

# Australian Food and Grocery Council SUBMISSION

12 SEPTEMBER 2014

**TO:**

FOOD STANDARDS AUSTRALIA NEW ZEALAND

**IN RESPONSE TO:**

P1025 CODE REVIEW 2<sup>ND</sup> CALL FOR SUBMISSIONS



Australian Food and Grocery Council



The Australian Food and Grocery Council (AFGC) is the leading national organisation representing Australia's food, drink and grocery manufacturing industry.

The membership of AFGC comprises more than 180 companies, subsidiaries and associates which constitutes in the order of 80 per cent of the gross dollar value of the processed food, beverage and grocery products sectors.

With an annual turnover in the 2011-12 financial year of \$111 billion, Australia's food and grocery manufacturing industry makes a substantial contribution to the Australian economy and is vital to the nation's future prosperity.

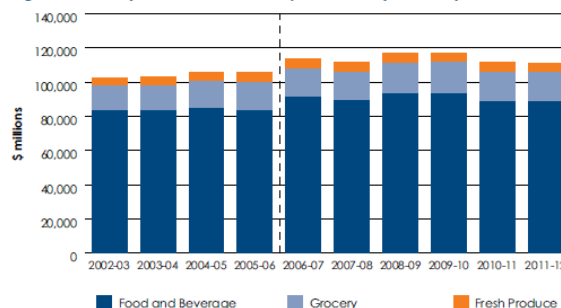
Manufacturing of food, beverages and groceries in the fast moving consumer goods sector<sup>1</sup> is Australia's largest manufacturing industry, accounting for over one quarter of the total manufacturing industry in Australia.

The diverse and sustainable industry is made up of over 25,600 businesses and accounts for over \$50 billion of the nation's international trade. These businesses range from some of the largest globally significant multinational companies to small and medium enterprises. This sector spends \$535 million a year on research and development.

The food and grocery manufacturing sector employs almost 300,000 Australians, representing almost one third of all manufacturing jobs in Australia, and paying around \$12 billion a year in salaries and wages.

Many food manufacturing plants are located outside the metropolitan regions. The industry makes a large contribution to rural and regional Australia economies, with almost half of the total persons employed being in rural and regional Australia<sup>2</sup>. It is essential for the economic and social development of Australia, and particularly rural and regional Australia, that the magnitude, significance and contribution of this industry is recognised and factored into the Government's economic, industrial and trade policies.

Figure 4.1: Composition of the industry's turnover (\$2011-12)<sup>4</sup>



Source: Based on ABS, catalogue number 8221.0, 8159.0 and 8155.0

<sup>1</sup> Fast moving consumer goods includes all products bought almost daily by Australians through retail outlets including food, beverages, toiletries, cosmetics, household cleaning items etc.

<sup>2</sup> About Australia: [www.dfat.gov.au](http://www.dfat.gov.au)



## 1. EXECUTIVE SUMMARY

The Australian Food and Grocery Council (AFGC) **supports** the need for the Code to be clear in its meaning, enforceable in its operation and practical in its implementation. These policy goals of Proposal P1025 enjoy wide consensus.

The AFGC **does not support** the draft Code attached to the Call for Submission because it does not yet achieve these policy goals and is not yet at a stage where it can be appropriately placed before Ministers for approval. That said, the draft Code is a significant step forward from that presented at the first round of consultations, and the AFGC remains confident that important progress is being made.

The AFGC **calls for a process of stakeholder engagement** to achieve consensus on the outcomes of Proposal P1025, and in particular –

- Finalisation of a revised Code that all stakeholders can support
- Identification of further reforms and timelines for assessment to achieve more significant clarity, enforceability and practicality for the Code than has been permitted under Proposal P1025
- Consideration of implementation issues

The AFGC **notes and supports** the notification of the regulatory measure to the World Trade Organisation.

The AFGC believes that, at the draft Code now stands, **a regulatory impact assessment should be undertaken**. However, this position is not inflexible, and the AFGC does recognise that there is no intent to significantly change the obligations imposed under the Code. It may well be that further stakeholder engagement can result in a proposal that does not raise sufficient level of concern as to require an RIS process to be undertaken.

## 2. SUPPORT FOR POLICY

The AFGC, as stated above, endorses the policy that the Food Standards Code have a number of characteristics associated with best practice regulation –

- It must be legally enforceable through appropriate and scaled regulatory sanctions.
- It must have clarity as to what exactly is required for compliance.
- It must be practical, addressing real problems in ways that deliver measurable outcomes.

The AFGC understands that Proposal P1025 had its origins, as described in the Assessment Report, in the decision of the NSW Supreme Court regarding *Nutricia*, and the subsequent legal evaluation of the Code by the Commonwealth Office of Legislative Drafting and Publishing. Key additional policy outcomes from this review are also supported –

- Primacy needs to be given to the State, Territory and New Zealand Food Acts and the Imported Food Control Act (the “Application Acts”).
- The role of the Code as a subsidiary document adopted by the Application Acts needs to be better enunciated.
- The structure and language of the Code should reflect modern drafting practice.
- Definitions need to be consistent and accessible.
- Greater use made of purpose and outline statements.



### 3. CONCERNS WITH CURRENT DRAFT

#### 3.1 INTERPRETATION AND APPLICATION

On the question of the application of interpretation legislation, the AFGC has considered the advice provided by the Australian Government Solicitor at supporting document 6. While agreeing with that advice as far as it goes, it stops short of analysing how an interpretation provision might operate in the event of a prosecution, given that the relevant offence provision (except in the case of the Imported Food Control Act) is a jurisdictional enactment that would be interpreted under State and Territory laws, irrespective of any provision in the Code. This is also true for procedural matters, statutory presumptions and defence provisions. The AFGC accepts that it is not ideal for the Code to be interpreted on a jurisdictional rather than nationally uniform basis, it seems that either solution carries as many problems as it solves. The AFGC considers that this might be an issue best resolved with the jurisdictional stakeholders who carry responsibility for enforcing the Code.

The AFGC agrees that defined terms in Application Acts should carry the same meaning in the Code.

The AFGC continues to oppose the suggestion that the Code has any operative effect of itself. Clauses 3 and 12 of Standard 1.1.1 serves as an example of a provision that, far from establishing legal clarity and the primacy of the Application Acts, serves to confuse the nature and operative effects of the Code.

#### 3.2 DEFINITIONAL STANDARDS

Clause 13 of Standard 1.1.1 has good intention, but remain expressed in language that is convoluted and likely unclear to non-legal personnel faced with responsibility for applying the Code in day to day operations. Further, it acknowledges the continued need for common understandings as to what is, and is not, regulated (see the ginger beer example) when Proposal P1025 was intended to remove the need for such common understandings.

So far as the AFGC is aware, no prosecution has taken place in relation to the definitional standards as expressed in the current Code that have failed for want of legal clarity. There have now been a few attempts to recast the definition standards in ways that satisfy drafting style issues, but in the AFGC's view none have yet achieved the clarity needed. The use of quotation marks to convey a significantly different obligation, for example, is too fine a distinction for everyday use by non-legal personnel.

The AFGC accepts that regulators may face problems in enforcing the current definitional standards and that some reform in this area would improve the legal efficacy of the Code. The issue might best be considered as part of a wider stakeholder engagement process.

#### 3.3 SCHEDULES AND IDENTIFICATION

The AFGC remains ambivalent in relation to the collation of Schedules at the end of the Code. However, it would be a useful aid to navigation if the name of the Schedule included a reference to the Standard to which the Schedule relates. This would give the reader looking for a Schedule to Standard 1.2.7, for example, who had arrived at Schedule 15, a clear indication as to whether to go forwards or backwards from there.



### 3.4 ADDITIVE DEFINITION

The AFGC is concerned that definition in clause 11 of Standard 1.1.2 might capture ingredients such as salt, sugar and vinegar being substances that perform technological functions (flavouring, preservation, acidity regulation) and which are selectively concentrated and/or refined. While it is appreciated that the concept of additive has proven difficult to definitively enunciate in regulatory documents worldwide, the intent of Proposal P1025 to provide clarity and to not rely on implicit understanding is not served by the current language.

### 3.5 CHANGE FOR CHANGES SAKE

There is a strong sense of discomfort in relation to the significant rewording of the Code. This goes beyond the natural reticence for change, representing a genuine fear that the change in language, while not intended to produce change in the obligations imposed under the Code, may do so unintentionally and in ways that cannot be foreseen. The food industry is being asked, in effect, to take on the new language on the basis of good faith from regulators, when the intent was to remove such elements of good faith from the interpretation and application of the Code.

There is also concern that the new language seems in many cases to have as many issues as the old. Take as an example the provision relating to the 'unity sum' rule for additives performing the same function (clause 1.3.1-6). The language of the 'old' clause is now expressed as a mathematical formula which is to the same effect, and improves on the 'old' version by explicitly omitting substances that may be used according to GMP. However, the new language refers to the *concentration* of the substance in the food but to the maximum permitted *level* (not concentration) when referring to the regulatory limit. Further, the omission of substances that may be used according to GMP should be part of the calculation provision in subclause (2) but actually appears as a separate stand-alone enactment in subclause (3), which in legal terms means subclauses (2) and (3) are in conflict.

This serves as the example of what is understood to be good intent, but which falls short of the goal of legal clarity. It is not a unique instance, the issue is repeated throughout the Code. The drafter may have intended to provide clarity, but the actuality is that industry is facing new language that is different, in some aspects better and in some aspects worse than the current language. If there is no consensus that a provision is an improvement, it becomes change for the sake of change alone, for which there is no gain either for industry or regulators.

## 4. DETAILED REVIEW OF CLAUSES AND DEFINITIONS

Attached are detailed comments on the provisions of the draft Code.

## 5. NEED FOR ENGAGEMENT

The AFGC accepts that FSANZ has progressed Proposal P1025 in accordance with the requirements set out in the FSANZ governing legislation for food regulatory measures. However, the reform proposed in P1025 merits more significant stakeholder engagement. The downside of the process in the FSANZ Act is that there is no formal mechanism for stakeholders to provide comment or feedback on each other's ideas or concerns, nor opportunity to provide direct stakeholder comment to the FSANZ Board. In most instances there is no requirement for this more thorough process of engagement beyond consultation as FSANZ is well able to address concerns and reflect stakeholder views to its board. In this instance, however, the proposals are so far reaching and the ramifications potentially so great that the AFGC considers an extended engagement process is both merited and



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would be of advantage to FSANZ. In particular, three areas are highlighted where more thorough engagement would be constructive.

### 5.1 FINALISING THE CODE

There remain a significant number of drafting issues of concern to AFGC Members, such that the current draft is not yet in a position to be presented to the Forum on Food Regulation as having widespread consensus. It is understood that FSANZ itself has an errata list of minor changes. Rather than having a third round of consultation, the AFGC considers that the outstanding issues (including those identified above, such as definitional standards) could be resolved through a convened stakeholder forum and consensus achieved. Such a revised Code would also be likely to be accepted as not requiring a detailed RIS that requires justification for every change.

### 5.2 MISSED OPPORTUNITY FOR REFORM

There remain a multitude of reform issues that are not addressed in Proposal P1025. One example is the language of Standard 1.2.1 which still refers to the labelling of food for sale when it should refer to a package for retail sale. A stakeholder forum could identify and prioritise such outstanding reforms, setting a roadmap for the evolution of the Code that is not constrained by the resourcing limitations that apply to Proposal P1025.

### 5.3 COMMENCEMENT PROVISIONS

The proposals relating to the commencement of a revised Code, while achieving their intended effect, are not particularly amenable to practical implementation in day to day operations, where a food technologist must be aware of, and refer to, Code provisions in three different places (the current Code, the P1025 'frozen' Code and the P1025 updating document) during the implementation period.

There may be more elegant means of implementing the revised Code, and a stakeholder forum would be a good opportunity to canvass options.

### 5.4 PROCESS

The AFGC has no set ideas as to how this contemplated stakeholder engagement forum might be progressed, beyond the necessity of getting the relevant parties together so that issues can be resolved. That said, the AFGC is willing to work with FSANZ to bring such a forum together and stands ready to assist as it is able.

## 6 WTO AND RIS

The AFGC agrees that WTO notification is appropriate and necessary for the reasons identified in its response to the first call for submissions.

The AFGC considers that there is sufficient change to the practical operation of the Code, as presently drafted, that an RIS process is required. The AFGC's concern's relating to the cost of documentary changes, identified in relation to the first round of comments, has decreased with the return to a Standards format, but there remains concerns about relearning costs due to the changed language of



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the Code and costs relating to legal and regulatory services to clarify the new form of expression. As indicated above, it is possible that these concerns can be significantly reduced if there is a process of more detailed stakeholder engagement to finalise the Code.

## 7 CONCLUSION

The AFGC reaffirms its support for the policy of a clear, enforceable and practical Food Standards Code. It considers the current draft to be a significant improvement on the previous draft, but further work needs to be undertaken in conjunction with stakeholders and a level beyond mere consultation.

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Draft Variation <u>Second Round Consultation July 2014</u>	No change, insignificant change or substantial change?
<p><del>see section 1.11</del></p> <p><del>(1) The <b>average quantity</b> of a substance in a serving or other quantity of a food is arrived at using the method mentioned in subsection (2) that best represents the quantity of the substance the food contains after taking into account:</del></p> <p><del>(a) seasonal variability that would cause the quantity of the substance in foods from that manufacturer or producer to vary from lot to lot; and</del></p> <p><del>(b) any other factors that would reasonably cause actual quantities of the substance in foods from that manufacturer or producer to vary from lot to lot.</del></p> <p><del>(2) The methods are:</del></p> <p><del>(a) the quantity that the manufacturer or producer of the food determines, based on an analysis, to be the average quantity of the substance in the serving or other quantity of the food; or</del></p> <p><del>(b) the calculation of the substance, or the calculation of the average quantity of the substance, in the ingredients used for the food; or</del></p> <p><del>(c) the calculation from generally accepted data relevant to that producer and the food.</del></p> <p><del>(3) A reference in this Code to the <b>average quantity</b> of a substance where no quantity is specified is a reference to the average quantity of the substance in the whole quantity of the relevant food product</del></p> <p><u><b>average quantity</b>, of a substance in a food, means the average, for such foods from that producer or manufacturer, of:</u></p> <p><u>(a) where a serving or reference amount is specified—the amount of the substance that such a serving or reference amount contains; or</u></p> <p><u>(b) otherwise—the proportion of that substance in the food, expressed as a percentage.</u></p> <p><u>Note: The Code requires the ‘average quantity’ of a variety of substances to be listed in the nutrition information about a food product, for example, sodium, potassium, fatty acids, amino acids and vitamins and minerals. <b>Note</b> See also section 1.1.1—6.</u></p>	<p>Significant change</p> <p>This term has been re-defined.</p> <p>The new definition is simpler but substantially changes the way that “average quantity” is to be determined.</p> <p><b>Technical feedback required.</b></p>
<p><b>brandy</b> means:</p> <p><del>(a) for Standard 4.5.1—see clause 1 of Standard 4.5.1.</del></p> <p><del>(b) elsewhere—a food that may be sold as brandy under section 2.73.</del></p> <p><u><b>brandy</b> means—(a)</u> a spirit obtained from the distillation of wine, or fermented preparations of grapes or grape product</p>	<p>Significant change</p> <p>The re-wording makes the definition easier to read.</p>



<u>Draft Variation</u> <u>Second Round Consultation July 2014</u>	No change, insignificant change or substantial change?														
<p>Note: Under section 1.06, <b>brandy</b>, <b>liqueur</b> and <b>spirit</b> are defined for the rest of this Code as a food that may be sold as brandy, liqueur or spirit under this section.</p> <p>; or</p> <p>(b) <u>such a spirit with any of the following added during production:</u></p> <ul style="list-style-type: none"> <li>(i) <u>water;</u></li> <li>(ii) <u>sugars;</u></li> <li>(iii) <u>honey;</u></li> <li>(iv) <u>spices;</u></li> <li>(v) <u>grape juice;</u></li> <li>(vi) <u>grape juice concentrates;</u></li> <li>(vii) <u>wine;</u></li> <li>(viii) <u>prune juice.</u></li> </ul> <p><u>Note: The term brandy has a different definition in Standard 4.5.1.</u></p>	<p>However, the definition of “brandy” is broadened by the addition of sub-s(b)</p> <p><b>Technical feedback required.</b></p>														
<p><del>carbohydrate by difference— see section 1.71</del></p> <p><del>carbohydrate by difference means carbohydrate by difference calculated in accordance with section S11.02 in Schedule 11</del></p> <p><del>For section 1.71, <b>carbohydrate</b>, other than in the definition of <b>beer</b> (section 1.1.2—3), means available carbohydrate or available carbohydrate by difference, for a food, is calculated by subtracting from 100 the average quantity in the food, expressed as a percentage, of the following substances:</del></p> <ul style="list-style-type: none"> <li><del>(a) <u>water;</u></del></li> <li><del>(b) <u>protein;</u></del></li> <li><del>(c) <u>fat;</u></del></li> <li><del>(d) <u>dietary fibre;</u></del></li> <li><del>(e) <u>ash;</u></del></li> <li><del>(f) <u>alcohol;</u></del></li> <li><del>(g) <u>if quantified or added to the food—any other unavailable carbohydrate;</u></del></li> <li><del>(h) <u>a substance listed in subsection S11.01(3).</u></del></li> </ul> <hr/> <p><del>(3) <u>For subsection (1), particular energy factors, in kJ/g, for specific components are listed below:</u></del></p> <table border="1"> <thead> <tr> <th><del>Component</del></th><th><del>Energy factor</del></th></tr> </thead> <tbody> <tr> <td><del>erythritol</del></td><td><del>1</del></td></tr> <tr> <td><del>glycerol</del></td><td><del>18</del></td></tr> <tr> <td><del>isomalt</del></td><td><del>11</del></td></tr> <tr> <td><del>lactitol</del></td><td><del>11</del></td></tr> <tr> <td><del>maltitol</del></td><td><del>13</del></td></tr> <tr> <td><del>mannitol</del></td><td><del>9</del></td></tr> </tbody> </table>	<del>Component</del>	<del>Energy factor</del>	<del>erythritol</del>	<del>1</del>	<del>glycerol</del>	<del>18</del>	<del>isomalt</del>	<del>11</del>	<del>lactitol</del>	<del>11</del>	<del>maltitol</del>	<del>13</del>	<del>mannitol</del>	<del>9</del>	<p>Significant change</p> <p>“carbohydrate” was not previously defined. To avoid doubt, the new definition clarifies that the definition of “carbohydrate” does not include the term used in the definition of “beer”.</p> <p>“available carbohydrate” and “available carbohydrate by difference” are also defined in s 1.1.2—2 by reference to S11—3 (see above). These definitions are repeated in s 1.2.8—4.</p> <p>Section S11—3 sets out how to calculate “available carbohydrate” and “available carbohydrate by difference”.</p> <p>The calculation of “carbohydrate by difference” is the same as the previous definition. It does not include the table of energy factors.</p> <p><b>Technical feedback required.</b></p>
<del>Component</del>	<del>Energy factor</del>														
<del>erythritol</del>	<del>1</del>														
<del>glycerol</del>	<del>18</del>														
<del>isomalt</del>	<del>11</del>														
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Draft Variation <u>Second Round Consultation July 2014</u>	No change, insignificant change or substantial change?
<del>organic acids</del> — 13 <del>polydextrose</del> — 5 <del>sorbitol</del> — 14 <del>D-Tagatose</del> — 11 <del>Xylitol</del> — 14	
<p><b>cheese</b> means <u>a food that may be sold as cheese under section 2.34:</u>  <del>cheese</del> means (a) the ripened or unripened solid or semi-solid milk product <del>which may be, whether</del> coated <del>and or not, that</del> is obtained by one or both of the following processes:  (a) wholly or partly coagulating milk, or materials obtained from milk, or both, through the action of rennet or other suitable coagulating agents, <u>and</u> partially draining the whey which results from such coagulation; <del>or</del>  <del>(b)(ii)</del> processing techniques involving concentration or coagulation of milk, or materials obtained from milk, or both, which give an end-product with similar physical, chemical and organoleptic characteristics as the product described in</p> <p>Note: Under section 1.06, <del>cheese and processed cheese</del> are defined for the rest of this Code as a food that may be sold as cheese or processed cheese under this section. <del>paragraph (a).</del>  <u>subparagraph (a)(i); or</u>  (b) <u>such a product with any of the following ingredients added during production:</u>  (i) <u>water;</u>  (ii) <u>lactic acid producing microorganisms;</u>  (iii) <u>flavour producing microorganisms;</u>  (iv) <u>gelatine;</u>  (v) <u>starch;</u>  (vi) <u>vinegar;</u>  (vii) <u>salt;</u>  (viii) <u>tall oil phytosterol esters added in accordance with Standard 2.5.4.</u></p>	<p>Significant change</p> <p>The definition of “cheese” is broadened by the addition of sub-s(b).</p> <p><b>Technical feedback required.</b></p>
<p><del>component</del> — see section 1.18  <b>component:</b> <del>a component</del>, of a food <del>is</del>, <u>means</u> a substance that <del>can be identified</del> <u>is present</u> as a constituent part of the food <u>(as distinct from an ingredient that is used to produce the food)</u>.  <b>Example:</b> If sodium bicarbonate is used as an ingredient to produce a food, it will be changed by the cooking into carbon dioxide and salts, <del>which</del>; <u>the salts</u> are identifiable as components of the food.</p>	<p>Significant change</p> <p>The new definition clarifies that “component” does not include “ingredient”.</p> <p><b>Technical feedback required.</b></p>
<p><del>condensed milk</del> means <u>a food that may be sold as condensed milk under section 2.38</u>  <b>condensed milk</b> means:  (a) a food obtained by the partial removal of water from milk <u>or adjusted milk</u>, with the addition of sugars, <u>and the possible addition of salt or water</u>; or  (b) a food of the same composition obtained by any other process.</p>	<p>Significant change</p> <p>The definition is broadened by the addition of “adjusted milk”.</p>



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<p>Note: Under section 1.06, <del>condensed milk</del> is defined for the rest of this Code as a food that may be sold as condensed milk under this section.</p>	<p>Technical feedback required.</p>
<p><del>cream means a food that may be sold as cream under section 2.31</del>  <b>cream</b> means a milk product comparatively rich in fat, in the form of an emulsion of fat-in-skim milk, <del>which can be that is</del> obtained by:-  <a href="#">(a) separation from milk;</a> or  <a href="#">(b) separation from milk, and the addition of milk or products obtained from milk.</a>  <p>Note: Under section 1.06, <b>cream</b> is defined for the rest of this Code as a food that may be sold as cream under this section.</p> </p>	<p>Significant change</p> <p>The definition of “cream” is broadened by the addition of sub-s(b).</p> <p>Technical feedback required.</p>
<p><u><b>dried meat</b> means meat that has been dried to a water activity of no more than 0.85 but does not include slow cured dried meat.</u></p>	<p>New definition</p> <p>Technical feedback required.</p>
<p><del><b>dried milk</b> means a food that may be sold as dried milk under section 2.39.</del>  <b>dried milk</b> means a powdered <u>milk product food</u> obtained by the partial removal of water from <u>milk or adjusted milk</u>.  <p>Note: Under section 1.06, <b>dried milk</b> is defined for the rest of this Code as a food that may be sold as dried milk under this section.</p> </p>	<p>Significant change</p> <p>The definition is broadened by the addition of “adjusted milk”.</p> <p>Technical feedback required.</p>
<p><del><b>edible oil</b> means a food that may be sold as edible oil under section 2.24</del>  <b>edible oil</b> means the triglycerides, diglycerides, or both the triglycerides and diglycerides of fatty acids of plant or animal origin, including aquatic plants and aquatic animals, <u>with incidental amounts of free fatty acids, unsaponifiable constituents and other lipids including naturally occurring gums, waxes and phosphatides.</u>  <p>Note: Under section 1.06, <b>edible oil</b> is defined for the rest of this Code as a food that may be sold as edible oil under this section.</p> </p>	<p>Significant change</p> <p>The definition is now broader.</p> <p>Technical feedback required.</p>
<p><b>edible oil spread</b> means <del>a food that may be sold as edible oil spread under section 2.26;</del>  <b>edible oil spread</b> means <u>(a) a spreadable food composed of edible oils and water in the form of an emulsion of the type water-in-oil; or</u>  <u>(b) such a food with any of the following added:</u>  <u>(i) water;</u>  <u>(ii) edible proteins;</u>  <u>(iii) salt;</u>  <u>(iv) lactic acid producing microorganisms;</u>  <u>(v) flavour producing microorganisms;</u>  <u>(vi) milk products;</u></p>	<p>Significant change</p> <p>The definition of “edible oil spread” is broadened by the addition of sub-s(b).</p> <p>Technical feedback required.</p>



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<p>(vii) <u>no more than 82 g/kg of total plant sterol equivalents content.</u></p> <p>Note: Under section 1.06, <b>edible oil spread</b> is defined for the rest of this Code as a food that may be sold as edible oil spread under this section.</p>	
<p><b>egg product</b> means the contents of an egg in any form including egg pulp, dried egg, liquid egg white and liquid egg yolk.</p>	<p>New definition</p> <p>Technical feedback required.</p>
<p><b>ESADDI</b>—see section <u>4.071.1.2—10.</u></p> <p><b>Note:</b> ‘RDI’ is an abbreviation of recommended dietary intake. ‘ESADDI’ is an abbreviation of ‘estimated safe and adequate daily dietary intake’.</p> <p>(1) <del>For</del> <u>In relation to a food for infants the RDI or ESADDI for a vitamin or mineral listed in column 1 of the table to section S1.01 or S1.02 of Schedule 1, the RDI or ESADDI, as indicated in column 2, is the amount specified in:</u> S1—2 or S1—3 is shown in column 5.</p> <p>(2) <u>In relation to a food intended or represented as suitable for use by children aged 1 to 3 years (including a formulated supplementary food for young children) the RDI or ESADDI for a vitamin or mineral listed in column 1 of the table to section S1—2 or S1—3 is shown in column 4.</u></p> <p><del>(a) for Division 2 of Part 9 of Chapter 2—column 5; and</del>  <del>(b) for Subdivision D of Division 3 of Part 9 of Chapter 2—column 4; and</del>  <del>(c) otherwise—column 3.</del></p> <p><del>(2) For this Code, when calculating the amount of a vitamin or mineral for the purpose of comparing that amount to the RDI or ESADDI:</del></p> <p><del>(a) for vitamin A:</del>  <del>(i) calculate the amount in terms of retinol equivalents; and</del>  <del>(ii) for carotene forms of vitamin A, calculate retinol equivalents using the conversion factors in section S1.03 of Schedule 1; and</del>  <del>(b) for niacin:</del>  <del>(i) calculate only the proportion of niacin provided by pre-formed niacin in foods; and</del>  <del>(ii) exclude the niacin provided from the conversion of the amino acid tryptophan; and</del>  <del>(c) for vitamin C, calculate only the amount of L-ascorbic acid and dehydroascorbic acid; and</del>  <del>(d) for vitamin E, calculate the amount in terms of alpha-tocopherol equivalents using the conversion factors in section S1.04 of Schedule 1.</del></p> <p><del>(3) In relation to any other food the RDI or ESADDI for a vitamin or mineral listed in column 1 of the table to section S1—2 or S1—3 is shown in column 3.</del></p>	<p>Significant change</p> <p>The new definition removes the instructions for calculating the amount of a vitamin or mineral for the purpose of comparing that to RDI or ESADDI.</p> <p>The definition now distinguishes between food for infants, young children and others. It also includes new references to tables in Sch 1 that set out the RDIs and ESADDIs.</p> <p>Technical feedback required.</p>
<p><del>evaporated milk</del> means a food that may be sold as evaporated milk under section 2.40</p> <p><b>evaporated milk</b> means:</p> <p>(a) a <del>milk product food</del> obtained by the partial removal of water <u>by heat</u> from milk <del>by heat; or, with the possible addition of one or more of the following:</del></p>	<p>Significant change</p> <p>The definition of “evaporated milk” is broadened by the additions to sub-s(a).</p>



