FSANZ has addressed
Sanitarium Health Food Company	The omission of l-cysteine as a food additive, specifically for very high protein dough preparations and meat analogues. It is an approved processing aid, but the permitted levels are too low to be effective for these products	This is outside the scope of this Proposal, and if the desired permission is required then an Application would be needed.
New Zealand Food Safety Authority	Supplied a suggested version of Schedule 1, with revised appearance and format with the aim to achieve better understanding of how permissions work, and to make it easier to use.	The work and effort done in this submission is appreciated but the use of the alternative format is dependent on the acceptance of other comments expressed in the submission.

Submitter	Issue	How FSANZ has addressed
Queensland Public Health Services	Believes the definition of 'technological function' contained in clause 1 of the Standard should be rewritten, possibly into 2 sentences, to remove ambiguity.	Redrafting as 2 sentences alters the meaning.
Brian Thorn	Mr Thorn raises an issue with the current food additive permissions for glazed fruit as opposed to those for cocktail cherries.	The current permissions appear adequate and adjustment of permissions is outside the scope of this Proposal.
Department of Agriculture, Fisheries and Forestry, Australian Quarantine and Inspection Service	Suggests other affected parties in section 7.1 – Affected parties in the report are 'food importers'. AQIS requested changes to category 9 for fish and fish products regarding clarification of the permissions for phosphates in cooked and uncooked crustacea.	The Draft Assessment Report to include food importers and exporters as affected parties. FSANZ agrees that there is an anomaly in category 9.1 as uncooked crustacea appears below frozen fish, while the definition of fish in Standard 2.2.3 includes crustacea.
New Zealand Juice & Beverage Association	Requests a review of item 14.1.2.1 – Fruit and vegetable juices. NZJBA believes permissions for flavourings and ascorbic acid, which were permitted for these products in the former New Zealand *Food Regulations 1984*, have been removed during the review.	The review of permissions is outside the scope of this Proposal however, a joint submission from the Australian and New Zealand juice associations suggests further changes to the qualifications column.
Australian Food and Grocery Council	Making amendments to the Standard may also require making amendments to the user guide.	Consequential amendments to the user guide for food additives will be required but not essential within the timeframe of this Proposal.
Hansells (NZ)	Requests reinstalment of permissions for cyclamate as an intense sweetener in tabletop sweeteners, which they state were in both the former Australian *Food Standards Code* and the New Zealand *Food Regulations 1984*.	This issue is outside the scope of this Proposal. This information is the subject of an Application, A515 – Cyclamate level in tabletop sweeteners, which has been withdrawn since it will be addressed in a current Proposal, P287 – Review of cyclamate permissions in all foods.

Submitter	Issue	How FSANZ has addressed
NSW Food Authority	NSWFA requested clarification of the editorial note regarding the National Registration Authority issuing a maximum residue limit of 500 mg/kg for whole longans.	FSANZ agrees to update the editorial note to refer to the APVMA and to clarify that this editorial note relates to sulphur dioxide levels on the unpeeled whole fruit, while category 4.1 of Schedule 1 specifies a maximum permitted level of 10 mg/kg in the edible portion of longans. The statement will be removed as an editorial note and inserted as a qualification statement within category 4.1.