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<p>(i) salt;</p> <p>(ii) water. or</p> <p>(b) a <u>milk product food</u> of the same composition obtained by any other process.</p> <p>Note: Under section 1.06, <u>evaporated milk</u> is defined for the rest of this Code as a food that may be sold as evaporated milk under this section.</p>	<p>Technical feedback required.</p>
<p><u>extraneous residue limit (ERL)</u>—see section 1.146</p> <p>(1) In this Code:</p> <p><b>extraneous residue limit</b> or <b>ERL</b>, for an agvet chemical in a food, means the amount identified in Schedule 21 for that agvet chemical in that food.</p> <p>Note: In Schedule 21:</p> <ul style="list-style-type: none"> <li>• an asterisk (*) indicates that the ERL is set at the limit of determination; and</li> <li>• the symbol T indicates that the ERL is a temporary ERL; and</li> <li>• the symbol E indicates an ERL.</li> </ul> <p>(2) A food listed in Schedule 21 may contain a residue of an agvet chemical that is identified in relation to that food in that Schedule.</p> <p>(3) The presence of the chemical in the food must arise from environmental sources, and must not arise from direct or indirect use of an agvet chemical.</p> <p>(4) The level of the residue of the chemical in the food must be calculated by assessing the level of</p> <p>(a) the chemical identified in Schedule 21; and</p> <p>(b) any chemical identified in the relevant residue definition for that chemical in that Schedule; that is present in the food.</p> <p>(5) The level of the residue, calculated in accordance with subsection (4), must not be greater than the extraneous residue limit.</p> <p>(6) For a food for which there is no ERL specified, and that contains 2 or more ingredients (a <b>mixed food</b>), 1 or more of which is listed in Schedule 21, the level of a residue of a particular agvet chemical listed in Schedule 21 in the food must not be greater than the amount <b>ERL</b> calculated in accordance with the following formula:</p> $ERL = \frac{Total\ A}{Total} \times ERL\ A + \frac{Total\ B}{Total} \times ERL\ B$ <p>where, for a particular residue:</p> <p><b>ERL A</b> and <b>ERL B</b> are the extraneous residue limits for the residue in ingredient A and ingredient B respectively.</p> <p><b>Total</b> is the total weight of the food.</p> <p><b>Total A</b> and <b>Total B</b> are the weight of ingredient A and ingredient B respectively.</p>	<p>Significant change</p> <p>The new definition removes the detailed formula for calculating ERL.</p> <p>Technical feedback required.</p>



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<p><del>Clause 1.71 [applies to Division 7 &amp; 8]</del></p> <p><b>food group</b> means any of the following groups:</p> <ul style="list-style-type: none"> <li>(a) bread (both leavened and unleavened), grains, rice, pasta and noodles;</li> <li>(b) fruit, vegetables, herbs, spices and fungi;</li> <li>(c) milk, skim milk, cream, fermented milk, yoghurt, cheese, processed cheese, butter, ice cream, condensed milk, dried milk, evaporated milk, and <u>dairy</u> analogues derived from legumes and cereals <u>listed in section S17—4</u>;</li> <li>(d) meat, fish, eggs, nuts, seeds and dried legumes;</li> <li>(e) fats including butter, edible oils and edible oil spreads.</li> </ul>	<p>Significant change</p> <p>“cereals” in sub-s(c) is now limited by the reference to S17—4.</p> <p><b>Technical feedback required.</b></p>
<p><del>formulated beverage—see section 2.44</del></p> <p><b>formulated beverage</b> means a non-carbonated, ready-to-drink, <del>water-based</del> flavoured beverage that:</p> <ul style="list-style-type: none"> <li><del>(a) is water-based; and</del></li> <li><del>(b) contains added vitamins or minerals or both vitamins and minerals, prepared; and</del></li> <li><del>(c) contains no more than 240 mL/L of fruit from one or more of the following sources:</del> <ul style="list-style-type: none"> <li><del>(a) water;</del></li> <li><del>(b)(i) fruit juice;</del></li> <li><del>(eii) fruit purée;</del></li> <li><del>(diii) concentrated fruit juice;</del></li> <li><del>(e(iv) concentrated fruit purée;</del></li> <li><del>(fv) comminuted fruit;</del></li> <li><del>(gvi) orange peel extract; and</del></li> <li><del>(h) mineral water;</del></li> <li><del>(i)-(d) contains no more than 75 g/L of sugars; and</del></li> <li><del>(e) does not contain:</del> <ul style="list-style-type: none"> <li><del>(i) carbon dioxide; or</del></li> <li><del>(ii) caffeine; and</del></li> </ul> </li> <li><del>(f) is not mixed with any other beverage.</del></li> </ul> </li> </ul>	<p>Significant change</p> <p>The definition is substantially narrower than the previous definition.</p> <p><b>Technical feedback required.</b></p>
<p><del>fruit-based food—see section 2.105</del> <b>fruit-based food</b> means food <del>for infants</del> that is based on fruit.</p>	<p>Significant change</p> <p>The definition is no longer limited to food for infants.</p> <p><b>Technical feedback required.</b></p>



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<p><del>Derived from 2.7.3 cl 1(2)</del></p> <p><del>fruit wine</del> means a food that may be sold as fruit wine under section 2.70</p> <p><b>fruit wine</b> or <b>vegetable wine</b> means:</p> <p><del>(a) means a food prepared from (a) a food that:</del></p> <p><del>(i) is the product of</del> the complete or partial fermentation of fruit, vegetable, grains, cereals or any combination or preparation of those foods; and</p> <p><del>(b) does not include wine or wine product.</del></p> <p><del>Note: Under section 1.06, <b>cider, fruit wine, mead, perry</b> and <b>vegetable wine</b> are defined for the rest of this Code as a food that may be sold as cider, fruit wine, mead, perry or vegetable wine under this section.</del></p> <p><del>(ii) is not wine or a wine product; or</del></p> <p><del>(b) such a food with any of the following added during production:</del></p> <p><del>(i) fruit juice and fruit juice products;</del></p> <p><del>(ii) vegetable juice and vegetable juice products;</del></p> <p><del>(iii) sugars;</del></p> <p><del>(iv) honey;</del></p> <p><del>(v) spices;</del></p> <p><del>(vi) alcohol;</del></p> <p><del>(vii) water.</del></p>	<p>Significant change</p> <p>The definitions are broadened by the addition of sub-s(b).</p> <p>Technical feedback required.</p>
<p><b>glycaemic index (GI)</b> means a measure of the blood glucose raising ability of the digestible carbohydrates in a given food as determined by a recognised scientific method.</p>	<p>New definition</p> <p>Technical feedback required.</p>
<p><del>infant formula—see section 2.82</del></p> <p><b>infant formula</b> means an infant formula product that:</p> <p>(a) is represented as a breast-milk substitute for infants; and</p> <p>(b) satisfies by itself the nutritional requirements of infants <del>aged up to</del> <u>under the age of</u> 4 to 6 months.</p>	<p>Insignificant change</p> <p>Query whether “under the age of 4 to 6 months” makes sense. Should this read “under the age of 4 months” instead?</p> <p>It is also potentially confusing that the definition of “infant” means “a person under the age of 12 months” yet infant formula is only suitable for a child up to the age of 4 months.</p> <p>Technical feedback required.</p>



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<p><del>inulin-derived substance</del> means a mixture of polymers of fructose with predominantly <math>\beta</math>-<del>inulin-type fructans</del> means mixtures of saccharide chains that have <math>\beta</math>-D-(2→1) fructosyl-fructose linkages, with or without a terminal glucose molecule and includes inulin, but does not include those polymers of fructose produced from sucrose by enzymatic action of D-(1→2) glucosyl-fructose linked glucose unit.</p>	<p>Significant change</p> <p>The definition is now for “inulin-type fructans”.</p> <p>Unsure if a “polymer of fructose” has the same meaning as “mixtures of saccharide”.</p> <p>Technical feedback required.</p>
<p><del>iodised salt</del> means a food that may be sold as iodised salt under section 2.162</p> <p><del>iodised salt</del> means a mixture of salt and:</p> <p><del>iodised salt or iodised reduced sodium salt mixture</del>, means a food that is salt, or a reduced sodium salt mixture, as appropriate, or such a food containing any of the following:</p> <p>(a) potassium iodide <del>or</del>;</p> <p>(b) potassium iodate; <del>or</del></p> <p><del>(b)(c)</del> sodium iodide <del>or sodium iodate</del>;</p> <p>(d) sodium iodate;</p> <p>added in an amount that is equivalent to:</p> <p>(e) no less than 25 mg/kg of iodine; and</p> <p>(f) no more than 65 mg/kg of iodine.</p> <p>Note: Under section 1.06, <del>iodised salt</del> is defined for the rest of this Code as a food that may be sold as iodised salt under this section.</p>	<p>Significant change</p> <p>This introduces a definition for “iodised reduced sodium salt mixture”.</p> <p>The definition is limited to food containing sodium/potassium of a specified range.</p>
<p><del>labelling</del>—see section 1.27</p> <p><del>labelling</del>—:</p> <p>(a) in relation to a food <del>product</del> being sold, <del>labelling</del> means all of the labels for the food <del>product</del> together; and</p> <p>(b) a requirement for the labelling of a food to include specified content is a requirement for at least one of the labels to have that content.</p>	<p>Significant change</p> <p>The definition now clarifies that only one label must meet the labelling requirements in the Code. This was picked up from the definition of “bear label”.</p> <p>Technical feedback required.</p>
<p><del>margarine</del> means a food that may be sold as margarine under section 2.26(1) A food that is sold on the basis of a representation that it is an edible oil spread must consist of: (a) edible oil spread; or (b) edible oil spread with the addition of any of the following: (i) water; (ii) edible proteins; (iii) salt; (iv) lactic acid producing microorganisms; (v) flavour producing microorganisms; (vi) milk products; (vii) no more than 82 g/kg of total plant sterol equivalents content. Compositional requirement for table edible oil spreads (2) A food that is sold on the basis of a representation that it is a ‘table’ edible oil spread must: (a) satisfy subsection (1); and (b) contain no less than 55 g/kg of vitamin D. Compositional requirement for margarine (3) A food that is sold on the basis of a</p>	<p>Significant change</p> <p>The definition is now far less technical and is only limited by the requirement to have no less than 800g/kg of edible oils.</p> <p>Technical feedback required.</p>



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<p><del>representation that it is 'margarine' must:</del>(a) satisfy subsection (1); and(b) contain <u>containing</u> no less than 800g/kg of edible oils.</p> <p>Compositional requirement for table margarine</p> <p>(4) A food that is sold on the basis of a representation that it is 'table margarine' must:</p> <p>(a) satisfy subsection (3); and</p> <p>(b) contain no less than 55 <math>\square</math>g/kg of vitamin D.</p> <p>Application of section to New Zealand</p> <p>(5) Subsections (2) and (4) do not apply to sales in New Zealand.</p>	
<p><del>maximum residue limit (MRL) — see section 1.145</del></p> <p><b>maximum residue limit</b> or <b>MRL</b>, for an agvet chemical in a food, means the amount identified in Schedule 20 for that agvet chemical in that food.</p> <p>Note: In Schedule 20:</p> <ul style="list-style-type: none"> <li>• an asterisk (*) indicates that the MRL is set at the limit of determination; and</li> <li>• the symbol 'T' indicates that the MRL is a temporary MRL.</li> </ul> <p><del>(2) A food listed in Schedule 20 may contain a residue of an agvet chemical that is identified in relation to that food in that Schedule.</del></p> <p><del>(3) The level of the residue of the chemical in the food must be calculated by assessing the level of:</del></p> <p><del>(a) the chemical identified in Schedule 20; and</del></p> <p><del>(b) any chemical identified in the relevant residue definition for that chemical in that Schedule; that is present in the food.</del></p> <p><del>(4) The level of the residue, calculated in accordance with subsection (3), must not be greater than the maximum residue limit.</del></p> <p><del>(5) For a food for which there is no MRL specified, and that contains 2 or more ingredients (a <b>mixed food</b>), 1 or more of which is listed in Schedule 20, the level of a residue of a particular agvet chemical listed in Schedule 20 in the food must not be greater than the amount MRL calculated in accordance with the following formula:</del></p> $MRL = \frac{Total\ A}{Total} \times MRL\ A + \frac{Total\ B}{Total} \times MRL\ B$ <p><del>where, for a particular residue:</del></p> <p><del><b>MRL A</b> and <b>MRL B</b> are the maximum residue limits for the residue in ingredient A and ingredient B respectively.</del></p> <p><del><b>Total</b> is the total weight of the food.</del></p> <p><del><b>Total A</b> and <b>Total B</b> are the weight of ingredient A and ingredient B respectively.</del></p>	<p>Significant change</p> <p>The complex formula has been removed from the definition.</p> <p>Schedule 20 refers to s 1.4.2, which sets out different formulas for determining MRL.</p> <p>Technical feedback required.</p>
<p><del><b>milk</b> means a food that may sold as milk under section 2.27:</del></p> <p><del><b>milk</b> means (a) the mammary secretion of milking animals, obtained from one or more milkings for consumption as liquid milk or for further processing, but excluding <u>colostrum</u> <u>colostrums</u>; or</del></p> <p><del>(b) such a product with the addition of <u>phytosterols</u>, <u>phytostanols</u> and their esters.</del></p> <p><del>Note: Under section 1.06, <b>milk</b> is defined for the rest of this Code as a food that may be sold as milk under this section.</del></p>	<p>Significant change</p> <p>The definition clarifies that "milk" includes products including the items listed in sub-</p>



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	<p>s(b)</p> <p>The definition now excludes “colostrums”.</p> <p><b>Technical feedback required.</b></p>
<p><b>non-alcoholic beverage</b>—see 2.44</p> <p><b>non-alcoholic beverage</b>—</p> <p>(a) means:</p> <p>(a) packaged water; or</p> <p>(b) a water-based beverage, <u>or a water-based beverage which may or may not contain that contains</u> other foods, <del>except for (other than</del> alcoholic beverages); or</p> <p>(c) <u>an electrolyte drinks, drink; and</u></p> <p>(b) <u>does not include a brewed soft drink.</u></p>	<p>Significant change</p> <p>The new definition clarifies that “non-alcoholic beverage” excludes brewed soft drinks.</p> <p><b>Technical feedback required.</b></p>
<p><b>non-traditional food</b>—see section <del>1.151</del> <u>1.1.2—8.</u></p> <p><b>non-traditional food</b> means:</p> <p>(a) a food that does not have a history of human consumption in Australia or New Zealand; or</p> <p>(b) a substance derived from a food, where that substance does not have a history of human consumption in Australia or New Zealand other than as a component of that food; or</p> <p>(c) any other substance, where that substance, or the source from which it is derived, does not have a history of human consumption as a food in Australia or New Zealand.</p> <p><u>Either of the following:</u></p> <p>(a) <u>the presence of a food in a food for special medical purposes;</u></p> <p>(b) <u>the use of a food as a food for special medical purposes;</u></p> <p><u>does not constitute a history of human consumption in Australia or New Zealand in relation to that food for the purposes of this section.</u></p>	<p>Significant change</p> <p>The new definition clarifies that food for special medical purposes may be a non-traditional food for the purpose of this section.</p> <p><b>Technical feedback required.</b></p>
<p><b>novel food</b>—see section <del>1.151</del> <u>1.1.2—8.</u></p> <p><b>novel food</b> means a non-traditional food that requires an assessment of the public health and safety considerations having regard to:</p> <p>(a) the potential for adverse effects in humans; or</p> <p>(b) the composition or structure of the food; or</p> <p>(c) the process by which the food has been prepared; or</p> <p>(d) the source from which it is derived; or</p> <p>(e) patterns and levels of consumption of the food; or</p> <p>(f) any other relevant matters.</p> <p><u>Note: Possible categories of novel foods are described in guidelines issued by FSANZ. Categories of novel</u></p>	<p>Significant change</p> <p>The new definition clarifies that food for special medical purposes may be a novel food under this section.</p> <p><b>Technical feedback required.</b></p>



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<p>foods may include, but are not limited to, <u>Either of</u> the following:</p> <ul style="list-style-type: none"> <li>• <del>plants or animals and their components;</del></li> <li>• <del>plant or animal extracts;</del></li> <li>• <del>herbs, including extracts;</del></li> <li>• <del>dietary macro-components;</del></li> <li>• <del>single chemical entities;</del></li> <li>• <del>microorganisms, including probiotics;</del></li> <li>• <del>foods produced from new sources, or by a process not previously applied to food.</del></li> </ul> <p>(a) <u>the presence of a food in a food for special medical purposes;</u>  (b) <u>the use of a food as a food for special medical purposes;</u>  <u>does not constitute a history of human consumption in Australia or New Zealand in relation to that food for the purposes of this section.</u></p>	
<p><b>permitted flavouring substance</b> means any of the following:</p> <p>(a) <u>a substance that is listed in at least one of the following publications:</u></p> <ul style="list-style-type: none"> <li>(i) <u>Generally Recognised as Safe (GRAS) lists of flavouring substances published by the Flavour and Extract Manufacturers' Association of the United States from 1960 to 2013 (edition 26);</u></li> <li>(ii) <u>Annex 1 of Council Regulation (EU) No 872/2012 of 1 October 2012 adopting the list of flavouring substances [2012] OJ L267/1;</u></li> <li>(iii) <u>21 CFR § 172.515;</u></li> </ul> <p>(b) <u>a substance obtained by physical, microbiological, enzymatic or chemical processes from material of vegetable or animal origin either in its raw state or after processing by traditional preparation process including drying, roasting and fermentation;</u>  (c) <u>a substance that is obtained by synthetic means and which is identical to one of the substances described in paragraph (b).</u></p>	<p>New definition</p> <p>Technical feedback required.</p>
<p><b>prescribed name</b>, of a particular food, means a name declared by a provision of this Code to be the prescribed name of the food.</p> <p><b>Note:</b> <u>Under the labelling provisions in Standard 1.2.1 and section 1.2.2—2, if a food has a prescribed name, it must be used in the labelling of the food.</u></p>	<p>New definition</p> <p>Technical feedback required.</p>
<p><b>RDI</b>—see section <del>4.07</del><u>1.1.2—10.</u></p> <p><b>Note:</b> <u>'RDI' is an abbreviation of 'recommended dietary intake'. 'ESADDI' is an abbreviation of estimated safe and adequate daily dietary intake.</u></p> <p>(1) <del>For (1)</del> <u>In relation to a food for infants the RDI or ESADDI for a vitamin or mineral listed in column 1 of the table to section S1—2 or S1—3 is shown in column 5.</u>  (2) <u>In relation to a food intended or represented as suitable for use by children aged 1 to 3 years (including a formulated supplementary food for young children) the RDI or ESADDI for a vitamin or mineral listed in column 1 of the table to section S1.01 or S1.02 of Schedule 1, the RDI or ESADDI, as indicated in column 2, is the amount specified in S1—2 or S1—3 is shown in column 4.</u></p>	<p>Significant change</p> <p>See comments for definition of "ESADDI".</p> <p>Technical feedback required.</p>



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<p><del>(a) for Division 2 of Part 9 of Chapter 2—column 5; and</del>  <del>(b) for Subdivision D of Division 3 of Part 9 of Chapter 2—column 4; and</del>  <del>(c) otherwise—column 3.</del>  <del>(2) For this Code, when calculating the amount of a vitamin or mineral for the purpose of comparing that amount to the RDI or ESADDI:</del>  <del>(a) for vitamin A:</del>  <del>(i) calculate the amount in terms of retinol equivalents; and</del>  <del>(ii) for carotene forms of vitamin A, calculate retinol equivalents using the conversion factors in section S1.03 of Schedule 1; and</del>  <del>(b) for niacin:</del>  <del>(i) calculate only the proportion of niacin provided by pre-formed niacin in foods; and</del>  <del>(ii) exclude the niacin provided from the conversion of the amino acid tryptophan; and</del>  <del>(c) for vitamin C, calculate only the amount of L-ascorbic acid and dehydroascorbic acid; and</del>  <del>(d) for vitamin E, calculate the amount in terms of alpha-tocopherol equivalents using the conversion factors in section S1.04 of Schedule 1.</del>  <del>(3) In relation to any other food the RDI or ESADDI for a vitamin or mineral listed in column 1 of the table to section S1—2 or S1—3 is shown in column 3.</del></p>	
<p><del>reduced sodium salt mixture</del> means a food that may be sold as reduced sodium salt mixture under section 2.160  <b>reduced sodium salt mixture</b> means a <u>product food that:</u>  <u>(a) is prepared from a mixture of sodium chloride and potassium chloride; and</u>  <u>(b) contains no more than 200 g/kg sodium; and</u>  <u>(c) contains no more than 400 g/kg potassium.</u>  Note: Under section 1.06, <b>reduced sodium salt mixture</b> is defined for the rest of this Code as a food that may be sold as reduced sodium salt mixture under this section.</p>	<p>Significant change</p> <p>The definition has been limited to food containing sodium/potassium of a specified range.</p> <p><b>Technical feedback required.</b></p>
<p><b>salt substitute</b> means a food that <del>may be sold as salt substitute under section 2.161;</del>  <b>salt substitute</b> means a food <u>(a) is made as a substitute for salt consisting; and</u>  <u>(b) consists of substances that may be used as food additives in relation to salt substitute in accordance with this Code (see item 13-12 of the table to Schedule 15); and</u>  <u>(c) contains no more than 1.2 g/kg of sodium.</u>  Note: Under section 1.06, <b>salt substitute</b> is defined for the rest of this Code as a food that may be sold as salt substitute under this section.</p>	<p>Significant change</p> <p>The definition is limited to food containing no more than a specified amount of sodium.</p> <p><b>Technical feedback required.</b></p>
<p><del>SPC—see section 1.157</del>  <b>SPC-SPC:</b>  <u>(a) means a standard plate count at 30°C with an incubation time of 72 hours; and</u>  <u>(b) in relation to powdered infant formula with added lactic acid producing organisms—means that standard plate count prior to the addition of the microorganisms to the food.</u></p>	<p>Significant change</p> <p>Addition to the definition dealing with “powdered infant formula”.</p>



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	Technical feedback required.
<p><b>special purpose food</b>—see section 2.153<del>food</del>:</p> <p>(a) in Standard 2.9.6—see section 2.9.6—2; and</p> <p>(b) otherwise—means any of the following:</p> <p>(i) an infant formula product;</p> <p>(ii) food for infants;</p> <p>(iii) a formulated meal replacement;</p> <p>(iv) a formulated supplementary food;</p> <p>(v) a formulated supplementary sports food;</p> <p>(vi) food for special medical purposes.</p> <p><b>special purpose food</b> means a food specially processed or formulated to satisfy particular dietary requirements that exist because of:</p> <p>(a) a particular physical or physiological condition; or</p> <p>(b) a specific disease or disorder; or</p> <p>(c) both such a condition and a disease or disorder; and are presented as such.</p>	<p>Significant change</p> <p>There is no change to the definition for the purpose of Standard 2.9.6.</p> <p>However, sub-s(b) introduces a new definition of “special purpose food” for the rest of the Code.</p>
<p><b>spirit</b> means <del>a product that may be sold as spirit under section 2.73</del>an alcoholic beverage which contains at least 37% alcohol by volume, consisting of:</p> <p><b>spirit</b> means (a) a potable alcoholic distillate, including whisky, brandy, rum, gin, vodka and tequila, <del>which contains at least 37% alcohol by volume</del>, produced by distillation of fermented liquor derived from food sources, so as to have the taste, aroma and other characteristics generally attributable to that particular spirit.; or</p> <p>(b) such a distillate with any of the following added during production:</p> <p>(i) water;</p> <p>(ii) sugars;</p> <p>(iii) honey;</p> <p>(iv) spices.</p> <p>Note: Under section 1.06, <b>brandy, liqueur</b> and <b>spirit</b> are defined for the rest of this Code as a food that may be sold as brandy, liqueur or spirit under this section.</p>	<p>Significant change</p> <p>The definition of “spirit” is broadened by the addition of sub-s(b)</p> <p>Technical feedback required.</p>
<p><b>used as a food additive</b>—see section <del>4.122</del>1.1.2—11.</p> <p>(1) <del>For</del> In this Code, a substance is <b>used as a food additive</b> in relation to a food if <u>it is added to the food:</u></p> <p>(a) to perform 1 or more of the technological purposes listed in Schedule 14; and</p> <p><del>(a)(b) it is a substance identified in subsection (2); and</del></p> <p><del>(b) it is added to the food to perform 1 or more of the technological purposes listed in Schedule 14.</del></p> <p>(2) For subsection (1), the substances are:</p> <p>(a) any of the following:</p>	<p>Significant change</p> <p>There is no substantial change to sub-s(1).</p> <p>Sub-s(2) clarifies that colouring and the items in (b) may be “used as a food additive” under the Code.</p>



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<p>(i) a substance that is <del>listed-identified</del> in Schedule 15 <u>as a substance that may be used as a food additive</u>;</p> <p>(ii) an additive permitted <del>at GMP</del> <u>in processed foods</u>;</p> <p><del>(iii)</del> (iii) <u>a colouring permitted in processed foods</u>;</p> <p>(iv) a colouring permitted in processed foods to a maximum level; and</p> <p><b>Note:</b> Schedule 15 lists a number of substances that are not additives permitted in processed foods, colourings permitted in processed foods or colourings permitted in processed foods to a maximum level.</p> <p>(b) any substance that:</p> <p>(i) <u>has been selectively concentrated or refined, or synthesised to perform 1 or more of the technological purposes listed in Schedule 14.</u></p> <p><i>Other definitions</i></p> <p>(3) In this Code:</p> <p><b>additive permitted in processed foods</b> means a substance that is listed in section S16—2.</p> <p><b>colouring permitted in processed foods</b> means a substance that is listed in section S16—3.</p> <p><b>colouring permitted in processed foods to a maximum level</b> means a substance that is listed in section S16—4.</p> <p><i>Colours and their aluminium and calcium lakes</i></p> <p>(4) A reference to a colour listed in Schedule 15, a colouring permitted <del>at GMP;</del> <u>(iv) in processed foods or a colouring permitted in processed foods to a maximum level; and includes a reference to the aluminium and calcium lakes prepared from that colour.</u></p> <p>(b) any substance that:</p> <p>(i) <del>has been extracted, refined, or synthesised; and</del></p> <p>(ii) <del>is not normally sold as a food product; and</del></p> <p>(iii) <del>is not normally used as an ingredient by consumers.</del></p>	<p>Sub-s(3) creates new definitions.</p> <p>Sub-s(4) adds clarification for references to “colour” in Sch 15.</p> <p><b>Technical feedback required.</b></p>
<p><b>used as a nutritive substance</b>—see section <del>4.191.1.2—12.</del></p> <p>(1) <del>For</del> <u>In</u> this Code, a substance is <b>used as a nutritive substance</b> in relation to a food if <u>it is added to the food</u>:</p> <p><del>(a) to achieve a nutritional purpose; and</del></p> <p>(b) it is a substance identified in subsection (2); <del>and</del></p> <p>(2) For subsection (1), the substances are:</p> <p>(a) any substance that is identified in this Code as one that may be used as a nutritive substance; and</p> <p>(b) a vitamin or a mineral; and</p> <p><del>(b) it is added to the food (c)</del> <u>any substance (other than an inulin-type fructan) that has been selectively concentrated or refined, or synthesised to achieve a nutritional purpose.</u></p> <p>(2) For subsection (1), the substances are:</p> <p>(a) any substance that is identified in this Code as one that may be used as a nutritive substance; and</p> <p>(b) a vitamin or a mineral; and</p>	<p>Significant change</p> <p>There are no substantial changes to sub-s(1) and (3).</p> <p>There is no change to subs-(2)(a) and (b). (c) picks up the change to the definition of “inulin-type substance” and deletes sub-s(ii) and (iii).</p> <p><b>Technical feedback required.</b></p>



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<p><del>(c) any substance (other than an inulin-derived substance) that:</del>  <del>(i) has been extracted, refined, or synthesised; and</del>  <del>(ii) is not normally sold as a food product; and</del>  <del>(iii) is not normally used as an ingredient by consumers.</del></p> <p><b>Note:</b> Provisions that control use of substances as nutritive substance are in <a href="#">Division 3 of Part 4 (general provisions on use of vitamins and minerals)</a>, various <a href="#">Parts of Chapter 2 (use of vitamins and minerals in specific foods)</a> and <a href="#">Part 9 of Chapter 2 (other substances used in special purpose foods)</a>. <a href="#">Substances referred to in paragraph 1.19(2)(a) include Standard 1.3.2 (Vitamins and minerals), Standard 2.9.1 (Infant formula products), Standard 2.9.2 (Food for infants), Standard 2.9.3 (Formulated meal replacements), Standard 2.9.4 (Formulated supplementary sports foods) and Standard 2.9.5 (Food for special medical purposes). Substances referred to in paragraph (2)(a) include, for example, those that are identified in the tables to sections <del>S17.01–S17—2</del> and <del>S17.02 in Schedule 17–S17—3</del> (vitamins and minerals) and <a href="#">the tables</a> to sections <del>S30.04 and S30.18 in Schedule 30–S29—2, 0, S30—18 and S30—19</del> (other substances).</a></p>	
<p><b>used as a processing aid—see section 1.1.2—13.</b></p> <p><a href="#">References to substances that are used as a processing aid</a>  <del>(a) is identified in subsection (3); and</del>  <del>;</del>  <del>(a) in relation to a food—see subsection 1.131(2), and</del>  <del>(b) in relation to a substance—see subsection 1.131(1).</del></p> <p>(1) <del>For</del> <u>In</u> this Code, a reference to a substance that is <b>used as a processing aid</b> in relation to a food is a reference to a substance that <del>(b) is added to food— is used</del> during the course of processing:  <del>(a) to perform a technological purpose in the course of processing; and</del>  <del>(c) does not perform a technological purpose listed in Schedule 14 in the processed food.</del></p> <p><a href="#">References to foods that are used as a processing aid</a>  (2) For this Code, a reference to a food that is <b>used as a processing aid</b> in relation to another food:  <del>(a) is a reference to a food that:</del>  <del>(i) is not a substance identified in subsection (3); and</del>  <del>(ii) is added to the other food during the course of processing to perform a technological purpose; and</del>  <del>(iii) (b) does not perform a technological purpose listed in Schedule 14 in the a food for sale; and</del>  <del>(c) is identified in subsection (3).</del></p> <p><a href="#">References to foods that are used as a processing aid</a>  (2) <u>In</u> this Code, a reference to a food that is used as a processing aid in relation to another food:  <del>(a) is a reference to a food that is used during the course of processing:</del>  <del>(i) to perform a technological purpose in the course of processing; and</del>  <del>(ii) does not perform a technological purpose listed in Schedule 14 in a food for sale; and</del>  <del>(iii) is identified in subsection (3); and</del>  <del>(b) is a reference to so much of the food as is necessary to perform the technological purpose.</del></p>	<p>Significant change</p> <p>There is no substantial change to sub-s(1).</p> <p>Sub-s(2)(a) now adopts the definition in sub-s(1). There is no change to (b).</p> <p>There are no substantial changes to the notes to sub-s(2).</p> <p>Sub-s(3) now refers to “processed foods” instead of “GMP”.</p> <p><b>Technical feedback required.</b></p>



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<p><b>Note 1:</b> This Code does not prohibit the use of foods as processing aids (other than foods that are substances referred to in subsection (3)). There are special labelling requirements that apply in relation to foods and substances that are used as processing aids—see paragraphs 1.2.4—3(2)(d) and 1.2.4—3(2)(e) and subparagraph 1.2.8—5(a)(vii).</p> <p><b>Note 2:</b> If a food is used as a processing aid in relation to another food, and the amount of the food used is greater than the amount that is necessary to perform the technological purpose, the excess amount of the food is not taken to be used as a processing aid in the other food and is not exempted from a requirement to declare ingredients—see section 1.2.4—3(2)(e).</p> <p>(3) For subsections (1) and (2), the substances are the following:</p> <p>(a) a substance that is listed in Schedule 18;</p> <p>(b) an additive permitted in processed food; and foods.</p> <p><del>(b) is a reference to so much of the food as is necessary to perform the technological purpose.</del> Note 1: This Code does not regulate the use of foods as processing aids (other than foods that are substances referred to in subsection (3)). There are special labelling requirements that apply in relation to foods and substances that are used as processing aids—see paragraphs 1.59(d) and 1.59(e) and subparagraph 1.100(a)(vii).</p> <p>Note 2: If a food is used as a processing aid in relation to another food, and the amount of the food used is greater than the amount that is necessary to perform the technological purpose, the excess amount of the food is not taken to be used as a processing aid in the other food.</p> <p><del>(3) For subsections (1) and (2), the substances are the following:</del></p> <p><del>(a) a substance that is listed in Schedule 18;</del></p> <p><del>(b) an additive permitted at GMP.</del></p> <p><b>Note:</b> ‘additive permitted at GMP in processed foods’ is a defined term—see section 1.1221.1.2—11.</p>	
<p><del>Clause 2.04 [In this section]</del></p> <p><del>wheat flour includes wholemeal wheat flour.</del></p>	<p>Definition deleted</p> <p>There is a reference to “wheat flour” in s 2.1.1—2 with the same definition. The definition is purportedly pulled from s 1.1.2—3, but “wheat flour” is no longer defined in that section. This may be an oversight.</p> <p>“wheat flour” also appears in S17—4 and S22—2, with no definitions.</p> <p>Technical feedback required.</p>
<p><b>wine</b> means <del>a product that may be sold as wine under section 2.72;</del></p> <p><del>wine means</del> (a) a food that is the product of the complete or partial fermentation of fresh grapes, or a mixture of that product and products derived solely from grapes; or</p> <p>(b) such a food with any of the following added during production:</p>	<p>Significant change</p> <p>The definition is broadened by the addition of sub-s(b).</p>



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<p>(i) <u>grape juice and grape juice products;</u></p> <p>(ii) <u>sugars;</u></p> <p>(iii) <u>brandy or other spirit;</u></p> <p>(iv) <u>water that is necessary to incorporate any substance permitted for use as a food additive or a processing aid.</u></p> <p><u>Note: Under section 1.06, <del>wine</del> is defined for the rest of this Code as a food that may be sold as wine under this section.</u></p>	<p>Technical feedback required.</p>



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<p><del>Clause 1.08</del> <u>(2) In this Code section:</u></p> <p><b>acute care hospital:</b></p> <p>(a) means an establishment that provides:</p> <p>(i) at least minimal medical, surgical or obstetric services for inpatient treatment or care; and</p> <p>(ii) round-the-clock comprehensive qualified nursing services as well as other necessary professional services;</p> <p>to patients most of whom have acute conditions or temporary ailments, and have a relatively short average stay; and</p> <p>(b) includes:</p> <p>(i) a hospital specialising in dental, ophthalmic aids and other specialised medical or surgical care; and</p> <p>(ii) a public acute care hospital; and</p> <p>(iii) a private acute care hospital.</p>	Insignificant change
<p><u>active constituent of an agvet chemical means the substance that is, or one of the substances that together are, primarily responsible for the biological or other effect of the agvet chemical.</u></p>	Substantial change - new definition
<p><u>adjusted milk, in relation to condensed milk, dried milk or evaporated milk, means milk:</u></p> <p>(a) that is to be used to make the product concerned; and</p> <p>(b) to which milk components have been added, or from which they have been withdrawn, in order for the product to comply with requirements of Standard 2.5.7; and</p> <p>(c) that has the same whey protein to casein ratio as the original milk</p>	Substantial change - new definition
<p><del>see section 1.144</del></p> <p><b>agvet chemical</b> means an agricultural chemical product or a veterinary chemical product, within the meaning of the Agvet Code.</p> <p><b>Note</b> - The Agvet Code is the <u>Agricultural and Veterinary Chemicals</u> Code set out in the Schedule to the Agricultural and Veterinary Chemicals Code Act 1994 (Cth). See subsection 4(1) of the FSANZ Act.</p>	Insignificant change



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<p>Clause 1.122 [In this Code]</p> <p><del>additive permitted at GMP</del> means a substance that is listed in section S16.01 of Schedule 16.</p> <p><del>Note:— See subsection 1.124(1).</del></p> <p><del>see section 1.154</del></p>	<p>Definition deleted</p> <p>The term is not contained in draft variations to the Code</p>
<p><del>altered characteristics:</del> a food produced using gene technology is taken to have altered characteristics if:</p> <p><del>(a) the genetic modification has resulted in one or more significant composition or nutritional parameters having values outside the normal range of values for existing counterpart food not produced using gene technology; or</del></p> <p><del>(b) the level of anti-nutritional factors or natural toxicants are significantly different in comparison to the existing counterpart food not produced using gene technology; or</del></p> <p><del>(c) the food produced using gene technology contains a new factor known to cause an allergic response in particular sections of the population; or</del></p> <p><del>(d) the intended use of the food produced using gene technology is different to the existing counterpart food not produced using gene technology.</del></p> <p><del>see section 2.153</del></p>	<p>Definition deleted</p> <p>The term is not contained in draft variations to the Code</p>
<p><del>amino acid modified food</del> means a special purpose food if, in the preparation of the food: <del>food—see section 2.9.6—2.</del></p> <p><del>(a) there is a restriction in the use of ingredients containing one or more particular amino acids; or</del></p> <p><del>(b) there is a reduction of the content of one or more particular amino acids in any of the ingredients of the food.</del></p>	<p>No change</p>
<p><b>application Act</b> means an <u>Act or</u> Ordinance of a jurisdiction under which the requirements of this Code are applied in the jurisdiction.</p>	<p>Insignificant change</p>
<p><b>AS</b> means an Australian Standard published by Standards Australia.</p>	<p>No change</p>
<p><b>AS/NZS</b> means a joint Australia New Zealand Standard published by Standards Australia.</p>	<p>No change</p>
<p><b>assisted service display cabinet</b> means an enclosed or semi-enclosed display cabinet which requires a person to serve the food as requested by the purchaser.</p>	<p>No change</p>
<p><b>authorised officer</b>—, in relation to a jurisdiction, means a person authorised or appointed under an application Act or other legislation of the relevant jurisdiction for the purposes of enforcement of a provision of the relevant application Act, or for purposes that include that purpose.</p>	<p>No change</p>
<p><del>see section 1.71</del></p> <p><b>available carbohydrate</b> means available carbohydrate calculated in accordance with section <del>S11.02 in</del> <u>Schedule 11 S11—3.</u></p>	<p>Insignificant change</p>
<p><b>available carbohydrate by difference</b> means <del>available carbohydrate by difference calculated in accordance with section S11—3.</del></p>	<p>New definition</p>
<p><del>see section 1.71</del></p> <p><b>average energy content</b> means the average energy content calculated in accordance with section <del>S11.01 of</del></p>	<p>Insignificant change</p>



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<p>Schedule 11S11—2. For section 1.71, the <b>average energy content</b> of a food means the energy content <b>AE</b>, in kJ/100 g, calculated using the following formula:</p> $AE = \sum_{i=1}^N W_i \times ME_i$ <p>where:  <del><math>W_i</math></del> is the average amount of a component of the food measured in g/100 g of the food.  <del><math>ME_i</math></del> is the energy factor:  (a) <del>for a specific component listed in the table to subsection (2) indicated in the corresponding row of that table; and</del>  (b) <del>for a component listed in the table to subsection (3) indicated in the corresponding row of that table.</del>  <del><math>N</math></del> is the number of components in the food.</p>	
<p><del>see section 1.11.</del>  (1) The <b>average quantity</b> of a substance in a serving or other quantity of a food is arrived at using the method mentioned in subsection (2) that best represents the quantity of the substance the food contains after taking into account:  (a) <del>seasonal variability that would cause the quantity of the substance in foods from that manufacturer or producer to vary from lot to lot; and</del>  (b) <del>any other factors that would reasonably cause actual quantities of the substance in foods from that manufacturer or producer to vary from lot to lot.</del>  (2) The methods are:  (a) <del>the quantity that the manufacturer or producer of the food determines, based on an analysis, to be the average quantity of the substance in the serving or other quantity of the food; or</del>  (b) <del>the calculation of the substance, or the calculation of the average quantity of the substance, in the ingredients used for the food; or</del>  (c) <del>the calculation from generally accepted data relevant to that producer and the food.</del>  (3) A reference in this Code to the <b>average quantity</b> of a substance where no quantity is specified is a reference to the average quantity of the substance in the whole quantity of the relevant food product  <b>average quantity</b>, of a substance in a food, means the average, for such foods from that producer or manufacturer, of:  (a) <del>where a serving or reference amount is specified—the amount of the substance that such a serving or reference amount contains; or</del>  (b) <del>otherwise—the proportion of that substance in the food, expressed as a percentage.</del>  Note: The Code requires the ‘average quantity’ of a variety of substances to be listed in the nutrition information about a food product, for example, sodium, potassium, fatty acids, amino acids and vitamins and minerals. <b>Note</b> See also section 1.1.1—6.</p>	<p>Significant change</p> <p>This term has been re-defined.</p> <p>The new definition is simpler but substantially changes the way that “average quantity” is to be determined.</p> <p>Technical feedback required.</p>
<p><del>see section 1.65</del><b>baked-for</b> date, in relation to bread, means:  (a) if the time at which the bread was baked is <del>more than 12 hours</del> before <del>the commencement of the following</del></p>	<p>Insignificant change</p>



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<p><del>day—the midday—the</del> baked-on date;  (b) if the time at which the bread was baked is <del>less than 12 hours before the commencement of the following day—the on or after midday—the</del> day after the baked-on date.  Note: For example, bread that is baked after midday on one day may have a 'baked-for date' of the following day.</p>	The effect of the definition is the same with the new wording
<p><del>see section 1.65</del>  <b>baked-on date</b>, in relation to bread, means the date on which the bread was baked.</p>	Insignificant change
<p><del>see section 1.27</del>  (2) For this Code:  (a) <b>bear a label</b>: a food <del>product for sale</del> is taken to <b>bear a label</b> of a specified kind or with specified content if either of the following <del>are is</del> part of or attached to the packaging of the food <del>product</del>:  (i) <del>a</del> a label of that kind or with that content;  (ii) <del>labels that together are of that kind or have that content; and</del>  (b) <del>a requirement for the labelling of a food product to include specified content is a requirement for at least one of the labels to have that content.</del></p>	Insignificant change  The clarification that was contained in sub-s(b) is picked up under the modified definition of "labelling".
<p><b>beer</b> means <del>a food that may be sold as beer under section 2.68:</del>  (1) <del>A food that is sold on the basis of a representation that it is 'beer', 'ale', 'lager', 'pilsener', 'porter' or 'stout' must consist of:</del>  (a) <del>beer; or</del>  (b) <del>beer with the addition of any of the following if added during production:</del>  (i) <del>cereal products or other sources of carbohydrate;</del>  (ii) <del>sugar;</del>  (iii) <del>salt;</del>  (iv) <del>herbs and spices.</del>  (2) <del>In this section:</del>  <b>beer</b> means <del>(a)</del> the product, characterised by the presence of hops or preparations of hops, prepared by the yeast fermentation of an aqueous extract of malted or unmalted cereals, or both  Note: Under section 1.06, beer is defined for the rest of this Code as a food that may be sold as beer under this section.  ; or  (b) <del>such a product with any of the following added during production:</del>  (i) <del>cereal products or other sources of carbohydrate;</del>  (ii) <del>sugar;</del>  (iii) <del>salt;</del>  (iv) <del>herbs and spices.</del></p>	Insignificant change  Definition is now simpler and easier to use.
<p><del>see section 1.65</del>  <b>best-before date</b>, for a food <del>product for sale</del>, means the date up to which the food <del>product</del> will remain fully marketable and will retain any specific qualities for which express or implied claims have been made, if the food <del>product</del>:  (a) remains in an intact package during its storage; and</p>	Insignificant change



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(b) is stored in accordance with any storage conditions applicable under <del>section 1.69</del> Standard 1.2.6.	
<del>see section 1.71</del> <b>biologically active substance</b> means a substance, other than a nutrient, with which health effects are associated.	Insignificant change
<del>Clause 1.71 [applies to Division 7 &amp; 8]</del>  <b>biomarker</b> means a measurable biological parameter that is predictive of the risk of a serious disease when present at an abnormal level in the human body.	Insignificant change
<del>see Standard 4.2.1, clause 15</del>	This appeared next to the definition of “bivalve molluscs”, which was deleted from the Code.
<b>brandy</b> means: <del>(a) for Standard 4.5.1—see clause 1 of Standard 4.5.1.</del> <del>(b) elsewhere—a food that may be sold as brandy under section 2.73.</del> <b>brandy</b> means (a) a spirit obtained from the distillation of wine, or fermented preparations of grapes or grape product Note: Under section 1.06, <b>brandy</b> , <b>liqueur</b> and <b>spirit</b> are defined for the rest of this Code as a food that may be sold as brandy, liqueur or spirit under this section. ; or (b) such a spirit with any of the following added during production: (i) water; (ii) sugars; (iii) honey; (iv) spices; (v) grape juice; (vi) grape juice concentrates; (vii) wine; (viii) prune juice. <b>Note:</b> The term brandy has a different definition in Standard 4.5.1.	Significant change  The re-wording makes the definition easier to read.  However, the definition of “brandy” is broadened by the addition of sub-s(b)  <b>Technical feedback required.</b>
<b>bread</b> means <del>a food that may be sold as bread under section 2.01;</del> <del>(1) A food that is sold on the basis of a representation that it is ‘bread’, must consist of:</del> <del>(a) bread; or</del> <del>(b) bread with the addition of other ingredients.</del> <del>(2) In this section:</del> <b>bread</b> means (a) a food <u>that is</u> made by baking a yeast-leavened dough prepared from one or more cereal flours or meals and water Note: Under section 1.06, <b>bread</b> is defined for the rest of this Code as a food that may be sold as bread under this section. ; or	Insignificant change  The re-wording makes the definition easier to read, but the effect is the same.



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<del>(b) such a food with other ingredients added.</del>	
<p><b>brewed soft drink</b> means <u>a food that:</u></p> <p><u>(a) is the product prepared by a fermentation process from water with sugar and one or more of:</u></p> <p><u>(i) fruit extractives or infusions; or</u></p> <p><u>(ii) vegetable extractives or infusions; and</u></p> <p><u>(b) contains no more than 1.15% alcohol /volume.</u></p>	<p>Significant change</p> <p>The new definition removes the ambiguity that “brewed soft drink” may have included alcoholic drinks, and removes the potential overlap with the definition of wine.</p>
<p><b>bulk cargo container:</b></p> <p>(a) means an article of transport equipment, being a lift van, movable tank, shipping container, aircraft cargo container or other similar structure:</p> <p>(i) of a permanent character and accordingly strong enough to be suitable for repeated use; and</p> <p>(ii) specifically designed to facilitate the carriage of goods by one or more modes of transport, without immediate repacking; and</p> <p>(iii) fitted with devices permitting its ready handling and its transfer from one mode of transport to another; and</p> <p>(iv) so designed as to be easy to fill and empty; and</p> <p>(v) having an internal volume of one cubic metre or more; and</p> <p>(vi) includes the normal accessories and equipment of the container, when imported with the container and used exclusively with it; and</p> <p>(b) does not include any vehicle, or any ordinary packing case, crate, box, or other similar article used for packing.</p>	<p>No change</p>
<p><b>business address</b> means the street address, or a description of the location, of the premises from which a business is being operated.</p>	<p>No change</p>
<p><b>butter</b> means a food that <del>may be sold as butter under section 2.36</del></p> <p><del>(1) A food that is sold on the basis of a representation that it is ‘butter’ must: (a) consist of butter, or of butter with any of the following additional ingredients: (i) water; (ii) salt; (iii) lactic acid producing microorganisms; (iv) flavour producing microorganisms; and (b) contain no less than 80.0% m/m milkfat.</del></p> <p><del>(2) In this section: butter means a product is derived exclusively principally from milk and products obtained from milk, principally in the form of an emulsion of the type water-in-oil.</del></p> <p><del>Note: Under section 1.06, butter is defined for the rest of this Code as a food that may be sold as butter under this section.</del></p>	<p>Significant change</p> <p>The definition is now easier to read and is not narrowed by the items in former sub-s(1)(a).</p> <p>Former sub-s(1)(b) is picked up under s 2.5.5—3, which states that food sold as ‘butter’ must (a) consist of butter; and (b) contain no less than 80.0% m/m milkfat.</p>
<p><del>carbohydrate by difference—see section 1.71</del></p> <p><del>carbohydrate by difference means carbohydrate by difference calculated in accordance with section S11.02 in Schedule 11</del></p> <p><del>For section 1.71, carbohydrate, other than in the definition of beer (section 1.1.2—3), means available carbohydrate or available carbohydrate by difference, for a food, is calculated by subtracting from 100 the</del></p>	<p>Significant change</p> <p>“carbohydrate” was not previously defined. To avoid doubt, the new definition clarifies that the definition of “carbohydrate” does</p>



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<p>average quantity in the food, expressed as a percentage, of the following substances:—</p> <p>(a) — water;</p> <p>(b) — protein;</p> <p>(c) — fat;</p> <p>(d) — dietary fibre;</p> <p>(e) — ash;</p> <p>(f) — alcohol;</p> <p>(g) — if quantified or added to the food—any other unavailable carbohydrate;</p> <p>(h) — a substance listed in subsection S11.01(3).</p> <hr/> <p>(3) — For subsection (1), particular energy factors, in kJ/g, for specific components are listed below:</p> <p><b>Component — Energy factor</b></p> <p>erythritol — 1</p> <p>glycerol — 18</p> <p>isomalt — 11</p> <p>lactitol — 11</p> <p>maltitol — 13</p> <p>mannitol — 9</p> <p>organic acids — 13</p> <p>polydextrose — 5</p> <p>sorbitol — 14</p> <p>D-Tagatose — 11</p> <p>Xylitol — 14</p>	<p>not include the term used in the definition of “beer”.</p> <p>“available carbohydrate” and “available carbohydrate by difference” are also defined in s 1.1.2—2 by reference to S11—3 (see above). These definitions are repeated in s 1.2.8—4.</p> <p>Section S11—3 sets out how to calculate “available carbohydrate” and “available carbohydrate by difference”.</p> <p>The calculation of “carbohydrate by difference” is the same as the previous definition. It does not include the table of energy factors.</p> <p><b>Technical feedback required.</b></p>
<p><del>catering sale</del>—see section 1.28</p> <p>In this Code:</p> <p><del>catering sale</del>, in relation to a food product, means a sale of a food product to:</p> <p>(a) <del>caterer</del> means a person, establishment or institution (for example, a catering establishment</p> <p>; or (b) a restaurant; or</p> <p>(c) a canteen; or</p> <p>(d) a school; or</p> <p>(e) a hospital; or</p> <p>(f) any other institution where food is prepared or offered, a restaurant, a canteen, a school, or a hospital) which prepares or offers food for immediate consumption.</p>	<p>Insignificant change</p> <p>The definition of “catering sale” has been replaced with a new definition for “caterer”, using the same ideas. Query whether this change is necessary.</p>
<p><del>cereal-based food</del>—see section 2.105 <del>cereal-based food beverage</del> means food for infants a beverage that is based on cereal.</p>	<p>Significant change</p> <p>The draft variations to the Code introduces</p>



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	<p>separate definitions for “cereal-based food for infants” and “cereal-based beverages”.</p> <p>The change makes it clear that “cereal based beverages” are not limited by reference to infants.</p>
<p><b>cereal-based food for infants</b> means a food for infants, not including a beverage, that is based on cereal.</p>	<p>New definition</p>
<p><b>characterising component</b>—see section <del>1.110</del><u>1.1.2—4.</u></p> <p>(1) <u>In this Code, in relation to a food for sale:</u>  <b>characterising component</b> means a component of the food that:</p> <ul style="list-style-type: none"> <li>(a) is mentioned in the name of the food; or</li> <li>(b) is likely to be associated with the name of the food by a consumer; or</li> <li>(c) is emphasised on the label of the food <del>product</del> in words, pictures or graphics.</li> </ul>	<p>Insignificant change.</p> <p>The removal of the term “food product” for “food”.</p>
<p><b>characterising ingredient</b>—see section <del>1.110</del><u>1.1.2—4.</u></p> <p><b>characterising ingredient</b> means an ingredient or a category of ingredients of the food that:</p> <ul style="list-style-type: none"> <li>(a) is mentioned in the name of the food; or</li> <li>(b) is likely to be associated with the name of the food by a consumer; or</li> <li>(c) is emphasised on the label of the food <del>product</del> in words, pictures or graphics</li> </ul> <p>(2) <u>Despite subsection (1), any of the following is not a <b>characterising ingredient</b>:</u></p> <ul style="list-style-type: none"> <li>(a) <u>an ingredient or category of ingredients that is used in small amounts to flavour the food;</u></li> <li>(b) <u>an ingredient or category of ingredients that comprises the whole of the food;</u></li> <li>(c) <u>an ingredient or category of ingredients that is mentioned in the name of the food but which is not such as to govern the choice of the consumer, because the variation in the amount is not essential to characterise the food, or does not distinguish the food from similar foods.</u></li> </ul> <p>(3) <u>Compliance with labelling requirements elsewhere in this Code does not of itself constitute emphasis for the purposes of this section.</u></p>	<p>Significant change.</p> <p>Suggestion to reinstate the “does not” section has been included. We note that the change from “usually” to “likely to” has not been implemented.</p>
<p><b>cheese</b> means <del>a food that may be sold as cheese under section 2.34:</del>  <del>cheese means (a)</del> the ripened or unripened solid or semi-solid milk product <del>which may be, whether</del> coated <del>and or not, that</del> is obtained by one or both of the following processes:</p> <ul style="list-style-type: none"> <li><del>(a)</del> wholly or partly coagulating milk, or materials obtained from milk, or both, through the action of rennet or other suitable coagulating agents, <u>and</u> partially draining the whey which results from such coagulation;<del>or</del></li> <li><del>(b)(ii)</del> processing techniques involving concentration or coagulation of milk, or materials obtained from milk, or both, which give an end-product with similar physical, chemical and organoleptic characteristics as the product described in</li> </ul>	<p>Significant change</p> <p>The definition of “cheese” is broadened by the addition of sub-s(b).</p> <p>Technical feedback required.</p>



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<p>Note: Under section 1.06, <del>cheese</del> and <del>processed cheese</del> are defined for the rest of this Code as a food that may be sold as cheese or processed cheese under this section.<del>paragraph (a):</del>  <u>subparagraph (a)(i); or</u>  <b>(b)</b> <u>such a product with any of the following ingredients added during production:</u>            (i) <u>water;</u>            (ii) <u>lactic acid producing microorganisms;</u>            (iii) <u>flavour producing microorganisms;</u>            (iv) <u>gelatine;</u>            (v) <u>starch;</u>            (vi) <u>vinegar;</u>            (vii) <u>salt;</u>            (viii) <u>tall oil phytosterol esters added in accordance with Standard 2.5.4.</u></p>	
<p><b>chocolate</b> means a confectionery product that <del>:(a) is characterised by:</del>  <b>(a)</b> <u>the presence of</u>            (i) <u>cocoa bean derivatives; and</u>  <del>(b) is prepared from a minimum of 200 g/kg of cocoa bean derivatives; and</del>  <del>(c) contains (ii)</del> <u>no more than 50 g/kg of edible oils, other than cocoa butter or dairy fats;</u> <u>and</u>  <b>(b)</b> <u>preparation from a minimum of 200 g/kg of cocoa bean derivatives.</u></p>	<p>Insignificant change</p> <p>The change of wording makes the definition easier to read, but produces the same result.</p>
<p><del>cider—see section 2.70</del>  <b>cider</b> means the fruit wine prepared from the juice or must of apples <u>or apples</u> and <u>pears and with</u> no more than 25% of the juice or must of pears.          Note: Under section 1.06, <del>cider, fruit wine, mead, perry</del> and <del>vegetable wine</del> are defined for the rest of this Code as a food that may be sold as <del>cider, fruit wine, mead, perry</del> or <del>vegetable wine</del> under this section.</p>	<p>Insignificant change</p>
<p><b>claim</b> means an express or implied statement, representation, design or information in relation to a food or a property of food which is not mandatory in this Code.</p>	<p>No change</p>
<p><u>Clause 1.71 [applies to Division 7 &amp; 8]</u></p> <p><b>claim requiring nutrition information:</b>  <b>(a)</b> means:            (i) a nutrition content claim; or            (ii) a health claim; and  <b>(b)</b> does not include:            (i) a declaration that is required by an application Act; or            (ii) an endorsement.</p>	<p>No change</p>



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<p><del>Clause 2.123 (Labelling of formulated supplementary foods) [for this section]</del></p> <p><del><b>claimable vitamin or mineral</b> means a vitamin or mineral that is listed in:</del></p> <p><del>(a) section S17.01 or S17.02 of Schedule 17; or</del></p> <p><del>(b) section S30.13 of Schedule 30.</del></p> <p><del>Clause 2.126 (Labelling of formulated supplementary foods for young children) [for this section]</del></p> <p><del><b>claimable vitamin or mineral</b> means a vitamin or mineral that is listed in:</del></p> <p><del>(a) section S17.01 or S17.02 of Schedule 17; or</del></p> <p><del>(b) section S30.14 of Schedule 30.</del></p>	<p>Definition deleted</p> <p>The term is defined in s 2.9.3—8(7) for the purpose of that section with no significant changes.</p>
<p><b>cocoa</b> means the powdered product prepared from cocoa beans from which a portion of the fat may have been removed, with or without <del>the addition of</del> salt or spices <u>added</u>.</p>	<p>Insignificant change</p>
<p><del>Clause 1.147 [In this Code]</del></p> <p><b>coca bush</b> means:</p> <p><del>(a) <u>eurythroxylum</u> <u>Eurythroxylum</u> coca; or</del></p> <p><del>(b) a substance derived from <u>eurythroxylum</u> <u>Eurythroxylum</u> coca.</del></p>	<p>Insignificant change</p>
<p><u><b>Code, or this Code,</b> means the Australia New Zealand Food Standards Code.</u></p>	<p>New definition</p>
<p><b>code number</b>, used in relation to a substance used as a food additive, means either:</p> <p>(a) the number set out in the table to Schedule 8 in relation to that substance; or</p> <p>(b) that number preceded by the letter 'E'.</p>	<p>No change</p>
<p><b>coffee</b> means the product prepared by roasting, <u>grinding, or both roasting</u> and grinding, coffee beans.</p>	<p>Significant change.</p> <p>We note that the definition now includes coffee which is <u>both</u> “roasted and ground”. However we consider that the definition is not as clear as it is in the current Code as the word “or” has been deleted between roasting and grinding ie “... prepared by roasting <u>or</u> grinding, or both roasting and grinding ...” We suggest the reinstatement of the word “or” for clarity purposes.</p>
<p><del>Clause 1.122 [In this Code]</del></p> <p><del><b>colouring permitted at GMP</b> means a substance that is listed in section S16.02 of Schedule 16.</del></p> <p><del>Note: See subsection 1.124(1).</del></p>	<p>Definition deleted</p> <p>The term is not contained in draft variations to the Code.</p>
<p><del>Clause 1.122 [In this Code]</del></p>	<p>Definition deleted.</p>



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<del>colouring permitted to a maximum level</del> means a substance that is listed in section S16.03 of Schedule 16. <del>Note:—See subsection 1.124(3).</del>	The term is not contained in draft variations to the Code.
<b>comminuted</b> means chopped, diced or minced.	No change
<del>component—see section 1.18</del> <b>component:</b> <del>a component</del> , of a food <del>is</del> , means a substance that <del>can be identified is present</del> as a constituent part of the food <del>(as distinct from an ingredient that is used to produce the food)</del> . <b>Example:</b> If sodium bicarbonate is used as an ingredient to produce a food, it will be changed by the cooking into carbon dioxide and salts, <del>which</del> ; <u>the salts</u> are identifiable as components of the food.	Significant change  The new definition clarifies that “component” does not include “ingredient”.  <b>Technical feedback required.</b>
<del>compound ingredient—see section 1.17</del> <del>For this Code, compound ingredient:</del> an ingredient <u>of a food</u> is a <b>compound ingredient</b> if it <del>is an ingredient that</del> is itself made from two or more ingredients.	Insignificant change  Reversion back to original drafting in current Code.
<del>condensed milk means a food that may be sold as condensed milk under section 2.38</del> <b>condensed milk</b> means: (a) a food obtained by the partial removal of water from milk <u>or adjusted milk</u> , with the addition of sugars, <u>and the possible addition of salt or water</u> ; or (b) a food of the same composition obtained by any other process. <del>Note: Under section 1.06, condensed milk is defined for the rest of this Code as a food that may be sold as condensed milk under this section.</del>	Significant change  The definition is broadened by the addition of “adjusted milk”.  <b>Technical feedback required.</b>
<del>cream means a food that may be sold as cream under section 2.31</del> <b>cream</b> means a milk product comparatively rich in fat, in the form of an emulsion of fat-in-skim milk, <del>which can be that is</del> obtained by: (a) separation from milk; <u>or</u> (b) separation from milk, and the addition of milk or products obtained from milk. <del>Note: Under section 1.06, cream is defined for the rest of this Code as a food that may be sold as cream under this section.</del>	Significant change  The definition of “cream” is broadened by the addition of sub-s(b).  <b>Technical feedback required.</b>
<del>crocodile meat—see section 1.168</del> <del>crocodile meat means the skeletal muscle of the family Crocodylidae including any attached fat, connective tissue, nerve, blood and blood vessels, but does not include head meat</del>	Definition deleted  The term is defined in s 1.6.2—2(3) for the purpose of that section with no changes.
<del>cured and/or dried meat flesh in whole cuts or pieces—see section 2.06</del> <b>cured and/or dried meat flesh in whole cuts or pieces</b> means meat flesh including any attached bone containing no less than 160 g/kg meat protein on a fat free basis.	No change
<b>decaffeinated coffee</b> means coffee that contains no more than 1 g/kg of anhydrous caffeine on a dry basis.	No change



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<b>decaffeinated tea</b> means tea that contains no more than 4 g/kg of anhydrous caffeine on a dry basis.	No change
<a href="#">Clause 1.47 [In this section]</a>  <del><b>deface</b> includes alter, remove, erase, obliterate and obscure.</del>	Definition deleted  The term is defined in s 1.2.1—22(3) for the purpose of that section with no changes.
<del><b>dietary fibre</b>—see section 1.71</del> <b>dietary fibre</b> means that fraction of the edible part of plants or their extracts, or synthetic analogues that: <ul style="list-style-type: none"> <li>(a) are resistant to digestion and absorption in the small intestine, usually with complete or partial fermentation in the large intestine; and</li> <li>(b) promote one or more of the following beneficial physiological effects: <ul style="list-style-type: none"> <li>(i) laxation;</li> <li>(ii) reduction in blood cholesterol;</li> <li>(iii) modulation of blood glucose;</li> </ul> </li> </ul> and includes: <ul style="list-style-type: none"> <li>(c) polysaccharides or oligosaccharides that have a degree of polymerisation greater than 2; and</li> <li>(d) lignins.</li> </ul>	No change
<del><b>dried meat</b> means meat that has been dried to a water activity of no more than 0.85 but does not include slow cured dried meat.</del>	New definition  <b>Technical feedback required.</b>
<del><b>dried milk</b> means a food that may be sold as dried milk under section 2.39.</del> <b>dried milk</b> means a powdered <a href="#">milk product food</a> obtained by the partial removal of water from <a href="#">milk or adjusted milk</a> . Note: Under section 1.06, <b>dried milk</b> is defined for the rest of this Code as a food that may be sold as dried milk under this section.	Significant change  The definition is broadened by the addition of “adjusted milk”.  <b>Technical feedback required.</b>
<del><b>edible oil</b> means a food that may be sold as edible oil under section 2.24</del> <b>edible oil</b> means the triglycerides, diglycerides, or both the triglycerides and diglycerides of fatty acids of plant or animal origin, including aquatic plants and aquatic animals, <a href="#">with incidental amounts of free fatty acids, unsaponifiable constituents and other lipids including naturally occurring gums, waxes and phosphatides.</a> Note: Under section 1.06, <b>edible oil</b> is defined for the rest of this Code as a food that may be sold as edible oil under this section.	Significant change  The definition is now broader.  <b>Technical feedback required.</b>
<del><b>edible oil spread</b> means a food that may be sold as edible oil spread under section 2.26;</del> <b>edible oil spread</b> means (a) a spreadable food composed of edible oils and water in the form of an	Significant change



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<p>emulsion of the type water-in-oil-; <u>or</u>  <b>(b) such a food with any of the following added:</b>            (i) <u>water;</u>            (ii) <u>edible proteins;</u>            (iii) <u>salt;</u>            (iv) <u>lactic acid producing microorganisms;</u>            (v) <u>flavour producing microorganisms;</u>            (vi) <u>milk products;</u>            (vii) <u>no more than 82 g/kg of total plant sterol equivalents content.</u></p> <p><small>Note: Under section 1.06, <del>edible oil spread</del> is defined for the rest of this Code as a food that may be sold as edible oil spread under this section.</small></p>	<p>The definition of “edible oil spread” is broadened by the addition of sub-s(b).</p> <p><b>Technical feedback required.</b></p>
<p><u><b>egg product</b> means the contents of an egg in any form including egg pulp, dried egg, liquid egg white and liquid egg yolk.</u></p>	<p>New definition</p> <p><b>Technical feedback required.</b></p>
<p><del><b>electrolyte drink base</b> means a food that may be sold as an electrolyte drink base under section 2.51</del>  <b>electrolyte drink base</b> means a solid or liquid which, when made up, makes an electrolyte drink.</p> <p><small>Note: Under section 1.06, <del>electrolyte drink</del> and <del>electrolyte drink base</del> are defined for the rest of this Code as a food that may be sold as electrolyte drink or electrolyte drink base under this section.</small></p>	<p>Insignificant change</p>
<p><del><b>electrolyte drink</b> means a food that may be sold as an electrolyte drink under section 2.51</del>  <b>electrolyte drink</b> means a drink formulated and <u>represented as</u> suitable for the rapid replacement of fluid, carbohydrates, electrolytes and minerals.</p> <p><small>Note: Under section 1.06, <del>electrolyte drink</del> and <del>electrolyte drink base</del> are defined for the rest of this Code as a food that may be sold as electrolyte drink or electrolyte drink base under this section.</small></p>	<p>Significant change</p> <p>There is no longer a requirement to show that the drink is suitable for the rapid replacement of fluid (etc); it is now sufficient that the manufacturer merely represents this.</p>
<p><u>Clause 1.71 [applies to Division 7 &amp; 8]</u></p> <p><b>endorsement</b> means a nutrition content claim or a health claim that is made with the permission of an endorsing body.</p>	<p>No change</p>
<p><u>Clause 1.71</u></p> <p><b>endorsing body</b> means a not-for-profit entity that:</p> <p>(a) has a nutrition- or health-related purpose or function; and</p> <p>(b) permits a supplier to make an endorsement.</p>	<p>No change</p>
<p><u>Clause 2.135 [In this section]</u></p> <p><del><b>energy supplement</b> means a formulated supplementary sports food for which not more than 20% of the</del></p>	<p>Definition deleted</p> <p>The term is defined in s 2.9.4—10(3) for</p>



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<del>average energy content of the food is derived from protein.</del>	the purpose of that section with no changes.
<p><b>ESADDI</b>—see section <del>4.071.1.2—10.</del></p> <p><b>Note:</b> <u>‘RDI’ is an abbreviation of recommended dietary intake.</u> ‘ESADDI’ is an abbreviation of ‘estimated safe and adequate daily dietary intake’.</p> <p>(1) <del>For</del> <u>In relation to a food for infants the RDI or ESADDI for a vitamin or mineral listed in column 1 of the table to section S1.01 or S1.02 of Schedule 1, the <b>RDI or ESADDI</b>, as indicated in column 2, is the amount specified in:</u></p> <p><u>S1—2 or S1—3 is shown in column 5.</u></p> <p>(2) <u>In relation to a food intended or represented as suitable for use by children aged 1 to 3 years (including a formulated supplementary food for young children) the RDI or ESADDI for a vitamin or mineral listed in column 1 of the table to section S1—2 or S1—3 is shown in column 4.</u></p> <p><u>(a) for Division 2 of Part 9 of Chapter 2—column 5; and</u></p> <p><u>(b) for Subdivision D of Division 3 of Part 9 of Chapter 2—column 4; and</u></p> <p><u>(c) otherwise—column 3.</u></p> <p><del>(2) For this Code, when calculating the amount of a vitamin or mineral for the purpose of comparing that amount to the RDI or ESADDI:</del></p> <p><del>(a) for vitamin A:</del></p> <p><del>(i) calculate the amount in terms of retinol equivalents; and</del></p> <p><del>(ii) for carotene forms of vitamin A, calculate retinol equivalents using the conversion factors in section S1.03 of Schedule 1; and</del></p> <p><del>(b) for niacin:</del></p> <p><del>(i) calculate only the proportion of niacin provided by pre-formed niacin in foods; and</del></p> <p><del>(ii) exclude the niacin provided from the conversion of the amino acid tryptophan; and</del></p> <p><del>(c) for vitamin C, calculate only the amount of L-ascorbic acid and dehydroascorbic acid; and</del></p> <p><del>(d) for vitamin E, calculate the amount in terms of alpha-tocopherol equivalents using the conversion factors in section S1.04 of Schedule 1.</del></p> <p><u>(3) In relation to any other food the RDI or ESADDI for a vitamin or mineral listed in column 1 of the table to section S1—2 or S1—3 is shown in column 3.</u></p>	<p>Significant change</p> <p>The new definition removes the instructions for calculating the amount of a vitamin or mineral for the purpose of comparing that to RDI or ESADDI.</p> <p>The definition now distinguishes between food for infants, young children and others. It also includes new references to tables in Sch 1 that set out the RDIs and ESADDIs.</p> <p><b>Technical feedback required.</b></p>
<p><del>evaporated milk means a food that may be sold as evaporated milk under section 2.40</del></p> <p><b>evaporated milk</b> means:</p> <p>(a) a <del>milk product food</del> obtained by the partial removal of water <u>by heat</u> from milk <del>by heat; or, with the possible addition of one or more of the following:</del></p> <p><u>(i) salt;</u></p> <p><u>(ii) water. or</u></p> <p>(b) a <del>milk product food</del> of the same composition obtained by any other process.</p> <p><small>Note: Under section 1.06, <b>evaporated milk</b> is defined for the rest of this Code as a food that may be sold as evaporated milk under this section.</small></p>	<p>Significant change</p> <p>The definition of “evaporated milk” is broadened by the additions to sub-s(a).</p> <p><b>Technical feedback required.</b></p>



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<p><del>extraneous residue limit (ERL)—see section 1.146</del></p> <p><del>(1) In this Code:</del></p> <p><del><b>extraneous residue limit</b> or <b>ERL</b>, for an agvet chemical in a food, means the amount identified in Schedule 21 for that agvet chemical in that food.</del></p> <p><del>Note: In Schedule 21:</del></p> <ul style="list-style-type: none"> <li><del>• an asterisk (*) indicates that the ERL is set at the limit of determination; and</del></li> <li><del>• the symbol T indicates that the ERL is a temporary ERL; and</del></li> <li><del>• the symbol E indicates an ERL.</del></li> </ul> <p><del>(2) A food listed in Schedule 21 may contain a residue of an agvet chemical that is identified in relation to that food in that Schedule.</del></p> <p><del>(3) The presence of the chemical in the food must arise from environmental sources, and must not arise from direct or indirect use of an agvet chemical.</del></p> <p><del>(4) The level of the residue of the chemical in the food must be calculated by assessing the level of</del></p> <p><del>(a) the chemical identified in Schedule 21; and</del></p> <p><del>(b) any chemical identified in the relevant residue definition for that chemical in that Schedule; that is present in the food.</del></p> <p><del>(5) The level of the residue, calculated in accordance with subsection (4), must not be greater than the extraneous residue limit.</del></p> <p><del>(6) For a food for which there is no ERL specified, and that contains 2 or more ingredients (a <b>mixed food</b>), 1 or more of which is listed in Schedule 21, the level of a residue of a particular agvet chemical listed in Schedule 21 in the food must not be greater than the amount <b>ERL</b> calculated in accordance with the following formula:</del></p> $ERL = \frac{Total\ A}{Total} \times ERL\ A + \frac{Total\ B}{Total} \times ERL\ B$ <p><del>where, for a particular residue:</del></p> <p><del><b>ERL A</b> and <b>ERL B</b> are the extraneous residue limits for the residue in ingredient A and ingredient B respectively.</del></p> <p><del><b>Total</b> is the total weight of the food.</del></p> <p><del><b>Total A</b> and <b>Total B</b> are the weight of ingredient A and ingredient B respectively.</del></p>	<p>Significant change</p> <p>The new definition removes the detailed formula for calculating ERL.</p> <p>Technical feedback required.</p>
<p><del><b>fat</b>—see section 1.71</del></p> <p><del><b>fat fat</b>, in Standards 1.2.7 and 1.2.8 and Schedules 4 and 11, means total fat.</del></p>	<p>Significant change</p> <p>The definition of “fat” is now limited to the parts of the Code listed.</p> <p>Where “fat” is used in other parts of the Code it may have a broader meaning.</p>



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<p><del>fermented milk</del> means a food that may be sold as fermented milk under section 2.32</p> <p><b>fermented milk</b> means a food obtained by fermentation of milk or products derived from milk, where the fermentation involves the action of microorganisms and results in coagulation and a reduction in pH.</p> <p>Note: Under section 1.06, <b>fermented milk</b> and <b>yoghurt</b> are defined for the rest of this Code as a food that may be sold as fermented milk or yoghurt under this section.</p>	Insignificant change
<p><del>fish—see section 2.19</del></p> <p><b>fish</b> means a cold-blooded aquatic vertebrate or aquatic invertebrate including shellfish, but not including amphibians or reptiles.</p> <p>Note 1: This Division does not define specific names for fish. An Australian Fish Names Standard (AS SSA 5300) has been published which provides guidance on standard fish names to be used in Australia.</p> <p>1. Hard copies of the Australian Fish Names Standard (AS SSA 5300) are available from Seafood Services Australia at <a href="http://www.seafood.net.au/shop">http://www.seafood.net.au/shop</a>.</p> <p>2. A searchable database of Australian Standard Fish Names is available at <a href="http://www.fishnames.com.au">http://www.fishnames.com.au</a>.</p> <p>3. New Zealand common, Maori, and scientific names for fish species are available from the website of the Ministry of Agriculture and Forestry at <a href="http://www.foodsafety.govt.nz/industry/sectors/seafood/fish-names/index.htm">http://www.foodsafety.govt.nz/industry/sectors/seafood/fish-names/index.htm</a>.</p> <p>Note 2: Section 1.142 and section S19.06 of Schedule 19 prescribes the maximum level of histamine permitted in fish and fish products.</p>	Insignificant change
<p><del>The current Code refers to flavourings. The new definition is consistent with Codex terminology.</del></p> <p><b>flavouring substance</b> means a substance that is used as a food additive to perform the technological purpose of a flavouring in accordance with this Code.</p>	No change
<p><b>flour products</b> means the cooked or uncooked products, other than bread, of one or more flours, meals or cereals.</p>	No change
<p><b>flours or meals</b> means the products of grinding or milling of cereals, legumes or other seeds.</p>	No change
<p><del>follow-on formula—see section 2.82</del></p> <p><b>follow-on formula</b> means an infant formula product that:</p> <p>(a) is represented as either a breast-milk substitute or replacement for infant formula; and</p> <p>(b) is suitable to constitute the principal liquid source of nourishment in a progressively diversified diet for infants <del>aged from over the age of 6 months.</del></p>	Insignificant change
<p><del>food—see section 1.15</del><del>In this Code, for the purposes of application of the Code by an application Act, food subsection (2) (the term</del> has the same meaning as in the <del>relevant</del> application Act).</p> <p>Note 1: For Australia the various application Acts each include a definition of <b>food</b>. These have essentially the same effect, and give 'food' a very broad meaning, but the wording differs slightly. This section ensures that when the Code is applied by an application Act, there is no doubt that the meaning is the same as in that Act. The text of section 3 of the Model Food Provisions, on which the provisions in the Australian application Acts are based, is as follows:</p> <p>(1) In this Act, <b>food</b> includes:</p> <p>(a) any substance or thing of a kind used, or represented as being for use, for human consumption (whether it is live, raw, prepared or partly prepared), or</p> <p>(b) any substance or thing of a kind used, or represented as being for use, as an ingredient or additive in a substance or thing referred to in paragraph (a), or</p> <p>(c) any substance used in preparing a substance or thing referred to in paragraph (a) (other than a substance used in preparing a living thing) if it comes in direct contact with the substance or thing referred to in that paragraph, such as a processing aid, or</p> <p>(d) chewing gum or an ingredient or additive in chewing gum, or any substance used in preparing chewing gum, or</p>	Insignificant change



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<p>(e) any substance or thing declared to be a food under a declaration in force under [section 6 of the <i>Food Standards Australia New Zealand Act 1991</i> of the Commonwealth] and prescribed by the regulations for the purposes of this paragraph], whether or not the substance, thing or chewing gum is in a condition fit for human consumption.</p> <p>(2) However, <b>food</b> does not include a therapeutic good within the meaning of the <i>Therapeutic Goods Act 1989</i> of the Commonwealth.</p> <p>(3) To avoid doubt, <b>food</b> may include live animals and plants.</p> <p>Note 2: For New Zealand, <b>food</b> is defined in section 2 of the <i>Food Act 1981</i> (NZ) as follows:</p> <p><b>food</b> means anything that is used or represented for use as food or drink for human beings; and includes—</p> <p>(a) any ingredient or nutrient or other constituent of any food or drink, whether that ingredient or nutrient or other constituent is consumed or represented for consumption by human beings by itself or when used in the preparation of or mixed with or added to any food or drink; and</p> <p>(b) anything that is or is intended to be mixed with or added to any food or drink; and</p> <p>(c) chewing gum, and any ingredient of chewing gum, and anything that is or is intended to be mixed with or added to chewing gum.</p> <p><b>Note:</b> Each of the <u>various application Acts</u> has a definition of food. These all have a similar effect and make the concept very broad, effectively covering anything that is intended or offered for human consumption</p>	
<p>The Code currently prohibits the addition of food additives, but does not say (in an operative provision) what a food additive is. This creates uncertainty about what is prohibited. The proposed definition limits the term to the lists of permitted food additives that are currently in the schedules to Standard 1.3.1.</p> <p><b>food additive</b>—see <b>used as a food additive</b>, section <del>1.122</del><u>1.1.2—11</u>.</p> <p>(1) For this Code, a substance is <b>used as a food additive</b> in relation to food if:</p> <p>(a) it is a substance identified in subsection (2); and</p> <p>(b) it is added to the food to perform <del>1 or more of the technological purposes listed in Schedule 14.</del></p> <p>(2) For subsection (1), the substances are:</p> <p>(a) any of the following:</p> <p>(i) a substance that is listed in Schedule 15;</p> <p>(ii) an additive permitted at GMP;</p> <p>(iii) a colouring permitted at GMP;</p> <p>(iv) a colouring permitted to a maximum level; and</p> <p>(b) any substance that:</p> <p>(i) has been extracted, refined, or synthesised; and</p> <p>(ii) is not normally sold as a food product; and</p> <p>(iii) is not normally used as an ingredient by consumers.</p>	Insignificant change
<p><b>food for infants</b>—see section 2.105</p> <p><b>food for infants:</b></p> <p>(a) means a food that is intended or represented for use as a source of nourishment for infants; and</p> <p>(b) does not include:</p> <p>(i) infant formula products; or</p> <p>(ii) formulated meal replacements; or</p> <p>(iii) formulated supplementary foods; or</p> <p>(iv) unprocessed fruit and vegetables.</p>	No change
<u>Clause 2.136</u>	No change



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<p><u>food for special medical purposes</u>—see section 1.1.2—5.</p> <p>(1) <u>In this Code:</u>  <b>food for special medical purposes</b> means a food that is:</p> <ul style="list-style-type: none"> <li>(a) specially formulated for the dietary management of individuals: <ul style="list-style-type: none"> <li>(i) by way of exclusive or partial feeding, who have special medically determined nutrient requirements or whose capacity is limited or impaired to take, digest, absorb, metabolise or excrete ordinary food or certain nutrients in ordinary food; and</li> <li>(ii) whose dietary management cannot be completely achieved without the use of the food; and</li> </ul> </li> <li>(b) intended to be used under medical supervision; and</li> <li>(c) represented as being: <ul style="list-style-type: none"> <li>(i) a food for special medical purposes; or</li> <li>(ii) for the dietary management of a disease, disorder or medical condition.</li> </ul> </li> </ul> <p>(2) Despite subsection (1), a food is not <b>food for special medical purposes</b> if it is:</p> <ul style="list-style-type: none"> <li>(a) formulated and represented as being for the dietary management of obesity or overweight; or</li> <li>(b) an infant formula product.</li> </ul>	
<p><u>Clause 1.71 [applies to Division 7 &amp; 8]</u></p> <p><b>food group</b> means any of the following groups:</p> <ul style="list-style-type: none"> <li>(a) bread (both leavened and unleavened), grains, rice, pasta and noodles;</li> <li>(b) fruit, vegetables, herbs, spices and fungi;</li> <li>(c) milk, skim milk, cream, fermented milk, yoghurt, cheese, processed cheese, butter, ice cream, condensed milk, dried milk, evaporated milk, and <u>dairy</u> analogues derived from legumes and cereals <u>listed in section S17—4</u>;</li> <li>(d) meat, fish, eggs, nuts, seeds and dried legumes;</li> <li>(e) fats including butter, edible oils and edible oil spreads.</li> </ul>	<p>Significant change</p> <p>“cereals” in sub-s(c) is now limited by the reference to S17—4.</p> <p><b>Technical feedback required.</b></p>
<p><u>food produced using gene technology</u>—see section 1.154</p> <p><b>food produced using gene technology</b> means a food which has been derived or developed from an organism which has been modified by gene technology.</p> <p><b>Note:</b> This definition does not include food derived from an animal or other organism which has been fed food produced using gene technology, unless the animal or other organism is itself a product of gene technology.</p>	<p>No change</p>
<p><del>The defined term replaces the use of final food.</del></p> <p><del><b>food product</b>—see section 1.16</del></p> <p><del>For this Code, a <b>food product</b> is a quantity of a food, whether or not in a package, that is:</del></p> <p><del>(a) sold to a consumer on the basis of a representation that it is suitable for human consumption, whether:</del></p> <p><del>(i) in the form in which it is sold; or</del></p>	<p>Definition deleted</p> <p>The term is not contained in draft variations to the Code.</p>



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<p><del>(ii) after preparation by cooking or another basic or traditional process on its own or with other foods; or</del>  <del>(b) sold to a person other than a consumer;</del>  <del>(i) on the basis of a representation that is suitable for sale to a consumer under paragraph (a); or</del>  <del>(ii) on the basis of a representation that it is suitable for sale to a consumer after preparation by cooking or another basic or traditional process on its own or with other foods.</del>  <del>Note: The definition of <b>sell</b> in this Code is very broad; it includes offer for sale—see section 1.20.</del></p>	
<p><del><b>formulated beverage</b>—see section 2.44</del>  <b>formulated beverage</b> means a non-carbonated, ready-to-drink, <del>water-based</del> flavoured beverage that—  <del>(a) is water-based; and</del>  <del>(b) contains added vitamins or minerals or both vitamins and minerals, prepared; and</del>  <del>(c) contains no more than 240 mL/L of fruit from one or more of the following sources:</del>  <del>(a) water;</del>  <del>(b)(i) fruit juice;</del>  <del>(eii) fruit purée;</del>  <del>(diii) concentrated fruit juice;</del>  <del>(e(iv) concentrated fruit purée;</del>  <del>(fv) comminuted fruit;</del>  <del>(gvi) orange peel extract; and</del>  <del>(h) mineral water;</del>  <del>(i) (d) contains no more than 75 g/L of sugars; and</del>  <del>(e) does not contain:</del>  <del>(i) carbon dioxide; or</del>  <del>(ii) caffeine; and</del>  <del>(f) is not mixed with any other beverage.</del></p>	<p>Significant change</p> <p>The definition is substantially narrower than the previous definition.</p> <p>Technical feedback required.</p>
<p><b>formulated caffeinated beverage</b>—see section <del>2.58</del>1.1.2—6.  <del>(1) In this Code:</del>  <b>formulated caffeinated beverage</b> means a flavoured, non-alcoholic beverage <del>which contains caffeine and may contain, or a flavoured, non-alcoholic beverage to which other substances (for example, carbohydrates, amino acids, vitamins and other substances) have been added, including other foods, for that:</del>  <del>(a) contains caffeine; and</del>  <del>(b) has the purpose of enhancing mental performance.</del>  <del>(2) To avoid doubt, a formulated caffeinated beverage is a water based flavoured drink for the purposes of item 14.1.3 of section S15—5 and of section S18—10.</del></p>	<p>Insignificant change</p>



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<del>formulated meal replacement—see section 2.118</del> <b>formulated meal replacement</b> means a food, <u>or a prepackaged selection of foods,</u> that: (a) has been specifically formulated as a replacement for one or more meals of the day, but not as a total diet replacement; and (b) is represented as a formulated meal replacement.	Insignificant change
<del>formulated supplementary food for young children—see section 2.124</del> <b>formulated supplementary food for young children</b> means a formulated supplementary food for children aged 1 to 3 years.	No change
<del>formulated supplementary food—see section 2.121</del> <b>formulated supplementary food</b> means a food specifically formulated as, and sold on the basis that it is, a supplement to a normal diet to address situations where intakes of energy and nutrients may not be adequate to meet an individual's requirements.	No change
<del>formulated supplementary sports food—see section 2.127</del> <b>formulated supplementary sports food</b> means a product that is specifically formulated to assist sports people in achieving specific nutritional or performance goals.	No change
<del>Clause 1.71 [applies to Division 7 &amp; 8]</del>  <del>fruit:</del> <u>fruit, in Standard 1.2.7 and Standard 1.2.8:</u> (a) means the edible portion of a plant or constituents of the edible portion that are present in the typical proportion of the whole fruit (with or without the peel or water); and (b) does not include nuts, spices, herbs, fungi, legumes and seeds.	Significant change  The definition is now limited to Standards 1.2.7 and 1.2.8. Where the term is used in other parts of the Code it may have a broader meaning.
<del>fruit and vegetables—see section 2.21</del> <b>fruit and vegetables</b> <del>includes</del> <u>means any of fruit, vegetables,</u> nuts, spices, herbs, fungi, legumes and seeds.	Significant change  Reversion back to the original form of the definition.
<del>fruit drink means a food that may be sold as fruit drink under section 2.49</del> <b>fruit drink</b> means a product <u>that is</u> prepared from: (a) one or more of the following: (i) fruit juice; (ii) fruit purée; (iii) concentrated fruit juice; (iv) concentrated fruit puree; (v) comminuted fruit; (vi) orange peel extract; and (b) one or more of the following: (i) water; (ii) mineralised water; <u>and</u>	Insignificant change



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(iii) sugars. Note: Under section 1.06, <del>fruit drink</del> is defined for the rest of this Code as a food that may be sold as fruit drink under this section.	
<del>fruit juice</del> means a food that may be sold as fruit juice under section 2.42 <del>fruit juice means the juice made from a fruit</del> Note: Under section 1.06, <del>fruit juice</del> and <del>vegetable juice</del> are defined for the rest of this Code as a food that may be sold as fruit juice or vegetable juice under this section.	Insignificant change
<del>fruit-based food</del> —see section 2.105 <del>fruit-based food</del> means food <del>for infants</del> that is based on fruit.	Significant change  The definition is no longer limited to food for infants.  <b>Technical feedback required.</b>
<del>Derived from 2.7.3 cl 1(2)</del> <del>fruit wine</del> means a food that may be sold as fruit wine under section 2.70 <del>fruit wine or vegetable wine</del> means: <del>(a) means a food prepared from (a) a food that:</del> <del>(i) is the product of</del> the complete or partial fermentation of fruit, vegetable, grains, cereals or any combination or preparation of those foods; and <del>(b) does not include wine or wine product.</del> Note: Under section 1.06, <del>cider, fruit wine, mead, perry</del> and <del>vegetable wine</del> are defined for the rest of this Code as a food that may be sold as <del>cider, fruit wine, mead, perry or vegetable wine</del> under this section. <del>(ii) is not wine or a wine product; or</del> <del>(b) such a food with any of the following added during production:</del> <del>(i) fruit juice and fruit juice products;</del> <del>(ii) vegetable juice and vegetable juice products;</del> <del>(iii) sugars;</del> <del>(iv) honey;</del> <del>(v) spices;</del> <del>(vi) alcohol;</del> <del>(vii) water.</del>	Significant change  The definitions are broadened by the addition of sub-s(b).  <b>Technical feedback required.</b>
<del>Clause 2.69 [In this Code]</del>  <del>fruit wine product or vegetable wine product</del> means a food containing no less than 700 mL/L of fruit wine, or vegetable wine, or both fruit and vegetable wine, which has been formulated, processed, modified or mixed with other foods such that it is not a fruit wine or vegetable wine.	No change
<del>FSANZ</del> means Food Standards Australia New Zealand.	Insignificant change



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<del>FSANZ Act is defined as a reference to the <i>Food Standards Australia and New Zealand Act 1999</i>.</del> <b>FSANZ Act</b> means the <i>Food Standards Australia New Zealand Act 1991</i> (Cth).	Insignificant change
<b>fund raising event</b> means an event that raises funds solely for a community or charitable cause and not for personal financial gain. <u>Note: In New Zealand, the definition</u>	No change to definition, but the Note is incomplete.
<del>Clause 1.71 [applies to Division 7 &amp; 8]</del>  <del>fvnl is as defined in section S5.03 of Schedule 5 for the purpose of calculating V points.</del>	Definition deleted  This term is defined in s 1.2.7—26(5) for the purpose of that section with no significant changes.  S5—4 does not specifically define fvnl. The definition appears in brackets within sub-s(1): “V points can be scored for fruits, vegetables, nuts and legumes including coconut, spices, herbs, fungi, seeds and algae (fvnl) including: ...”
<b>galacto-oligosaccharides</b> means a mixture of the substances produced from lactose by enzymatic action, comprised of between two and eight saccharide units, with one of these units being a terminal glucose and the remaining saccharide units being galactose, and disaccharides comprised of two units of galactose.	No change
<del><b>game meat flesh</b>—see section 1.169</del> <del><b>game meat flesh</b> means skeletal game meat muscle, including any attached fat, connective tissue, nerve, blood, blood vessels and, in the case of birds, skin</del>	Definition deleted  The term is defined in s 1.6.2—4(3) for the purpose of that section with no changes.
<del><b>game meat</b>—see section 1.169</del> <del><b>game meat</b> means the whole or part of the carcass of any bird, buffalo, camel, deer, donkey, goat, hare, horse, kangaroo, rabbit, pig, possum or wallaby that has been slaughtered in the wild state, but does not include avian eggs, fetuses, parts of fetuses or pouch young</del>	Definition deleted  The term is defined in s 1.6.2—4(3) for the purpose of that section with no changes.  The term also appears in S22—2 but is not defined for the purpose of that section.
<del><b>game offal</b>—see section 1.169</del> <del><b>game offal</b> means game meat other than game meat flesh</del>	Definition deleted  The term is defined in s 1.6.2—4(3) for the purpose of that section with no changes.
<b>gelatine</b> means a protein product prepared from animal skin, bone or other collagenous material, or any	No change



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combination of those things.	
<del>gene technology</del> —see section 1.154 <b>gene technology</b> means recombinant DNA techniques that alter the heritable genetic material of living cells or organisms.	No change
<del>Clause 1.71 [applies to Division 7 &amp; 8]</del>	No change
<b>general level health claim</b> means a health claim that is not a high level health claim. <del>Clause 1.87 [In this subdivision]</del>	Insignificant change
<b>general level health claims table</b> means the table to section <del>S4.03 of Schedule 4</del> <u>S4—5</u> .	
<b>geographical indication</b> —see section <del>2.74</del> <u>2.7.5—4</u> . <del>geographical indication</del> means an indication, whether express or implied: (a) which identifies a spirit as originating in a particular country, locality or region; and (b) where a given quality, reputation or other characteristic of the spirit is essentially attributable to its origin in that particular country, locality or region.	No change
<del>gluten</del> —see section 1.71 <b>gluten</b> means the main protein in wheat, rye, oats, barley, triticale and spelt relevant to the medical conditions coeliac disease and dermatitis herpetiformis.	No change
<u><b>glycaemic index (GI)</b> means a measure of the blood glucose raising ability of the digestible carbohydrates in a given food as determined by a recognised scientific method.</u>	New definition <b>Technical feedback required.</b>
<b>GMP or Good Manufacturing Practice</b> , with respect to the addition of substances used as food additives and substances used as processing aids to food, means the practice of: (a) limiting the <del>quantity</del> <u>amount</u> of substance that is added to food to the lowest possible level necessary to accomplish its desired effect; and (b) to the extent reasonably possible, reducing the <del>quantity</del> <u>amount</u> of the substance or its derivatives that: (i) remains as a component of the food as a result of its use in the manufacture, processing or packaging; and (ii) is not intended to accomplish any physical or other technical effect in the food itself; (c) preparing and handling the substance in the same way as a food ingredient.	Insignificant change
<b>hamper</b> means a decorative basket, box or receptacle that: (a) contains one or more separately identifiable foods; and (b) may contain other items, such as decorative cloths, glasses and dishes.	No change
<del>Clause 1.71 [applies to Division 7 &amp; 8]</del>	Insignificant change
<b>health claim</b> means a claim which states, suggests or implies that a food or a property of food has, or may	



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<p>have, a health effect.</p> <p><b>Note:</b> See also subsection <del>2.163(32.10.2—8(3))</del>.</p>	
<p><del>Clause 1.71 [applies to Division 7 &amp; 8]</del></p> <p><b>health effect</b> means an effect on the human body, including an effect on one or more of the following:</p> <ul style="list-style-type: none"> <li>(a) a biochemical process or outcome;</li> <li>(b) a physiological process or outcome;</li> <li>(c) a functional process or outcome;</li> <li>(d) growth and development;</li> <li>(e) physical performance;</li> <li>(f) mental performance;</li> <li>(g) a disease, disorder or condition.</li> </ul>	No change
<p><del>Clause 1.163 [in this section]</del></p> <p><del><b>herbal infusion</b> means fresh, dried or fermented leaves, flowers and other parts of plants used to make beverages, but does not include tea.</del></p>	<p>Definition deleted</p> <p>The term appears in ss 1.2.8—5, 1.5.3—5 and 15—5 but not defined in those sections.</p>
<p><del>Clause 1.162 [In this section]</del></p> <p><del><b>herbs and spices</b> means the herbs and spices described in Schedule 22.</del></p>	<p>Definition deleted</p> <p>The term is defined in s 1.5.3—4(3) for the purpose of that section with no changes.</p> <p>The term is also used in ss 1.1.2—3 (definition of beer), 2.6.1—3 and 2.7.2—3, S14—2, and S15—5 but is not defined in those sections.</p>
<p><del>Clause 2.133 [In this section]</del></p> <p><del><b>high carbohydrate supplement</b> means a formulated supplementary sports food for which:</del></p> <ul style="list-style-type: none"> <li><del>(a) not less than 90% of the average energy content of the product is derived from carbohydrate; and</del></li> <li><del>(b) more than 15% of the product by weight is carbohydrate when prepared as directed.</del></li> </ul>	<p>Definition deleted</p> <p>The term is defined in s 2.9.4—8(3) for the purpose of the section with no significant changes.</p>
<p><del>Clause 1.71 [applies to Division 7 &amp; 8]</del></p> <p><b>high level health claim</b> means a health claim that refers to a serious disease or a biomarker of a serious disease.</p>	No change



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<del>Clause 1.87 [in this subdivision]</del> <b>high-high level health claims table</b> means the table to section <del>S4.02 of Schedule 4S4—4.</del>	Insignificant change
<del>honey means a food that may be sold as honey under section 2.79</del> <b>honey</b> means the natural sweet substance produced by honey bees from the nectar of blossoms or from secretions of living parts of plants or excretions of plant sucking insects on the living parts of plants, which honey bees collect, transform and combine with specific substances of their own, store and leave in the honey comb to ripen and mature. <del>Note: Under section 1.06, honey is defined for the rest of this Code as a food that may be sold as honey under this section.</del>	Insignificant change
<del>Clause 1.08 [In this Code]</del> <b>hospice</b> means a freestanding establishment (whether public or private) that provides palliative care to terminally ill patients.	No change
<del>ice cream means a food that may be sold as ice cream under section 2.37</del> <b>ice cream</b> means a sweet frozen food <u>that is</u> made from cream or milk products or both, and other foods, and is generally aerated. <del>Note: Under section 1.06, ice cream is defined for the rest of this Code as a food that may be sold as ice cream under this section.</del>	Insignificant change
<del>icing—see section 2.75</del> <b>icing</b> means a mixture of sugar and other foods for use as a coating and includes frosting, plastic icing and icing gel.	No change
<del>imitation vinegar means a food that may be sold as imitation vinegar under section 2.158</del> <b>imitation vinegar</b> means the product is prepared by mixing water and acetic acid. <del>Note: Under section 1.06, imitation vinegar and vinegar are defined for the rest of this Code as a food that may be sold as imitation vinegar or vinegar under this section.</del>	Insignificant change
<del>The term is defined to avoid doubt about the application of the term to trans-Tasman trade.</del> <b>import</b> includes: (a) in Australia—import from New Zealand; and (b) in New Zealand—import from Australia.	No change
<del>individual portion pack—see subsection 1.31(4) 1.2.1—6(4).</del> <del>(4) However, if the food product is sold in packaging that includes individual packages for servings that are intended to be used separately (individual portion packs), but:</del> <del>(a) are not designed for individual sale; and</del> <del>(b) have a surface area of 30 cm<sup>2</sup> or greater;</del> <del>then the individual portion pack is also required to bear a label.</del> <del>Note: See subsection 1.33(3) for the labelling requirement for individual portion packs.</del> <del>(3) A label that is required for an individual portion pack under subsection 1.31(4) must include any advisory and warning statements in accordance with sections 1.56 and 1.57.</del>	Insignificant change  However, note that the reference should be to s 1.2.1—(6)(3)
<del>infant formula product—see section 2.82</del>	Significant change



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<p><b>infant formula product</b> means a product based on milk or other edible food constituents of animal or plant origin which is nutritionally adequate to serve by itself <u>adequate to serve by itself either</u> as the sole or principal liquid source of nourishment for infants, <u>depending on the age of the infant</u>.</p>	<p>The words “depending on the age of the infant” may make the definition ambiguous.</p> <p>The words “adequate to serve by itself” are repeated.</p>
<p><del>infant formula—see section 2.82</del></p> <p><b>infant formula</b> means an infant formula product that:</p> <p>(a) is represented as a breast-milk substitute for infants; and</p> <p>(b) satisfies by itself the nutritional requirements of infants <u>aged up to under the age of</u> 4 to 6 months.</p>	<p>Insignificant change</p> <p>Query whether “under the age of 4 to 6 months” makes sense. Should this read “under the age of 4 months” instead?</p> <p>It is also potentially confusing that the definition of “infant” means “a person under the age of 12 months” yet infant formula is only suitable for a child up to the age of 4 months.</p> <p><b>Technical feedback required.</b></p>
<p><b>infant</b> means a person under the age of 12 months.</p>	<p>No change</p>
<p><del>Clause 1.93 [In this section]</del></p> <p><b>information period</b>, in relation to food, means the period:</p> <p>(a) <del>during which the food is available for sale or advertised for sale; and</del></p> <p>(b) <del>the period of 2 years after the food was last sold, or advertised or available for sale, whichever is the latest.</del></p>	<p>Definition deleted</p> <p>The term is defined in s 1.2.7—24(5) for the purpose of that section with no changes.</p>
<p><del>ingredient—see section 1.17</del></p> <p><del>For this Code, a food is an <b>ingredient</b> of a second food if:</del></p> <p><del>(a) on its own or added to other foods, it is processed into the second food, including:</del></p> <p><del>(i) by coming into contact with the substance or mixture of the second food as it is being processed, if any traces are left in the second food or are likely to be consumed with it; or</del></p> <p><del>Example: cooking oil, flour dusted on bread dough, rice-paper wrappings, substances or foods used as processing aids.</del></p> <p><del>(ii) by being added into the substance or mixture of the second food, whether or not any traces are left in it; or</del></p> <p><del>Example: alcohol that completely evaporates during cooking; baking powder that is completely transformed into other substances.</del></p> <p><del>(b) it comes into contact with the second food after processing, and traces of it are left in the second food.</del></p>	<p>Definition deleted</p> <p>“ingredient” or “ingredients” appear several times throughout the Code but are not defined.</p>
<p><del>Clause 2.137 [In this division]</del></p>	<p>Insignificant change</p>



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<p><b>inner package</b>, in relation to a food for special medical purposes, means an individual package of the food that:</p> <p>(a) is contained and sold within another package that is labelled in accordance with section <del>2.144</del><u>2.9.5—9</u>; and</p> <p>(b) is not designed for individual sale, other than a sale by a responsible institution to a patient or resident of the responsible institution.</p> <p><b>Example:</b> An example of an inner package is an individual sachet (or sachets) of a powdered food contained within a box that is fully labelled, being a box available for retail sale.</p>	
<p><b>instant coffee</b> means the dried soluble solids prepared from the water extraction of coffee.</p>	No change
<p><b>instant tea</b> means dried soluble solids prepared from the water extraction of tea.</p>	No change
<p><b>intra company transfer</b>—see section <del>4.431.2.1—18</del>.</p> <p><del>intra-company transfer means a transfer of a food product between elements of a single company, between subsidiaries of a parent company or between subsidiaries of a parent company and the parent company</del></p>	No change
<p><del>inulin-derived substance means a mixture of polymers of fructose with predominantly <math>\beta</math>-inulin-type fructans means mixtures of saccharide chains that have <math>\beta</math>-D-(2→1) fructosyl-fructose linkages, with or without a terminal glucose molecule and includes inulin, but does not include those polymers of fructose produced from sucrose by enzymatic action <math>\alpha</math>-D-(1→2) glucosyl-fructose linked glucose unit.</del></p>	<p>Significant change</p> <p>The definition is now for “inulin-type fructans”.</p> <p>Unsure if a “polymer of fructose” has the same meaning as “mixtures of saccharide”.</p> <p><b>Technical feedback required.</b></p>
<p><del>iodised salt means a food that may be sold as iodised salt under section 2.162</del></p> <p><del>iodised salt means a mixture of salt and:</del></p> <p><del>iodised salt or iodised reduced sodium salt mixture, means a food that is salt, or a reduced sodium salt mixture, as appropriate, or such a food containing any of the following:</del></p> <p>(a) potassium iodide <del>or</del>;</p> <p>(b) potassium iodate; <del>or</del></p> <p><del>(b)(c) sodium iodide or sodium iodate;</del></p> <p>(d) sodium iodate;</p> <p>added in an amount that is equivalent to:</p> <p>(e) no less than 25 mg/kg of iodine; and</p> <p>(f) no more than 65 mg/kg of iodine.</p> <p>Note: Under section 1.06, <b>iodised salt</b> is defined for the rest of this Code as a food that may be sold as iodised salt under this section.</p>	<p>Significant change</p> <p>This introduces a definition for “iodised reduced sodium salt mixture”.</p> <p>The definition is limited to food containing sodium/potassium of a specified range.</p>
<p><b>irradiation</b>—see section <del>1.160</del></p> <p><b>irradiation</b>, in relation to food, means subjecting the food to ionising radiation, other than ionising radiation imparted to food by measuring or inspection instruments, and <b>irradiate</b> and <b>irradiated</b> have corresponding meanings.</p>	No change
<p><b>jam</b> means a food that may be sold as jam under section 2.23</p>	Insignificant change



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<p><b>jam:</b></p> <p>(a) means <del>the</del> <u>a</u> product prepared by processing <del>fruit with</del> one or more of the following:</p> <p style="padding-left: 20px;">(A) <u>fruit</u>;</p> <p style="padding-left: 20px;"><del>(B)</del> concentrated fruit juice;</p> <p style="padding-left: 20px;"><del>(ii) fruit</del>;</p> <p style="padding-left: 20px;"><del>(iii)(C)</del> fruit juice;</p> <p style="padding-left: 20px;"><del>(iv) sugars or honey</del>;</p> <p style="padding-left: 20px;"><del>(v)(D)</del> water extracts of fruit; <u>and/or</u></p> <p style="padding-left: 20px;">(ii) <u>such a product processed with sugars or honey; and</u></p> <p>(b) includes conserve; and</p> <p>(c) does not include marmalade.</p> <p><del>Note: Under section 1.06, jam is defined for the rest of this Code as a food that may be sold as jam under this section.</del></p> <p><del>Clause 2.42 [In this section]</del></p>	Suggested changes have been implemented.
<p><b>juice:</b></p> <p>(a) means the liquid portion, with or without pulp, obtained from:</p> <p style="padding-left: 20px;">(i) a fruit or a vegetable; or</p> <p style="padding-left: 20px;">(ii) in the case of citrus fruit, other than lime—the endocarp only of the fruit; and</p> <p>(b) includes a product that results from concentrating juice and then reconstituting it with water to a concentration consistent with that of the original juice.</p>	No change
<p><del>juice blend—see section 2.42</del></p> <p><b>juice blend</b> means the food made from a blend of more than one <u>juice (including a blend of one or more fruit juice or juices and one or more vegetable juice/juices)</u>.</p> <p><del>The definition is only relevant for the definition of application Act and the new definition of relevant authority.</del></p>	Insignificant change
<p><b>jurisdiction</b> means a State or Territory of Australia, <u>the Commonwealth of Australia</u>, or New Zealand.</p>	Significant change
<p><del>Derived from 2.6.3 Purpose.</del></p> <p><del>kava—see section 2.55</del></p> <p><b>kava</b> means plants of the species <u>Piper methysticum</u>.</p> <p><del>Clause 2.55 [In this Code]</del></p>	The recommendation to include the jurisdiction of the Commonwealth of Australia has been adopted.
<p><b>kava root</b> means the peeled root or peeled rootstock of kava.</p>	No change
<p><del>label—see section 1.27</del></p> <p><del>In this Code:</del></p>	Insignificant change



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<p><b>label</b>, in relation to a food <del>product</del> being sold, means any tag, brand, mark or statement in writing or any representation or design or descriptive matter that:</p> <p>(a) is attached to the food <del>product</del> or is a part of or attached to its packaging; or</p> <p>(b) accompanies and is provided to the purchaser with the food <del>product</del>; or</p> <p>(c) is displayed in connection with the food <del>product</del> when it is sold.</p>	
<p><del>labelling—see section 1.27</del></p> <p><b>labelling</b>—:</p> <p>(a) in relation to a food <del>product</del> being sold, <u>labelling</u> means all of the labels for the food <del>product</del> together; and</p> <p>(b) <u>a requirement for the labelling of a food to include specified content is a requirement for at least one of the labels to have that content.</u></p>	<p>Significant change</p> <p>The definition now clarifies that only one label must meet the labelling requirements in the Code. This was picked up from the definition of “bear label”.</p> <p>Technical feedback required.</p>
<p><del>liqueur means a food that may be sold as liqueur under section 2.73</del></p> <p><del>liqueur</del> means <u>liqueur means an alcoholic beverage, consisting of</u> a spirit flavoured <u>by</u> or mixed with other foods, which contains more than 15% alcohol by volume, measured at 20 °C.</p> <p>Note: Under section 1.06, <del>brandy, liqueur and spirit</del> are defined for the rest of this Code as a food that may be sold as brandy, liqueur or spirit under this section.</p>	Insignificant change
<p><b>lot</b> means <del>a quantity</del> <u>an amount</u> of a food that the manufacturer or producer identifies as having been prepared, or from which foods have been packaged or otherwise separated for sale, under essentially the same conditions, for example:</p> <p>(a) from a particular preparation or packing unit; and</p> <p>(b) during a particular time ordinarily not exceeding 24 hours.</p>	Insignificant change
<p><b>lot identification</b>, for a food <del>product</del> <u>for sale</u>, means a number or other information that identifies:</p> <p>(a) the premises where the food <del>product</del> was prepared or packed; and</p> <p>(b) the lot of which the food <del>product</del> is a part.</p>	Insignificant change
<p><del>Clause 1.08 [In this Code]</del></p> <p><b>low-care aged</b> care establishment means an establishment where aged persons live independently but on-call assistance, including the provision of meals, is provided when needed.</p>	No change
<p><del>Clause 2.140 [In this section]</del></p> <p><del>majority seller: a person is a majority seller of a food for special medical purposes during any 24 month period if:</del></p> <p>(a) <del>during the period, the person sold that food for special medical purposes to medical practitioners, dieticians, medical practices, pharmacies or responsible institutions; and</del></p> <p>(b) <del>the sales mentioned in paragraph (a) represent more than one half of the total quantity of that food for</del></p>	<p>Definition deleted</p> <p>The term is defined in s 2.9.5—5 (3) for the purpose of that section with no change.</p>



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<del>special medical purposes sold by the person during the period.</del>	
<del>manufactured meat</del> —see section 2.06	No change
<b>manufactured meat</b> means processed meat containing no less than 660 g/kg of meat.	
<p><b>margarine</b> means <del>a food that may be sold as margarine under section 2.26(1) A food that is sold on the basis of a representation that it is an edible oil spread must consist of:</del>(a) edible oil spread; or(b) edible oil spread with the addition of any of the following:(i) water;(ii) edible proteins;(iii) salt;(iv) lactic acid producing microorganisms;(v) flavour producing microorganisms;(vi) milk products;(vii) no more than 82 g/kg of total plant sterol equivalents content.Compositional requirement for table edible oil spreads(2) A food that is sold on the basis of a representation that it is a 'table' edible oil spread must:(a) satisfy subsection (1); and(b) contain no less than 55 □g/kg of vitamin D.Compositional requirement for margarine(3) A food that is sold on the basis of a representation that it is 'margarine' must:(a) satisfy subsection (1); and(b) contain <u>containing</u> no less than 800g/kg of edible oils.</p> <p><del>Compositional requirement for table margarine</del></p> <p><del>(4) A food that is sold on the basis of a representation that it is 'table margarine' must:</del></p> <p><del>(a) satisfy subsection (3); and</del></p> <p><del>(b) contain no less than 55 □g/kg of vitamin D.</del></p> <p><del>Application of section to New Zealand</del></p> <p><del>(5) Subsections (2) and (4) do not apply to sales in New Zealand.</del></p>	<p>Significant change</p> <p>The definition is now far less technical and is only limited by the requirement to have no less than 800g/kg of edible oils.</p> <p><b>Technical feedback required.</b></p>
<p><del>maximum residue limit (MRL)</del>—see section 1.145</p> <p><b>maximum residue limit</b> or <b>MRL</b>, for an agvet chemical in a food, means the amount identified in Schedule 20 for that agvet chemical in that food.</p> <p>Note: In Schedule 20:</p> <ul style="list-style-type: none"> <li>• an asterisk (*) indicates that the MRL is set at the limit of determination; and</li> <li>• the symbol 'T' indicates that the MRL is a temporary MRL.</li> </ul> <p><del>(2) A food listed in Schedule 20 may contain a residue of an agvet chemical that is identified in relation to that food in that Schedule.</del></p> <p><del>(3) The level of the residue of the chemical in the food must be calculated by assessing the level of:</del></p> <p><del>(a) the chemical identified in Schedule 20; and</del></p> <p><del>(b) any chemical identified in the relevant residue definition for that chemical in that Schedule; that is present in the food.</del></p> <p><del>(4) The level of the residue, calculated in accordance with subsection (3), must not be greater than the maximum residue limit.</del></p> <p><del>(5) For a food for which there is no MRL specified, and that contains 2 or more ingredients (a <b>mixed food</b>), 1 or more of which is listed in Schedule 20, the level of a residue of a particular agvet chemical listed in Schedule 20 in the food must not be greater than the amount MRL calculated in accordance with the following formula:</del></p>	<p>Significant change</p> <p>The complex formula has been removed from the definition.</p> <p>Schedule 20 refers to s 1.4.2, which sets out different formulas for determining MRL.</p> <p><b>Technical feedback required.</b></p>



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$MRL = \frac{Total\ A}{Total} \times MRL\ A + \frac{Total\ B}{Total} \times MRL\ B$ <p>where, for a particular residue:  <b>MRL A</b> and <b>MRL B</b> are the maximum residue limits for the residue in ingredient A and ingredient B respectively.  <b>Total</b> is the total weight of the food.  <b>Total A</b> and <b>Total B</b> are the weight of ingredient A and ingredient B respectively.</p>	
<p><del>mead</del> means a product that may be sold as mead under section 2.70;  <del>mead</del> means (a) a food that is the product prepared from the complete or partial fermentation of honey;  or  (b) such a food with the with any of the following added during production:  (i) fruit juice and fruit juice products;  (ii) vegetable juice and vegetable juice products ;  (iii) sugars;  (iv) honey;  (v) spices;  (vi) alcohol;  (vii) water.</p> <p>Note: Under section 1.06, <del>cider</del>, <del>fruit wine</del>, <del>mead</del>, <del>perry</del> and <del>vegetable wine</del> are defined for the rest of this Code as a food that may be sold as <del>cider</del>, <del>fruit wine</del>, <del>mead</del>, <del>perry</del> or <del>vegetable wine</del> under this section.</p>	<p>Significant change</p> <p>The definition now clarifies that “mead” is a food. The definition of “mead” is broadened by the addition of sub-s(b).</p>
<p><del>meat flesh</del>—see section 2.06</p> <p><b>meat flesh</b> means meat that consists of skeletal muscle and any attached:</p> <ol style="list-style-type: none"> <li>animal rind; or</li> <li>fat; or</li> <li>connective tissue; or</li> <li>nerve; or</li> <li>blood; or</li> <li>blood vessels; or</li> <li>skin, in the case of poultry.</li> </ol>	<p>No change</p>
<p><del>meat</del>—see section 2.06</p> <p><b>meat:</b></p> <ol style="list-style-type: none"> <li>means the whole or part of the carcass of any of the following animals, if slaughtered other than in a wild state: <ol style="list-style-type: none"> <li>buffalo, camel, cattle, deer, goat, hare, pig, poultry, rabbit or sheep;</li> <li>any other animal permitted for human consumption under a law of a State, Territory or New Zealand; and</li> </ol> </li> <li>does not include:</li> </ol>	<p>No change</p>



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<ul style="list-style-type: none"> <li>(i) fish; or</li> <li>(ii) avian eggs; or</li> <li>(iii) fetuses or part of fetuses.</li> </ul>	
<p><del>meat pie means a food that may sold as meat pie under section 2.08</del>  <b>meat pie</b> means a pie containing no less than 250 g/kg of meat flesh.  Note: Under section 1.06, <del>meat pie</del> is defined for the rest of this Code as a food that may be sold as meat pie under this section</p>	Insignificant change
<p><del>mechanically separated meat—see subsection 1.170(4)</del>  <del>mechanically separated meat means meat that has been separated from bone by a mechanical process that results in comminuted meat</del></p>	<p>Definition deleted</p> <p>The term is defined in s 1.6.2—4 (4) for the purpose of that section with no change.</p>
<p><del>Clause 1.08</del></p> <p><del>medical institution—see section 1.1.2—7.</del></p> <p>(1) <u>In this Code:</u>  <b>medical institution</b> means any of the following:</p> <ul style="list-style-type: none"> <li>(a) an acute care hospital;</li> <li>(b) a hospice;</li> <li>(c) a low-care aged care establishment;</li> <li>(d) a nursing home for the aged;</li> <li>(e) a psychiatric hospital;</li> <li>(f) a respite care establishment for the aged;</li> <li>(g) a same-day aged care establishment;</li> <li>(h) a same-day establishment for chemotherapy and renal dialysis services.</li> </ul>	No change
<p><del>Clause 2.140 [In this section]</del></p> <p><del>medical practitioner means a person registered or licensed as a medical practitioner under legislation in Australia or New Zealand, as the case requires, for the registration or licensing of medical practitioners.</del></p>	<p>Definition deleted</p> <p>The term appears in s 2.9.1—23 but not defined for the purpose of that section.</p> <p>It term is defined in in s 2.9.5—5(2) for the purpose of that section with no change.</p>
<p><del>medium chain triglycerides—see section 2.82</del>  <b>medium chain triglycerides</b> means triacylglycerols that contain predominantly the saturated fatty acids designated by 8:0 and 10:0.</p>	No change
<p><del>Clause 1.71 [applies to Division 7 &amp; 8]</del></p> <p><b>meets the NPSC</b> means that the nutrient profiling score of a food described in column 1 of the table to section <u>S4.04 of Schedule 4 S4—6</u> is less than the number specified for that food in column 2 of that table.</p>	Insignificant change



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<p><b>milk</b> means <del>a food that may sold as milk under section 2.27:</del>  <u><b>milk</b> means (a) the mammary secretion of milking animals, obtained from one or more milkings for consumption as liquid milk or for further processing, but excluding <del>colostrum, colostrums; or</del></u>  <u>(b) such a product with the addition of phytosterols, phytostanols and their esters.</u>          Note: Under section 1.06, <b>milk</b> is defined for the rest of this Code as a food that may be sold as milk under this section.</p>	<p>Significant change</p> <p>The definition clarifies that “milk” includes products including the items listed in sub-s(b)</p> <p>The definition now excludes “colostrums”.</p> <p><b>Technical feedback required.</b></p>
<p><del><b>mineral water or spring water</b>—see section 2.44</del>  <b>mineral water or spring water</b> means ground water obtained from subterranean water-bearing strata that, in its natural state, contains soluble matter.</p>	<p>No change</p>
<p><del><b>monounsaturated fatty acids</b>—see section 1.71</del>  <b>monounsaturated fatty acids</b> means the total of cis-monounsaturated fatty acids.</p>	<p>No change</p>
<p><del><b>non-alcoholic beverage</b>—see 2.44</del>  <b>non-alcoholic beverage</b>:  <u>(a) means:</u>              <del>(ai) packaged water; or</del>              <del>(bii) a water-based beverage, or a water-based beverage which may or may not contain that contains</del>              <del>other foods, except for (other than alcoholic beverages); or</del>              <del>(eiii) an electrolyte drinks, drink; and</del>  <u>(b) does not include a brewed soft drink.</u></p>	<p>Significant change</p> <p>The new definition clarifies that “non-alcoholic beverage” excludes brewed soft drinks.</p> <p><b>Technical feedback required.</b></p>
<p><del><b>non-traditional food</b>—see section 1.151.1.2—8.</del>  <b>non-traditional food</b> means:          (a) a food that does not have a history of human consumption in Australia or New Zealand; or          (b) a substance derived from a food, where that substance does not have a history of human consumption in Australia or New Zealand other than as a component of that food; or          (c) any other substance, where that substance, or the source from which it is derived, does not have a history of human consumption as a food in Australia or New Zealand.  <u>Either of the following:</u>  <u>(a) the presence of a food in a food for special medical purposes;</u>  <u>(b) the use of a food as a food for special medical purposes;</u>  <u>does not constitute a history of human consumption in Australia or New Zealand in relation to that food for the purposes of this section.</u></p>	<p>Significant change</p> <p>The new definition clarifies that food for special medical purposes may be a non-traditional food for the purpose of this section.</p> <p><b>Technical feedback required.</b></p>
<p><b>novel food</b>—see section <del>1.151.1.2—8.</del></p>	<p>Significant change</p>



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<p><b>novel food</b> means a non-traditional food that requires an assessment of the public health and safety considerations having regard to:</p> <ul style="list-style-type: none"> <li>(a) the potential for adverse effects in humans; or</li> <li>(b) the composition or structure of the food; or</li> <li>(c) the process by which the food has been prepared; or</li> <li>(d) the source from which it is derived; or</li> <li>(e) patterns and levels of consumption of the food; or</li> <li>(f) any other relevant matters.</li> </ul> <p><del>Note: Possible categories of novel foods are described in guidelines issued by FSANZ. Categories of novel foods may include, but are not limited to, Either of the following:</del></p> <ul style="list-style-type: none"> <li><del>• plants or animals and their components;</del></li> <li><del>• plant or animal extracts;</del></li> <li><del>• herbs, including extracts;</del></li> <li><del>• dietary macro-components;</del></li> <li><del>• single chemical entities;</del></li> <li><del>• microorganisms, including probiotics;</del></li> <li><del>• foods produced from new sources, or by a process not previously applied to food.</del></li> </ul> <p><del>(a) the presence of a food in a food for special medical purposes;</del>  <del>(b) the use of a food as a food for special medical purposes;</del>  <del>does not constitute a history of human consumption in Australia or New Zealand in relation to that food for the purposes of this section.</del></p>	<p>The new definition clarifies that food for special medical purposes may be a novel food under this section.</p> <p><b>Technical feedback required.</b></p>
<p><del>Clause 1.156 [In this section]</del></p> <p><del><b>novel DNA</b> means DNA which has been modified by the use of gene technology.</del></p>	<p>Definition deleted</p> <p>The term is defined in s 1.5.2—4(4) for the purpose of that section with no change.</p>
<p><del>Clause 1.156 [In this section]</del></p> <p><del><b>novel protein</b> means protein encoded from novel DNA and, in the case of a substances used as a processing aid, which has a different amino acid sequence from that found in nature.</del></p>	<p>Definition deleted</p> <p>The term is defined in s 1.5.2—4(4) for the purpose of that section with no significant changes.</p>
<p><del>Clause 1.71 [applies to Division 7 &amp; 8]</del></p> <p><del><b>NPSC</b> means the nutrient profiling scoring criterion. (see section S4—6).</del></p>	<p>Insignificant change</p>
<p><del>Clause 1.08 [In this Code]</del></p> <p><b>nursing home for the aged</b> means an establishment (whether private charitable, private for-profit, or government) that provides long-term care involving regular basic nursing care to aged persons.</p>	<p>No change</p>
<p><del>Clause 1.71 [applies to Division 7 &amp; 8]</del></p>	<p>Insignificant change</p>



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<p><b>nutrient profiling score</b> means the final score calculated pursuant to the method referred to in section <u>1.941.2.7—26</u>.</p> <p><u>Clause 1.71 [applies to Division 7 &amp; 8]</u></p> <p><b>nutrition content claim</b>—see section <u>4.721.1.2—9</u>.</p> <p><u>(1) In this Code:</u></p> <p><b>nutrition content claim</b> means a claim <u>that:</u></p> <p><u>(a) is about:</u></p> <ul style="list-style-type: none"> <li><u>(a) the presence or absence of any of the following:</u> <ul style="list-style-type: none"> <li><u>(i) a biologically active substance;</u></li> <li><u>(ii) dietary fibre;</u></li> <li><u>(iii) energy;</u></li> <li><u>(iv) minerals;</u></li> <li><u>(v) potassium;</u></li> <li><u>(vi) protein;</u></li> <li><u>(vii) carbohydrate;</u></li> <li><u>(viii) fat;</u></li> <li><u>(ix) the components of any one of protein, carbohydrate or fat;</u></li> <li><u>(x) salt;</u></li> <li><u>(xi) sodium;</u></li> <li><u>(xii) vitamins; or</u></li> </ul> </li> <li><u>(b) glycaemic index or glycaemic load; and</u></li> </ul> <p><u>that (b) does not refer to the presence or absence of alcohol; and</u></p> <p><u>(c) is not a health claim.</u></p> <p><b>Note:</b> See also subsections <u>2.47(42.6.2—5(4))</u> and <u>2.163(32.10.2—8(3))</u>.</p> <p><u>Inclusion of mandatory information in nutrition information panel does not constitute a nutrition content claim</u></p> <p><u>(2) To avoid doubt, if this Code requires particular information to be included in a nutrition information panel, the inclusion of that information does not constitute a nutrition content claim.</u></p> <p><u>Inclusion of voluntary information in nutrition information panel might constitute a nutrition content claim</u></p> <p><u>(3) If this Code permits, but does not require, particular information to be included in a nutrition information panel, the inclusion of that information constitutes a nutrition content claim unless:</u></p> <ul style="list-style-type: none"> <li><u>(a) this Code provides otherwise; or</u></li> <li><u>(b) the information is a declaration of:</u> <ul style="list-style-type: none"> <li><u>(i) if the food contains less than 2 g of dietary fibre per serving—dietary fibre; or</u></li> <li><u>(ii) trans fatty acid content; or</u></li> <li><u>(iii) lactose content.</u></li> </ul> </li> </ul>	<p>Significant change</p> <p>Subs-ss (2), (3) and (4) clarify whether specific examples of information will constitute a nutrition content claim.</p>



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(4) For a food that contains more than 1.15% alcohol by volume, the inclusion in a nutrition information panel of the information referred to in paragraphs 1.2.8—6(1)(a), (b) and (c), and subparagraphs 1.2.8—6(1)(d)(i), (ii) and (iii) does not constitute a nutrition content claim.	
<p>Clause 1.81 [In this sub-division]</p> <p><del>nutrition content claims table</del> means the table to section S4.01 of Schedule 4.</p>	<p>Definition deleted</p> <p>The term is defined in s 1.2.7—12(9) with no significant changes.</p>
<p><b>nutrition information panel</b> means a nutrition information panel that is required to be included on a label on a package of food in accordance with <u>Division 8 of Part 3 Standard 1.2.8.</u></p>	Insignificant change
<p><b>nutritive substance</b>—see <b>used as a nutritive substance</b>, section <u>4.191.1.2—10.</u></p> <p><del>(1) For this Code, a substance is used as a nutritive substance in relation to a food if:</del></p> <p><del>(a) it is a substance identified in subsection (2); and</del></p> <p><del>(b) it is added to the food to achieve a nutritional purpose.</del></p> <p><del>(2) For subsection (1), the substances are:</del></p> <p><del>(a) any substance that is identified in this Code as one that may be used as a nutritive substance; and</del></p> <p><del>(b) a vitamin or a mineral; and</del></p> <p><del>(c) any substance (other than an inulin-derived substance) that:</del></p> <p><del>(i) has been extracted, refined, or synthesised; and</del></p> <p><del>(ii) is not normally sold as a food product; and</del></p> <p><del>(iii) is not normally used as an ingredient by consumers.</del></p> <p><small>Note: Provisions that control use of substances as nutritive substance are in Division 3 of Part 4 (general provisions on use of vitamins and minerals), various Parts of Chapter 2 (use of vitamins and minerals in specific foods) and Part 9 of Chapter 2 (other substances used in special purpose foods). Substances referred to in paragraph 1.19(2)(a) include those that are identified in the tables to sections S17.01 and S17.02 in Schedule 17 (vitamins and minerals) and to sections S30.04 and S30.18 in Schedule 30 (other substances).</small></p>	<p>Insignificant change</p> <p>The reference should be to s 1.1.2—12</p>
<p><b>NZS</b> means a New Zealand Standard published by Standards New Zealand.</p>	No change
<p><del>Clause 2.59 (Caffeinated beverage)</del></p> <p><del>one-day quantity</del> is the maximum amount of the formulated caffeinated beverage that should be consumed in a day.</p> <p><del>Clause 2.127 (Formulated supplementary sports drink)</del></p> <p><del>one-day quantity</del> <b>one-day quantity</b>, in relation to <u>a</u> formulated supplementary sports food, means the amount of that food which is to be consumed in one day in accordance with directions specified in the label.</p> <p><b>Note:</b> For the meaning of one-day quantity in relation to a formulated caffeinated beverage, see subsection <u>2.6.4—5(5).</u></p>	<p>Significant change</p> <p>One-day quantity in relation to a formulated caffeinated beverage has a new definition in s 2.6.4—5(5).</p> <p>It is confusing have two different meanings for the same term but only referencing one of them in the definitions section.</p>
<p><del>offal</del>—see section 2.06</p> <p><b>offal:</b></p> <p>(a) includes blood, brain, heart, kidney, liver, pancreas, spleen, thymus, tongue and tripe; and</p> <p>(b) excludes meat flesh, bone and bone marrow.</p>	No change



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<p><b>package:</b></p> <ul style="list-style-type: none"> <li>(a) means any container or wrapper in or by which food intended for sale is wholly or partly encased, covered, enclosed, contained or packaged; and</li> <li>(b) if food is carried or sold or intended to be carried and sold in more than one package—includes each package; and</li> <li>(c) does not include: <ul style="list-style-type: none"> <li>(i) a bulk cargo container; or</li> <li>(ii) a pallet overwrap; or</li> <li>(iii) a crate and packages which do not obscure labels on the food; or</li> <li>(iv) a transportation vehicle; or</li> <li>(v) a vending machine; or</li> <li>(vi) a hamper; or</li> <li>(vii) a container or wrapper (including a covered plate, cup, tray or other food container) in which food is served in a prison, hospital or medical institution-; <u>or</u></li> <li>(viii) <u>for Standard 2.9.5—a covered plate, cup, tray or other food container in which food for special medical purposes is served by a responsible institution to a patient or resident.</u></li> </ul> </li> </ul>	Insignificant change
<p><del>Clause 2.169</del></p> <p><del>Food that is sold on the basis of a representation that it is ‘peanut butter’ must:</del></p> <ul style="list-style-type: none"> <li><del>(a) consist of a peanut-based spread; and</del></li> <li><del>(b) contain not less than 850 g/kg of peanuts.</del></li> </ul>	<p>Definition deleted</p> <p>This definition appears in s 2.10.4—4.</p>
<p><u><b>permitted flavouring substance</b> means any of the following:</u></p> <ul style="list-style-type: none"> <li><u>(a) a substance that is listed in at least one of the following publications:</u> <ul style="list-style-type: none"> <li><u>(i) Generally Recognised as Safe (GRAS) lists of flavouring substances published by the Flavour and Extract Manufacturers’ Association of the United States from 1960 to 2013 (edition 26);</u></li> <li><u>(ii) Annex 1 of Council Regulation (EU) No 872/2012 of 1 October 2012 adopting the list of flavouring substances [2012] OJ L267/1;</u></li> <li><u>(iii) 21 CFR § 172.515;</u></li> </ul> </li> <li><u>(b) a substance obtained by physical, microbiological, enzymatic or chemical processes from material of vegetable or animal origin either in its raw state or after processing by traditional preparation process including drying, roasting and fermentation;</u></li> <li><u>(c) a substance that is obtained by synthetic means and which is identical to one of the substances described in paragraph (b).</u></li> </ul>	<p>New definition</p> <p><b>Technical feedback required.</b></p>
<p><del>perry means a food that may be sold as perry under section 2.70</del></p> <p><b>perry</b> means the fruit wine prepared from the juice or must of pears <u>or pears</u> and <u>apples and with</u> no more than 25% of the juice or must of apples.</p> <p><small>Note: Under section 1.06, <del>cider</del>, <del>fruit wine</del>, <del>mead</del>, <del>perry</del> and <del>vegetable wine</del> are defined for the rest of this Code as a food that may be sold as <del>cider</del>, <del>fruit wine</del>, <del>mead</del>, <del>perry</del> or <del>vegetable wine</del> under this section.</small></p>	Insignificant change



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<u><b>phytosterols, phytosterols and their esters</b></u> : a reference to <u><b>phytosterols, phytosterols and their esters</b></u> is a reference to a substance which meets a specification for phytosterols, phytosterols and their esters in section S3—24.	New definition
<u><b>polyunsaturated fatty acids</b></u> —see section 1.71 <b>polyunsaturated fatty acids</b> means the total of polyunsaturated fatty acids with cis-cis-methylene interrupted double bonds.	No change
<u><b>prescribed name</b></u> , of a particular food, means a name declared by a provision of this Code to be the prescribed name of the food. <u><b>Note</b></u> : Under the labelling provisions in Standard 1.2.1 and section 1.2.2—2, if a food has a prescribed name, it must be used in the labelling of the food.	New definition <b>Technical feedback required.</b>
<u><b>pre-term formula</b></u> —see section 2.82 <b>pre-term formula</b> means an infant formula product specifically formulated to satisfy particular needs of infants born prematurely or of low birthweight.	No change
<u><b>processed cheese</b></u> means a food that may be sold as processed cheese under section 2.34 <b>processed cheese</b> means a product manufactured from cheese and products obtained from milk, which is heated and melted, with or without added emulsifying salts, to form a homogeneous mass. <u><b>Note</b></u> : Under section 1.06, <b>cheese</b> and <b>processed cheese</b> are defined for the rest of this Code as a food that may be sold as cheese or processed cheese under this section.	Insignificant change
<u><b>processed meat</b></u> —see section 2.06 <b>processed meat</b> means a food containing no less than 300 g/kg meat, which has, either singly or in combination with other ingredients or additives, undergone a method of processing other than boning, slicing, dicing, mincing or freezing.	No change
<u><b>processing aid</b></u> —see <u><b>used as a processing aid</b></u> , section 1.131.1.2—13. <del>(1) For this Code, a reference to a substance that is <b>used as a processing aid</b> in relation to a food is a reference to a substance that:</del> <del>(a) is identified in subsection (3); and</del> <del>(b) is added to food during the course of processing to perform a technological purpose; and</del> <del>(c) does not perform a technological purpose listed in Schedule 14 in the processed food.</del> <u><b>References to foods that are <b>used as a processing aid</b></b></u> <del>(2) For this Code, a reference to a food that is <b>used as a processing aid</b> in relation to another food:</del> <del>(a) is a reference to a food that:</del> <del>(i) is not a substance identified in subsection (3); and</del> <del>(ii) is added to the other food during the course of processing to perform a technological purpose; and</del> <del>(iii) does not perform a technological purpose listed in Schedule 14 in the processed food; and</del> <del>(b) is a reference to so much of the food as is necessary to perform the technological purpose.</del> <u><b>Note 1</b></u> : This Code does not regulate the use of foods as processing aids (other than foods that are substances referred to in subsection (3)). There are special labelling requirements that apply in relation to foods and substances that are used as processing aids—see paragraphs 1.59(d) and 1.59(e) and subparagraph 1.100(a)(vii). <u><b>Note 2</b></u> : If a food is used as a processing aid in relation to another food, and the amount of the food used is greater than the amount that is	Insignificant change



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<p>necessary to perform the technological purpose, the excess amount of the food is not taken to be used as a processing aid in the other food.  <del>(3) For subsections (1) and (2), the substances are the following:</del>  <del>(a) a substance that is listed in Schedule 18;</del>  <del>(b) an additive permitted at GMP.</del>  Note: 'additive permitted at GMP' is a defined term—see section 1.122.</p>	
<p><del>Clause 1.147 [In this Code]</del></p> <p><b>prohibited plant or fungus</b> means:  (a) a plant or fungus listed in Schedule 23; or  (b) a part or a derivative of such a plant or fungus; or  (c) a substance derived from a plant, fungus, part or derivative referred to in paragraph (a) or (b).</p>	<p>No change</p>
<p><del>Clause 1.71 [applies to Division 7 &amp; 8]</del></p> <p><b>property of food</b> means a component, ingredient, constituent or other feature of food.</p>	<p>No change</p>
<p><del>Clause 2.134 [In this section]</del></p> <p><del><b>protein energy supplement</b> means a formulated supplementary sports food for which:</del>  <del>(a) not more than 30% and not less than 15% of the average energy content of the product is derived from protein; and</del>  <del>(b) not more than 25% of the average energy content of the product is derived from fat; and</del>  <del>(c) not more than 70% of the average energy content of the product is derived from carbohydrate.</del></p>	<p>Definition deleted</p> <p>This term is defined in s 2.9.4—9(3) for the purpose of that section with no change.</p>
<p><del><b>protein substitute</b>—see section 2.82</del></p> <p><b>protein substitute</b> means:  (a) L-amino acids; or  (b) the hydrolysate of one or more of the proteins on which infant formula product is normally based; or  (c) a combination of L-amino acids and the hydrolysate of one or more of the proteins on which infant formula product is normally based.</p>	<p>No change</p>
<p><del>Clause 1.08</del></p> <p><b>psychiatric hospital</b> means an establishment (whether public or private) devoted primarily to the treatment and care of inpatients with psychiatric, mental or behavioural disorders.</p>	<p>No change</p>
<p><b>RDI</b>—see section <del>4.07</del><a href="#">1.1.2—10</a>.</p> <p><b>Note:</b> 'RDI' is an abbreviation of 'recommended dietary intake'. <a href="#">'ESADDI' is an abbreviation of estimated safe and adequate daily dietary intake.</a>  <del>(1) For (1) In relation to a food for infants the RDI or ESADDI for a vitamin or mineral listed in column 1 of the table to section S1—2 or S1—3 is shown in column 5.</del>  <del>(2) In relation to a food intended or represented as suitable for use by children aged 1 to 3 years (including a</del></p>	<p>Significant change</p> <p>See comments for definition of "ESADDI".</p> <p><b>Technical feedback required.</b></p>



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<p><u>formulated supplementary food for young children) the RDI or ESADDI for a vitamin or mineral listed in column 1 of the table to section S1.01 or S1.02 of Schedule 1, the <b>RDI or ESADDI</b>, as indicated in column 2, is the amount specified in: S1—2 or S1—3 is shown in column 4.</u></p> <p><u>(a) for Division 2 of Part 9 of Chapter 2—column 5; and</u></p> <p><u>(b) for Subdivision D of Division 3 of Part 9 of Chapter 2—column 4; and</u></p> <p><u>(c) otherwise—column 3.</u></p> <p><u>(2) For this Code, when calculating the amount of a vitamin or mineral for the purpose of comparing that amount to the RDI or ESADDI:</u></p> <p><u>(a) for vitamin A:</u></p> <p><u>(i) calculate the amount in terms of retinol equivalents; and</u></p> <p><u>(ii) for carotene forms of vitamin A, calculate retinol equivalents using the conversion factors in section S1.03 of Schedule 1; and</u></p> <p><u>(b) for niacin:</u></p> <p><u>(i) calculate only the proportion of niacin provided by pre-formed niacin in foods; and</u></p> <p><u>(ii) exclude the niacin provided from the conversion of the amino acid tryptophan; and</u></p> <p><u>(c) for vitamin C, calculate only the amount of L-ascorbic acid and dehydroascorbic acid; and</u></p> <p><u>(d) for vitamin E, calculate the amount in terms of alpha-tocopherol equivalents using the conversion factors in section S1.04 of Schedule 1.</u></p> <p><u>(3) In relation to any other food the RDI or ESADDI for a vitamin or mineral listed in column 1 of the table to section S1—2 or S1—3 is shown in column 3.</u></p>	
<p><u><b>reduced sodium salt mixture</b> means a food that may be sold as reduced sodium salt mixture under section 2.160</u></p> <p><u><b>reduced sodium salt mixture</b> means a <u>product-food that:</u></u></p> <p><u>(a) <u>is</u> prepared from a mixture of sodium chloride and potassium chloride; and</u></p> <p><u>(b) <u>contains no more than 200 g/kg sodium; and</u></u></p> <p><u>(c) <u>contains no more than 400 g/kg potassium.</u></u></p> <p><u>Note: Under section 1.06, <b>reduced sodium salt mixture</b> is defined for the rest of this Code as a food that may be sold as reduced sodium salt mixture under this section.</u></p>	<p>Significant change</p> <p>The definition has been limited to food containing sodium/potassium of a specified range.</p> <p><b>Technical feedback required.</b></p>
<p><u>Clause 1.71 [applies to Division 7 &amp; 8]</u></p> <p><b>reference food</b>, in relation to a claim, means a food that is:</p> <p>(a) of the same type as the food for which the claim is made and that has not been further processed, formulated, reformulated or modified to increase or decrease the energy value or the amount of the nutrient for which the claim is made; or</p> <p>(b) a dietary substitute for the food in the same food group as the food for which the claim is made.</p>	No change
<p><u><b>reference quantity</b>—see section 1.127</u></p> <p><b>reference quantity</b> means:</p> <p>(a) for a food listed in the table to section <u>S17.03 in Schedule 17</u><u>S17—4</u>, either:</p>	Insignificant change



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<p>(i) the <del>quantity</del> <b>amount</b> specified in the table for that food; or</p> <p>(ii) for a food that requires dilution or reconstitution according to directions—the <del>quantity</del> <b>amount</b> of the food that, when diluted or reconstituted, produces the quantity referred to in subparagraph (i); or</p> <p>(b) for all other foods:</p> <p>(i) a normal serving; or</p> <p>(ii) for a food that requires dilution, reconstitution, draining or preparation according to directions—the <del>quantity</del> <b>amount</b> of the food that, when diluted, reconstituted, drained or prepared produces a normal serving.</p>	
<p><del>releasable calcium—see section 2.164</del></p> <p><del>In this Division:</del></p> <p><b>releasable calcium, <math>Ca_R</math></b>, means the amount of calcium, in mg/g of chewing gum, released into the mouth during 20 minutes of chewing that is calculated using the following <del>formula</del> <b>equation</b>:</p> $Ca_R = \frac{(Ca_O \times W_O) - (Ca_C \times W_C)}{W_O}$ <p>where:</p> <p><b><math>Ca_O</math></b> is the original calcium concentration in the chewing gum in mg/g of chewing gum.</p> <p><b><math>W_O</math></b> is the weight of the original chewing gum in g.</p> <p><b><math>Ca_C</math></b> is the residual calcium in the gum after it has been chewed for 20 minutes in mg/g of chewing gum.</p> <p><b><math>W_C</math></b> is the weight of the chewed gum in g.</p>	<p>Insignificant change</p>
<p><b>relevant authority</b> means an authority responsible for the enforcement of the relevant application Act.</p>	<p>No change</p>
<p><del>Clause 1.170</del></p>	<p>Definition deleted</p>
<p><del><b>rendered trimmings</b> means the cooked meat fractions derived from the rendering of meat trimmings, excluding ligamentum nuchae.</del></p>	<p>The term is defined in s 1.6.2—4(4) for the purpose of the section with no change.</p>
<p><del>Clause 1.93</del></p> <p><del><b>required records</b> means a document or documents that demonstrate that:</del></p> <p><del>(a) a supplier using an endorsement has obtained the permission of the endorsing body to use the endorsement; and</del></p> <p><del>(b) the endorsing body has a nutrition or health related function or purpose; and</del></p> <p><del>(c) the endorsing body is a not for profit entity; and</del></p> <p><del>(d) the endorsing body is not related to the supplier using the endorsement.</del></p>	<p>Definition deleted</p> <p>The term is defined in s 1.2.7—24(5) for the purpose of the section with no change.</p>
<p><del>Clause 1.08</del></p>	<p>No change</p>



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<b>respite care establishment for the aged</b> means an establishment that provides short-term care, including personal care and regular basic nursing care, to aged persons. <a href="#">Clause 2.137 [In this Division]</a>	
<b>responsible institution</b> means a hospital, hospice, aged care facility, disability facility, prison, boarding school or similar institution that is responsible for the welfare of its patients or residents and provides food to them. <a href="#">Clause 1.147 [In this Code]</a>	No change
<b>restricted plant or fungus</b> means: (a) a plant or fungus listed in Schedule 24; or (b) a part or a derivative of such a plant or fungus; or (c) a substance derived from a plant, fungus, part or derivative referred to in paragraph (a) or (b).	No change
<b>salt substitute</b> means a food that <del>may be sold as salt substitute under section 2.161;</del> <del>salt substitute means a food (a) is made as a substitute for salt consisting; and</del> <del>(b) consists of substances that may be used as food additives in relation to salt substitute in accordance with this Code (see item 13-12 of the table to Schedule 15); and</del> <del>(c) contains no more than 1.2 g/kg of sodium.</del> Note: Under section 1.06, <b>salt substitute</b> is defined for the rest of this Code as a food that may be sold as salt substitute under this section.	Significant change  The definition is limited to food containing no more than a specified amount of sodium.  <b>Technical feedback required.</b>
<b>salt</b> means a food that <del>may be sold as salt under section 2.159</del> <b>salt means is</b> the crystalline product consisting predominantly of sodium chloride, that is obtained from the sea, underground rock salt deposits or from natural brine. Note: Under section 1.06, <b>salt</b> is defined for the rest of this Code as a food that may be sold as salt under this section.	Insignificant change
<a href="#">Clause 1.08</a>  <b>same-day aged care establishment</b> means an establishment where aged persons attend for day or part-day rehabilitative or therapeutic treatment.	No change
<a href="#">Clause 1.08</a>  <b>same-day establishment for chemotherapy and renal dialysis services</b> means: (a) a day centre or hospital, being an establishment (whether public or private) that provides a course of acute treatment, in the form of chemotherapy or renal dialysis services, on a full-day or part-day non-residential attendance basis at specified intervals over a period of time; or (b) a free-standing day surgery centre, being a hospital facility (whether public or private) that provides investigation and treatment, in the form of chemotherapy or renal dialysis services, for acute conditions on a day-only basis.	No change
<del>saturated fatty acids—see section 1.71</del>	No change



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<b>saturated fatty acids</b> means the total of fatty acids containing no double bonds.	
<p><b>sausage</b> means a food that <del>may be sold as sausage under section 2.07</del>;</p> <p><b>sausage:</b></p> <p>(a) <del>means</del> <u>consists of</u> meat that has been minced, meat that has been comminuted, or a mixture of both, whether or not mixed with other ingredients, and which has been encased or formed into discrete units; and</p> <p>(b) does not include meat formed or joined into the semblance of cuts of meat.</p> <p>Note: Under section 1.06, <b>sausage</b> is defined for the rest of this Code as a food that may be sold as sausage under this section.</p>	Insignificant change
<p><del>The sell—see subsection (2) (the term has the same meaning as in the application Acts relevant application Act).</del></p> <p><del>sell—see section 1.20</del></p> <p><del>In this Code, for the purposes of application of the Code by an application Act, sell has the same meaning as in the application Act.</del></p> <p>Note 1: For Australia, the various application Acts each include a definition of <b>sell</b>. These have essentially the same effect, and give it a very broad meaning, but the wording differs slightly. This section ensures that when the Code is applied by an application act, there is no doubt that the meaning is the same as in the Act.</p> <p>The definition of <b>sell</b> in section 2 of the Model Food Provisions, on which the provisions in the Australian application Acts are based, is as follows:</p> <p><b>sell</b> includes:</p> <p>(a) barter, offer or attempt to sell, or</p> <p>(b) receive for sale, or</p> <p>(c) have in possession for sale, or</p> <p>(d) display for sale, or</p> <p>(e) cause or permit to be sold or offered for sale, or</p> <p>(f) send, forward or deliver for sale, or</p> <p>(g) dispose of by any method for valuable consideration, or</p> <p>(h) dispose of to an agent for sale on consignment, or</p> <p>(i) provide under a contract of service, or</p> <p>(j) supply the food as a meal or part of a meal to an employee, in accordance with a term of an award governing the employment of the employee or a term of the employee's contract of service, for consumption by the employee at the employee's place of work, or</p> <p>(k) dispose of by way of raffle, lottery or other game of chance, or</p> <p>(l) offer as a prize or reward, or</p> <p>(m) give away for the purpose of advertisement or in furtherance of trade or business, or</p> <p>(n) supply the food under a contract (whether or not the contract is made with the consumer of the food), together with accommodation, service or entertainment, in consideration of an inclusive charge for the food supplied and the accommodation, service or entertainment, or</p> <p>(o) supply food (whether or not for consideration) in the course of providing services to patients in or inmates in public institutions, or</p> <p>(p) sell for the purpose of resale.</p> <p>Note 2: For New Zealand, <b>sell</b> is defined in section 4 of the <b>Food Act 1981</b> (NZ) as follows:</p> <p>(1) In this Act, unless the context otherwise requires, <b>sell</b> means sell for human consumption or use; and includes—</p> <p>(a) selling for resale for human consumption or use; and</p> <p>(b) offering or attempting to sell, or receiving for sale, or having in possession for sale, or exposing for sale, or sending or delivering for sale, or causing or permitting to be sold, offered, or exposed for sale; and</p> <p>(c) barter; and</p> <p>(d) supplying under a contract, together with accommodation, service, or entertainment, in consideration of an inclusive charge for the article supplied and the accommodation, service, or entertainment;—</p> <p>and <b>sale</b> and <b>sold</b> have corresponding meanings.</p>	<p>Insignificant change</p> <p>The effect of the definition is the same.</p>



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<p>(2) For the purposes of this Act, any article of food that is part of, or supplied with, any meal or food for which payment is made or required to be made, and that is supplied for consumption in any shop, hotel, restaurant, or eating-house, or at any stall or other place, or in any vehicle, shall be deemed to have been sold or offered or exposed for sale.</p> <p>(3) For the purposes of this Act, every person shall be deemed to sell or to intend to sell any food if he sells or intends to sell for human consumption or use any article of which the food is a constituent.</p> <p>(4) When any food is sold or offered or exposed for sale, it shall be deemed to be sold or offered or exposed for sale for human consumption or use, unless the contrary is proved.</p> <p>(5) For the purposes of this Act, the sale of any food for the purpose of being mixed with any other food, or with a food of the same kind, shall be deemed to be a sale for human consumption or use if the bulk or product produced by the mixing, or any part of the bulk or product, is intended to be sold for human consumption or use.</p> <p>(6) The purchase and sale, under the provisions of this Act, of a sample of any food for the purpose of analysis shall be deemed to be a purchase and sale of the food for human consumption or use, unless the seller proves that the bulk from which the sample was taken was offered, exposed, or intended for sale for purposes other than human consumption or use.</p> <p>(7) When a sample of any milk is taken from a package, the sample shall be deemed for the purposes of this Act to be a sample of any bulk of which the milk in that package forms part notwithstanding that the milk was intended to be mixed with milk in any other package or packages before being sold.</p> <p>(8) For the purposes of this Act, a person packs any food or appliance for sale whether he packs the food or appliance for sale by himself or by any other person.</p> <p>(9) In this section the term <b>use</b> means any use in connection with the preparation or packing of food for human consumption.</p> <p><b>Note:</b> Each of the <u>various application Acts</u> has a definition of sell. These all have a similar effect and make the concept very broad; they include offering or displaying for sale, and other contexts that go beyond the ordinary meaning of the word.</p>	
<p><u>Clause 1.71 [applies to Division 7 &amp; 8]</u></p> <p><b>serious disease</b> means a disease, disorder or condition which is generally diagnosed, treated or managed in consultation with or with supervision by a health care professional.</p>	No change
<p><del>serving</del>—see section 2.117</p> <p><b>serving</b> means <u>a quantity an amount</u> of the food which constitutes one normal serving when prepared according to manufacturer's directions or when the food requires no further preparation before consumption, and in the case of a formulated meal replacement is equivalent to one meal.</p>	Insignificant change
<p><del>size of type</del>—see section 1.49</p> <p><b>size of type</b> means the measurement from the base to the top of a letter or numeral.</p>	No change
<p><del>skim milk</del> means a food that may be sold as skim milk under section 2.29</p> <p><b>skim milk</b> means milk from which milkfat has been removed.</p> <p>Note: Under section 1.06, <b>skim milk</b> is defined for the rest of this Code as a food that may be sold as skim milk under this section.</p>	Insignificant change
<p><b>small package</b> means a package with a surface area of less than 100 cm<sup>2</sup>.</p>	No change
<p><del>soy-based formula</del>—see section 2.82</p> <p><b>soy-based formula</b> means an infant formula product in which soy protein isolate is the sole source of protein.</p>	No change
<p><del>SPC</del>—see section 1.157</p> <p><b>SPC-SPC:</b></p> <p>(a) means a standard plate count at 30°C with an incubation time of 72 hours; and</p> <p>(b) <u>in relation to powdered infant formula with added lactic acid producing organisms—means that standard</u></p>	<p>Significant change</p> <p>Addition to the definition dealing with “powdered infant formula”.</p>



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<u>plate count prior to the addition of the microorganisms to the food.</u>	Technical feedback required.
<p><b>special purpose food</b>—see section 2.153<u>food</u>:</p> <p>(a) <u>in Standard 2.9.6—see section 2.9.6—2; and</u></p> <p>(b) <u>otherwise—means any of the following:</u></p> <p>(i) <u>an infant formula product;</u></p> <p>(ii) <u>food for infants;</u></p> <p>(iii) <u>a formulated meal replacement;</u></p> <p>(iv) <u>a formulated supplementary food;</u></p> <p>(v) <u>a formulated supplementary sports food;</u></p> <p>(vi) <u>food for special medical purposes.</u></p> <p><del><b>special purpose food</b> means a food specially processed or formulated to satisfy particular dietary requirements that exist because of:</del></p> <p><del>(a) a particular physical or physiological condition; or</del></p> <p><del>(b) a specific disease or disorder; or</del></p> <p><del>(c) both such a condition and a disease or disorder;</del></p> <p><del>and are presented as such.</del></p>	<p>Significant change</p> <p>There is no change to the definition for the purpose of Standard 2.9.6.</p> <p>However, sub-s(b) introduces a new definition of “special purpose food” for the rest of the Code.</p>
<p><b>spirit</b> means <del>a product that may be sold as spirit under section 2.73</del><u>an alcoholic beverage which contains at least 37% alcohol by volume, consisting of:</u></p> <p><del><b>spirit</b> means (a) a potable alcoholic distillate, including whisky, brandy, rum, gin, vodka and tequila, which contains at least 37% alcohol by volume, produced by distillation of fermented liquor derived from food sources, so as to have the taste, aroma and other characteristics generally attributable to that particular spirit-; or</del></p> <p>(b) <u>such a distillate with any of the following added during production:</u></p> <p>(i) <u>water;</u></p> <p>(ii) <u>sugars;</u></p> <p>(iii) <u>honey;</u></p> <p>(iv) <u>spices.</u></p> <p><small>Note: Under section 1.06, <b>brandy, liqueur</b> and <b>spirit</b> are defined for the rest of this Code as a food that may be sold as brandy, liqueur or spirit under this section.</small></p>	<p>Significant change</p> <p>The definition of “spirit” is broadened by the addition of sub-s(b)</p> <p>Technical feedback required.</p>
<b>spring water</b> —see definition of mineral water.	New definition
<p><b>standard drink</b>—see 2.62</p> <p><b>standard drink</b>, for a beverage, means the amount of <u>a the</u> beverage <del>which that</del> contains 10 grams of ethanol when measured at 20°C.</p>	Insignificant change
<p><del>The term replaces the words ‘food standardised in Standard 2.7.5’.</del></p> <p><b>standardised alcoholic beverage</b> means beer, brandy, cider, fruit wine, fruit wine product, liqueur, mead,</p>	No change



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<p>perry, spirit, vegetable wine, vegetable wine product, wine or wine product.</p> <p><b>statement of ingredients</b>—see section <del>1.58</del><u>1.2.4—2.</u></p> <p><del>(1) For this Code, a <b>statement of ingredients</b> for a food product is a statement of ingredients that complies with this Code.</del></p> <p><del>(2) To avoid doubt, if:</del></p> <p><del>(a) a label states the name of the food; and</del></p> <p><del>(b) there are no ingredients in the food other than that named on the label;</del></p> <p><del>the label is taken to contain a <b>statement of ingredients</b>.</del></p> <p><del>(3) For the labelling provisions, a requirement for a statement of ingredients does not apply to:</del></p> <p><del>(a) water that is packaged and labelled in accordance with Division 2 of Part 6 of Chapter 2; or</del></p> <p><del>(b) a standardised alcoholic beverage; or</del></p> <p><del>(c) a food product that is contained in a small package.</del></p> <p><del>Note 1: The labelling provisions are set out in Division 1.</del></p> <p><del>Note 2: Despite subsection (3), the presence of some ingredients must be declared—see Division 3.</del></p>	Insignificant change
<p><b>sugar</b> means, unless otherwise expressly stated, any of the following:</p> <p>(a) <u>white sugar;</u></p> <p>(b) <u>caster sugar;</u></p> <p>(c) <u>icing sugar;</u></p> <p>(d) <u>loaf sugar;</u></p> <p>(e) <u>coffee sugar;</u></p> <p>(f) <u>raw sugar.</u></p>	<p>No change</p> <p>This definition was moved from the definition of “sugars” (below).</p>
<p><b>sugars:</b></p> <p><del>(a) in Division 7 and Division 8 of Part 3—see section 1.71;</del></p> <p><del>(b) elsewhere—see section 2.75.</del></p> <p><del>Note: See also section 2.76 for interpretation of references to sugar.</del></p> <p><del><b>sugars</b> means (a) _____ in Standard 1.2.7, Standard 1.2.8 and Schedule 4 (except where it appears with an asterisk as ‘sugars*’)—means monosaccharides and disaccharides; and</del></p> <p><del>Note: In this Division and Division 8, <b>sugars</b> has narrower meaning than elsewhere in this Code. See section 1.06 for the general meaning of the term.</del></p> <p><del><b>sugars:</b></del></p> <p><del>(a) means _____ otherwise—means any of the following products, derived from any source:</del></p> <p style="margin-left: 20px;"><del>(i) hexose monosaccharides and disaccharides, including dextrose, fructose, sucrose and lactose;</del></p> <p style="margin-left: 20px;"><del>(ii) starch hydrolysate;</del></p> <p style="margin-left: 20px;"><del>(iii) glucose syrups, maltodextrin and similar products;</del></p> <p style="margin-left: 20px;"><del>(iv) products derived at a sugar refinery, including brown sugar and molasses;</del></p> <p style="margin-left: 20px;"><del>(v) icing sugar;</del></p> <p style="margin-left: 20px;"><del>(vi) invert sugar;</del></p> <p style="margin-left: 20px;"><del>(vii) fruit sugar syrup; and</del></p> <p><del>(b) but</del> does not include:</p>	Insignificant change



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<p>(i) malt or malt extracts; or</p> <p>(ii) sorbitol, mannitol, glycerol, xylitol, polydextrose, isomalt, maltitol, maltitol syrup, <u>erythritol</u> or lactitol.</p> <p><del>A reference to 'sugar' in this Code is, unless otherwise expressly stated, a reference to any of the following:</del></p> <p><del>(a) white sugar;</del></p> <p><del>(b) caster sugar;</del></p> <p><del>(c) icing sugar;</del></p> <p><del>(d) loaf sugar;</del></p> <p><del>(e) coffee sugar;</del></p> <p><del>(f) raw sugar.</del></p> <p><u>Note: Sugar is defined differently—see section 1.1.2—3.</u></p>	
<p><u>supplier</u>, in relation to food, includes the packer, manufacturer, vendor or importer of the food.</p>	No change
<p><del><u>surface treated fruit and vegetables</u>—see section 2.21</del></p> <p><del><u>surface treated fruit and vegetables</u> means fruit and vegetables harvested, washed and treated with substances permitted for use as processing aids and food additives</del></p>	<p>Definition deleted</p> <p>“surface treated fruits and vegetables” appears in S15—5 and is not defined for the purpose of that section</p>
<p><b>sweet cassava</b> means those varieties of cassava roots grown from <i>Manihot esculenta</i> Crantz of the Euphorbiaceae family that contain less than 50 mg/kg of hydrogen cyanide (fresh weight basis).</p> <p><b>Note:</b> Sweet cassava may also be known by other common names including manioc, mandioca, tapioca, aipim and yucca.</p>	No change
<p><b>tea</b> means the <del>dried or fermented product made from the</del> leaves and leaf buds of one or more of varieties and cultivars of <i>Camelia sinensis</i> (L.) O. Kuntz.</p>	Insignificant change
<p><del><b>total plant sterol equivalents content</b>—see section 1.09</del><b>total plant sterol equivalents content</b> means the total <u>quantity amount</u> of:</p> <p>(a) phytosterols; and</p> <p>(b) phytostanols; and</p> <p>(c) phytosterols and phytostanols following hydrolysis of any phytosterol esters and phytostanol esters.</p>	Insignificant change
<p><del><b>trans fatty acids</b>—see section 1.71</del></p> <p><b>trans fatty acids</b> means the total of unsaturated fatty acids where one or more of the double bonds are in the trans configuration. No change</p>	No change
<p><b>transportation outer</b> means a container or wrapper which:</p> <p>(a) encases packaged or unpackaged <del>food products</del> <u>foods</u> for the purpose of transportation and distribution; and</p> <p>(b) is removed before the food <u>product</u> is used or offered for retail sale or which is not taken away by <del>the a</del> purchaser of the food <del>product</del>.</p>	Insignificant change



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<p>Clause 2.17</p> <p><del>unacceptable egg</del>—see clause 2 of Standard 4.2.5.</p>	<p>Definition deleted</p> <p>For the purpose of s 2.2.2—3 and Standard 4.2.5, the term means:</p> <p>(a) a cracked egg or a dirty egg; or</p> <p>(b) egg product which has not been processed in accordance with clause 21; or</p> <p>(c) egg product which contains a pathogenic micro-organism, whether or not the egg product has been processed in accordance with clause 21.</p> <p>In this definition, ‘clause 21’ is a reference to clause 21 of Standard 4.2.5, which relates to ‘Processing egg product’, and applies in Australia only.</p> <p>The term is also defined in s 2.2.3 as having the same meaning as it has in Standard 4.2.5</p>
<p><b>unit quantity</b> means:</p> <p>(a) for a food <del>product</del> consisting of a solid or semi-solid food—100 grams; or</p> <p>(b) for a food <del>product</del> consisting of a beverage or other liquid food—100 millilitres.</p>	<p>Insignificant change</p>
<p><del>use-by date</del>—see section 1.65</p> <p><b>use-by date</b>, for a food <del>product</del>for sale, means the date after which the supplier estimates that the food <del>product</del> should not be consumed because of health or safety reasons, if the food <del>product</del>:</p> <p>(a) remains in an intact package during its storage; and</p> <p>(b) is stored in accordance with any storage conditions applicable under section <del>1.69</del>Standard 1.2.6.</p>	<p>Insignificant change</p>
<p><b>used as a food additive</b>—see section <del>1.122</del>1.1.2—11.</p> <p>(1)<del>For</del> In this Code, a substance is <b>used as a food additive</b> in relation to a food if <u>it is added to the food:</u></p> <p><u>(a) to perform 1 or more of the technological purposes listed in Schedule 14; and</u></p> <p><u>(a)(b) it is a substance identified in subsection (2); and</u></p> <p><del>(b) it is added to the food to perform 1 or more of the technological purposes listed in Schedule 14.</del></p> <p>(2) For subsection (1), the substances are:</p> <p>(a) any of the following:</p> <p>(i) a substance that is <del>listed identified</del> in Schedule 15 <u>as a substance that may be used as a food</u></p>	<p>Significant change</p> <p>There is no substantial change to sub-s(1).</p> <p>Sub-s(2) clarifies that colouring and the items in (b) may be “used as a food additive” under the Code.</p> <p>Sub-s(3) creates new definitions.</p>



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<p><u>additive</u>;</p> <p>(ii) an additive permitted <u>at GMP in processed foods</u>;</p> <p><del>(iii)</del> (iii) <u>a colouring permitted in processed foods</u>;</p> <p>(iv) <u>a colouring permitted in processed foods to a maximum level</u>; and</p> <p><b>Note:</b> Schedule 15 lists a number of substances that are not additives permitted in processed foods, colourings permitted in processed foods or colourings permitted in processed foods to a maximum level.</p> <p>(b) <u>any substance that:</u></p> <p>(i) <u>has been selectively concentrated or refined, or synthesised to perform 1 or more of the technological purposes listed in Schedule 14.</u></p> <p><u>Other definitions</u></p> <p>(3) <u>In this Code:</u></p> <p><u><b>additive permitted in processed foods</b></u> means a substance that is listed in section S16—2.</p> <p><u><b>colouring permitted in processed foods</b></u> means a substance that is listed in section S16—3.</p> <p><u><b>colouring permitted in processed foods to a maximum level</b></u> means a substance that is listed in section S16—4.</p> <p><u>Colours and their aluminium and calcium lakes</u></p> <p>(4) <u>A reference to a colour listed in Schedule 15, a colouring permitted at GMP; (iv) in processed foods or a colouring permitted in processed foods to a maximum level; and includes a reference to the aluminium and calcium lakes prepared from that colour.</u></p> <p><u>(b) any substance that:</u></p> <p><u>(i) has been extracted, refined, or synthesised; and</u></p> <p><u>(ii) is not normally sold as a food product; and</u></p> <p><u>(iii) is not normally used as an ingredient by consumers.</u></p>	<p>Sub-s(4) adds clarification for references to “colour” in Sch 15.</p> <p><b>Technical feedback required.</b></p>
<p><b>used as a nutritive substance</b>—see section <u>1.191.1.2—12.</u></p> <p>(1) <del>For</del> <u>In this Code, a substance is <b>used as a nutritive substance</b> in relation to a food if <u>it is added to the food</u>:</u></p> <p><u>(a) to achieve a nutritional purpose; and</u></p> <p><u>(b) it is a substance identified in subsection (2); and</u></p> <p>(2) <u>For subsection (1), the substances are:</u></p> <p><u>(a) any substance that is identified in this Code as one that may be used as a nutritive substance; and</u></p> <p><u>(b) a vitamin or a mineral; and</u></p> <p><u>(b) it is added to the food (c) any substance (other than an inulin-type fructan) that has been selectively concentrated or refined, or synthesised to achieve a nutritional purpose.</u></p> <p><u>(2) For subsection (1), the substances are:</u></p> <p><u>(a) any substance that is identified in this Code as one that may be used as a nutritive substance; and</u></p> <p><u>(b) a vitamin or a mineral; and</u></p> <p><u>(c) any substance (other than an inulin-derived substance) that:</u></p>	<p>Significant change</p> <p>There are no substantial changes to sub-ss(1) and (3).</p> <p>There is no change to subs-(2)(a) and (b). (c) picks up the change to the definition of “inulin-type substance” and deletes sub-ss(ii) and (iii).</p> <p><b>Technical feedback required.</b></p>



Draft Variation <u>Second Round Consultation July 2014</u>	No change, insignificant change or substantial change?
<p><del>(i) has been extracted, refined, or synthesised; and</del>  <del>(ii) is not normally sold as a food product; and</del>  <del>(iii) is not normally used as an ingredient by consumers.</del></p> <p><b>Note:</b> Provisions that control use of substances as nutritive substance are in <u>Division 3 of Part 4 (general provisions on use of vitamins and minerals)</u>, various <u>Parts of Chapter 2 (use of vitamins and minerals in specific foods)</u> and <u>Part 9 of Chapter 2 (other substances used in special purpose foods)</u>. Substances referred to in <u>paragraph 1.19(2)(a)</u> include <u>Standard 1.3.2 (Vitamins and minerals)</u>, <u>Standard 2.9.1 (Infant formula products)</u>, <u>Standard 2.9.2 (Food for infants)</u>, <u>Standard 2.9.3 (Formulated meal replacements)</u>, <u>Standard 2.9.4 (Formulated supplementary sports foods)</u> and <u>Standard 2.9.5 (Food for special medical purposes)</u>. Substances referred to in <u>paragraph (2)(a)</u> include, for example, those that are identified in the tables to sections <u>S17.01–S17—2</u> and <u>S17.02 in Schedule 17–S17—3</u> (vitamins and minerals) and <u>the tables</u> to sections <u>S30.04 and S30.18 in Schedule 30–S29—2, 0, S30—18 and S30—19</u> (other substances).</p>	
<p><b>used as a processing aid—see section 1.1.2—13.</b></p> <p><u>References to substances that are used as a processing aid</u>  <del>(a) is identified in subsection (3); and</del>  <del>;</del>  <del>(a) in relation to a food—see subsection 1.131(2), and</del>  <del>(b) in relation to a substance—see subsection 1.131(1).</del></p> <p>(1) <del>For</del> <u>In</u> this Code, a reference to a substance that is <b>used as a processing aid</b> in relation to a food is a reference to a substance that <del>(b) is added to food—</del> <u>is used</u> during the course of processing—  <del>(a) to perform a technological purpose in the course of processing; and</del>  <del>(c) does not perform a technological purpose listed in Schedule 14 in the processed food.</del></p> <p><u>References to foods that are used as a processing aid</u>  (2) <del>For this Code, a reference to a food that is used as a processing aid in relation to another food:</del>  <del>(a) is a reference to a food that:</del>  <del>(i) is not a substance identified in subsection (3); and</del>  <del>(ii) is added to the other food during the course of processing to perform a technological purpose; and</del>  <del>(iii)(b) does not perform a technological purpose listed in Schedule 14 in the a food for sale; and</del>  <del>(c) is identified in subsection (3).</del></p> <p><u>References to foods that are used as a processing aid</u>  (2) <u>In this Code, a reference to a food that is used as a processing aid in relation to another food:</u>  <del>(a) is a reference to a food that is used during the course of processing:</del>  <del>(i) to perform a technological purpose in the course of processing; and</del>  <del>(ii) does not perform a technological purpose listed in Schedule 14 in a food for sale; and</del>  <del>(iii) is identified in subsection (3); and</del>  <del>(b) is a reference to so much of the food as is necessary to perform the technological purpose.</del></p> <p><b>Note 1:</b> <u>This Code does not prohibit the use of foods as processing aids (other than foods that are substances</u></p>	<p>Significant change</p> <p>There is no substantial change to sub-s(1).</p> <p>Sub-s(2)(a) now adopts the definition in sub-s(1). There is no change to (b).</p> <p>There are no substantial changes to the notes to sub-s(2).</p> <p>Sub-s(3) now refers to “processed foods” instead of “GMP”.</p> <p><b>Technical feedback required.</b></p>



Draft Variation <u>Second Round Consultation July 2014</u>	No change, insignificant change or substantial change?
<p>referred to in subsection (3)). There are special labelling requirements that apply in relation to foods and substances that are used as processing aids—see paragraphs 1.2.4—3(2)(d) and 1.2.4—3(2)(e) and subparagraph 1.2.8—5(a)(vii).</p> <p><b>Note 2:</b> If a food is used as a processing aid in relation to another food, and the amount of the food used is greater than the amount that is necessary to perform the technological purpose, the excess amount of the food is not taken to be used as a processing aid in the other food and is not exempted from a requirement to declare ingredients—see section 1.2.4—3(2)(e).</p> <p>(3) For subsections (1) and (2), the substances are the following:</p> <p>(a) a substance that is listed in Schedule 18;</p> <p>(b) an additive permitted in processed food; and foods.</p> <p><del>(b) is a reference to so much of the food as is necessary to perform the technological purpose.</del> Note 1: This Code does not regulate the use of foods as processing aids (other than foods that are substances referred to in subsection (3)). There are special labelling requirements that apply in relation to foods and substances that are used as processing aids—see paragraphs 1.59(d) and 1.59(e) and subparagraph 1.100(a)(vii).</p> <p>Note 2: If a food is used as a processing aid in relation to another food, and the amount of the food used is greater than the amount that is necessary to perform the technological purpose, the excess amount of the food is not taken to be used as a processing aid in the other food.</p> <p><del>(3) For subsections (1) and (2), the substances are the following:</del></p> <p><del>(a) a substance that is listed in Schedule 18;</del></p> <p><del>(b) an additive permitted at GMP.</del></p> <p><b>Note:</b> 'additive permitted at GMP in processed foods' is a defined term—see section 1.1221.1.2—11.</p>	
<p><del>Clause 1.71 [applies to Division 7 &amp; 8]</del></p> <p><b>vegetable</b>, in Standard 1.2.7 and Standard 1.2.8:</p> <p>(a) means the edible portion of a plant or constituents of the edible portion that are present in the typical proportion of the whole vegetable (with or without the peel or water); and</p> <p>(b) does not include nuts, spices, herbs, fungi, dried legumes (including dried legumes that have been cooked or rehydrated) and seeds.</p>	<p>Significant change</p> <p>The definition is now limited to Standards 1.2.7 and 1.2.8. Where the term is used in other parts of the Code it may have a broader meaning.</p>
<p><b>vegetable juice</b> means <del>a food that may be sold as vegetable juice under section 2.42</del> <b>vegetable juice</b> means the juice made from a vegetable.</p> <p>Note: Under section 1.06, <b>fruit juice</b> and <b>vegetable juice</b> are defined for the rest of this Code as a food that may be sold as fruit juice or vegetable juice under this section.</p>	<p>Insignificant change</p>
<p><b>vegetable wine</b>—see definition of fruit wine.</p>	<p>New definition</p>
<p><b>vegetable wine</b> means a food that may be sold as vegetable wine under section 2.70 <b>product</b>—see definition of fruit</p> <p><del><b>fruit wine</b> or <b>vegetable wine</b>: (a) means a food prepared from the complete or partial fermentation of fruit, vegetable, grains, cereals or any combination or preparation of those foods; and</del></p> <p><del>(b) does not include wine or wine product.</del></p> <p>Note: Under section 1.06, <b>cider</b>, <b>fruit wine</b>, <b>mead</b>, <b>perry</b> and <b>vegetable wine</b> are defined for the rest of this Code as a food that may be sold as cider, fruit wine, mead, perry or vegetable wine under this section.</p>	<p>Insignificant change</p>



<p><b><u>Draft Variation Second Round Consultation July 2014</u></b></p>	<p><b>No change, insignificant change or substantial change?</b></p>
<p><b>vinegar</b> means a food that <del>may be sold as vinegar under section 2.158</del><b>vinegar means is</b> the sour liquid prepared by acetous fermentation, with or without alcoholic fermentation, of any suitable foodstuff, and <del>includes including</del> blends and mixtures of <del>vinegars</del><b>such liquids</b>.</p> <p><small>Note: Under section 1.06, <del>imitation vinegar</del> and <b>vinegar</b> are defined for the rest of this Code as a food that may be sold as imitation vinegar or vinegar under this section.</small></p>	<p>Insignificant change</p>
<p><b>warning statement</b>, for a food <del>product</del><b>for sale</b>, means a statement about a particular aspect of the food that is required to be expressed in the words set out in the following provisions:</p> <ul style="list-style-type: none"> <li>(a) section <del>1.56 1.2.3—3</del> (warning statement relating to royal jelly);</li> <li>(b) section <del>2.57 2.6.3—4</del> (warning statement relating to kava);</li> <li>(c) subsection <del>2.98(1) 2.9.1—19(1)</del> or section <del>2.92 2.9.1—13</del> (warning statements for infant formula product);</li> <li>(d) paragraph <del>2.110(3)(e) 2.9.2—7(3)(c)</del> or <del>2.111(1)(b) 2.9.2—8(1)(b)</del> (warning statements for food for infants);</li> <li>(e) subparagraph <del>2.129(1)(a)(iii) 2.9.4—4(1)(a)(iii)</del> or <del>2.129(1)(a)(iv) 2.9.4—4(1)(a)(iv)</del> (warning statements for formulated supplementary sports food).</li> </ul> <p><b><u>Mandatory warning statement—royal jelly</u></b></p> <p><del>For the labelling provisions, if a food consists of or includes as an ingredient royal jelly, the following warning statement is required: ‘This product contains royal jelly which has been reported to cause severe allergic reactions and in rare cases, fatalities, especially in asthma and allergy sufferers’.</del></p> <p><small>Note: The labelling provisions are set out in Division 1.</small></p> <p><b><u>Labelling of foods containing kava</u></b></p> <p><del>For the labelling provisions, the following statements are required for a food referred to in paragraph 2.56(a) or 2.56(b):</del></p> <ul style="list-style-type: none"> <li><del>(a) ‘Use in moderation’; and</del></li> <li><del>(b) ‘May cause drowsiness’.</del></li> </ul> <p><small>Note: The labelling provisions are set out in Division 1 of Part 3 of Chapter 1. For the labelling requirement for unpackaged kava, see paragraph 1.34(5)(c).</small></p> <p><b><u>Requirement for warning statements and directions</u></b></p> <p><del>(1) For the labelling provisions, the following warning statements are required:</del></p> <ul style="list-style-type: none"> <li><del>(a) for infant formula product in powered form—‘Warning—follow instructions exactly. Prepare bottles and teats as directed. Do not change proportions of powder except on medical advice. Incorrect preparation can make your baby very ill’;</del></li> <li><del>(b) for concentrated infant formula product—‘Warning—follow instructions exactly. Prepare bottles and teats as directed. Do not change proportions of concentrate except on medical advice. Incorrect preparation can make your baby very ill’;</del></li> <li><del>(c) for ready to drink infant formula product—‘Warning—follow instructions exactly. Prepare bottles and teats as directed. Do not dilute or add anything to this ‘ready to drink’ formula except on medical advice. Incorrect preparation can make your baby very ill’;</del></li> <li><del>(d) subject to subsection (2), a heading that states ‘Important Notice’, with under it the warning statement—</del></li> </ul>	<p>Insignificant change</p> <p>The crossed out requirements are still included in the Code.</p>



<p><del>Draft Variation</del><b>Second Round Consultation July 2014</b></p>	<p><b>No change, insignificant change or substantial change?</b></p>
<p><del>'Breast milk is best for babies. Before you decide to use this product, consult your doctor or health worker for advice'.</del>  Note: The labelling provisions are set out in Division 1 of Part 3 of Chapter 1.</p> <p><b>Products formulated for premature or low birthweight infants</b>  (1) A compositional requirement of this Division does not apply to the extent that it would prevent the sale of an infant formula product that has been specifically formulated for premature or low birthweight infants.  (2) If an infant formula product would not comply with this Division apart from this section, then for the labelling provisions:  (a) the following warning statement is required: 'Suitable only for pre-term infants under specialist medical supervision'; and  (b) the name of food must include the words 'pre-term'.  Note: The labelling provisions are set out in Division 1 of Part 3 of Chapter 1.</p> <p><del>2.110(3)(c) if the food is recommended for infants between the ages of 4–6 months, in association with the statement required by paragraph (b), the words 'Not recommended for infants under the age of 4 months'; and</del></p> <p><del>2.111(1)(b) if the food contains more than of 3 g/100 kJ of protein—the words 'Not suitable for infants under the age of 6 months'.</del></p> <p><del>2.129(1)(a)(iii) the statement 'Not suitable for children under 15 years of age or pregnant women: Should only be used under medical or dietetic supervision'; and</del></p> <p><del>2.129(1)(a)(iv) if the food contains added phenylalanine—the statement 'Phenylketonurics: Contains phenylalanine'; and</del></p>	
<p><del>Clause 2.04 [In this section]</del></p> <p><del><b>wheat flour</b> includes wholemeal wheat flour.</del></p>	<p>Definition deleted</p> <p>There is a reference to “wheat flour” in s 2.1.1—2 with the same definition. The definition is purportedly pulled from s 1.1.2—3, but “wheat flour” is no longer defined in that section. This may be an oversight.</p> <p>“wheat flour” also appears in S17—4 and S22—2, with no definitions.</p>



Draft Variation <u>Second Round Consultation July 2014</u>	No change, insignificant change or substantial change?
	Technical feedback required.
<p><del>white sugar</del> means a food that may be sold as white sugar under section 2.77</p> <p><b>white sugar</b> means purified crystallised sucrose.</p>	No change
<p><b>wholegrain:</b></p> <p>(a) <del>wholegrain</del>, as the name of a food, has the meaning given in subsection 2.02(2); and</p> <p>(b) a food is a <del>wholegrain</del> food if it may be sold as consisting of, or containing, <del>wholegrain</del> under subsection 2.02(1).</p> <p><b>wholegrain</b> means the intact grain or the dehulled, ground, milled, cracked or flaked grain where the constituents—endosperm, germ and bran—are present in such proportions that represent the typical ratio of those fractions occurring in the whole cereal, and includes wholemeal.</p>	Insignificant change  (the second definition of wholegrain is not new)
<p><b>wholemeal:</b></p> <p>(a) <del>wholemeal</del>, as the name of a food, has the meaning given in subsection 2.02(2); and</p> <p>(b) a food is a <del>wholemeal</del> food if it may be sold as consisting of, or containing, <del>wholemeal</del> under subsection 2.02(1).</p> <p><b>wholemeal</b> means the product containing all the milled constituents of the grain in such proportions that it represents the typical ratio of those fractions occurring in the whole cereal.</p> <p>Note: Under section 1.06, <b>wholemeal</b> and <b>wholegrain</b> are defined for the rest of this Code as a food that may be sold as wholemeal or wholegrain under this section.</p>	Insignificant change
<p><del>wine product</del>—see section 2.71</p> <p><b>wine product</b> means a food containing no less than 700 mL/L of wine, which has been formulated, processed, modified or mixed with other foods such that it is not wine.</p>	No change
<p><del>wine</del> means a product that may be sold as wine under section 2.72;</p> <p><del>wine</del> means (a) a food that is the product of the complete or partial fermentation of fresh grapes, or a mixture of that product and products derived solely from grapes; or</p> <p>(b) such a food with any of the following added during production:</p> <p>(i) grape juice and grape juice products;</p> <p>(ii) sugars;</p> <p>(iii) brandy or other spirit;</p> <p>(iv) water that is necessary to incorporate any substance permitted for use as a food additive or a processing aid.</p> <p>Note: Under section 1.06, <del>wine</del> is defined for the rest of this Code as a food that may be sold as wine under this section.</p>	Significant change  The definition is broadened by the addition of sub-s(b).  Technical feedback required.
<p><del>yoghurt</del> means a food that may be sold as yoghurt under section 2.32</p> <p><b>yoghurt</b> means a fermented milk where the fermentation has been carried out with lactic acid producing microorganisms.</p> <p>Note: Under section 1.06, <b>fermented milk</b> and <b>yoghurt</b> are defined for the rest of this Code as a food that may be sold as fermented milk or yoghurt under this section.</p>	Insignificant change



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# Australian Food and Grocery Council

## P1025 Response Sheet

STANDARD:				
1.2.1 Application of Labelling and Other Information Requirements.				
CURRENT CLAUSE	PROPOSED CLAUSE	CHANGE	IMPACT	COMMENT (incl. missed opportunity to clarify)
1.2.1	1.2.1	Change of standard name Major reformatting of standard	Minor	Standard format has changed so that sections reflect the nature of the sale of food rather than the food itself. Sections are longer and more detailed, but is logical in its order and more comprehensive.
1.2.1 1	1.1.2 - 2; 1.2.1-8	definitions removed from this std assisted service display cabinet 1.1.2-2 food for catering purposes - definition changed to caterer 1.1.2-2 food for retail sale - intra-company transfer 1.2.1-18 (2)	Minor	Definitions moved to other areas of code
1.2.1 2 (1)	1.2.1-6		Minor	
1.2.1 2 (2)	1.2.1-8 (1)		Major	Proposed code is a lot more comprehensive and includes all relevant references within FSC that were not previously included in this section.
1.2.1 2 (3)	1.2.1-6	vendor machine info no longer separated	minor	
1.2.1 2 (4)	1.2.1-8 (2)		minor	language changed from -ve to +ve and requirements are clearer
Ed note	deleted		Minor	
1.2.1 3				Proposed code has reformatted this section - see above comment
1.2.1 4				
1.2.1 5 (1)	1.2.1-15; 1.2.1-14	COO in separate section (14)	Minor	
1.2.1 5 (2)	1.2.1-12 (3)		none	
1.2.1 6 (1-3)	1.2.1-16	Reformatted	Minor	Clearer
1.2.1 6 (4)	1.2.1-17	Reformatted	Minor	Clearer
1.2.1 8	1.2.1-7 (2)	Table with definitions for facilities has been removed from this section to 1.1.2-7	Major	Major reformatting however the effect is minor (unchanged).
	Division 4			
1.1.1 11	Division 5		Major	Major reformatting (move from Std 1.1.1. to Labelling Std) however the effect is minor (unchanged).
1.1.1 13	1.2.1-22 1.2.1-23			









## Australian Food and Grocery Council

### P1025 Response Sheet

STANDARD:				
Standard 1.2.3 Mandatory Warning and Advisory Statements and Declarations				
CURRENT CLAUSE	PROPOSED CLAUSE	CHANGE	IMPACT	COMMENT (incl. missed opportunity to clarify)
<b>Purpose</b>		Deleted		There is no purpose in the revised standard
<b>1</b>		Name	None	deleted from existing Code. The name of the standard has changed slightly
<b>2</b>	Mandatory Advisory statements			
2(1)	1.2.3-2 (1)			Table is now in the schedule separate to the standard - Schedule 9 - Mandatory Advisory Statements - comments below on Table to existing clause 2
2(2)(a)-©		Major	Minor	1.2.1-9(8)(b) - requirement for display on or in connection with food dispensed from a vending machine is covered by 1.2.1-9(3) (a) and ©. The requirements are there but in another part of the Code which is confusing!
Table to Clause 2	Schedule 9 - Mandatory Advisory Statements (p314-315)	Major	Major	Table to clause 2 has been reorganised into Schedule 9. It is set out differently so is hard to follow when you are used to the current Table. There has been some big changes to this schedule from the current Table 2 - seems to have extended the products covered by the statement "not suitable ... for children under 2 years. "and" between evaporated and dried products has been changed to "or" and requirement for these foods to contain no more than 2.5% m/m fat has been removed. 3(a) in Sched 9 requires a statement that cereal based bevs that contain no less than 3% m/m protein and no more than 2.5% m/m fat must state that they are not suitable as a complete milk food for children under 2. In column 2 of schedule 9 they have changed the word "product" for "food" - use of terms "product" and "food" not consistent.
Editorial Note	Omitted			
<b>3</b>				Heading changed from Mandatory warning statements TO Mandatory warning statements - royal jelly. What happens if they need to add in other foods or ingredients?
3(1)	1.2.3-3			
3(2)(a) and (b)	1.2.1-9(2) and 9(3)©	Minor	?	Confusing as moved to another part of the Code
Table to clause 3	Deleted	Minor	Minor	Table to clause 3 has been deleted - difficult to actually see what is now required as it is written into a para rather than in a table. What happens when they want to add additional items??
<b>4</b>				
4(1)	1.2.3-4(2)	Minor	Major	Wording has changed - eg: a substance "used" as a food additive rather than current wording of "a food additive"
4(2)(a)		Minor	None	
4(2)(b)(i)		Minor	None	Note - this fixes an error in 1.2.3 clause 4(2)(b)(i)
4(2)(b)(ii)				



4(2)©				
Table to clause 4	Deleted. Replaced by 1.2.3-4(a)-©	None	None	Table deleted and in a list instead but wording the same. Not sure why this is not included in Schedule 9
Editorial note	Deleted			
<b>5</b>				
5(1)(a)	1.2.3-2(2)	?	?	Heading in current code for current clause 5 is "Advisory statement in relation to foods containing polyols or polydextrose. In the revised Code the heading is "Mandatory Advisory statements" - assume this does not change the intent
5(1)(b)	1.2.3-2(2)			
5(1)©	1.2.3-2(2)			
5(2)(a)/(b)/©	1.2.3-2(2)			
Table 1 to Cl 5	1.2.3-2(2)(a)(b)			No change of intent but have changed the tables to paras within the clause - not sure why these were not included in Schedule 9?
Table 2 to Cl 5	1.2.3-2(2)(a)(b)			
<b>Note</b>				Note change of wording in the new 1.2.3-4(2) "a substance used as a food additive" which is changed from "a food additive".
				There has been some "change for change sake" - re organising and getting rid of the tables and putting some of the info in Schedule 9 and putting some as test in the body of the standard - this just makes it confusing when you are used to the current standard format









## Australian Food and Grocery Council

STANDARD: 1.2.4				
LABELLING OF INGREDIENTS				
CURRENT CLAUSE	PROPOSED CLAUSE	CHANGE	IMPACT	COMMENT (incl. missed opportunity to clarify)
2	1.2.4	ommission	Statement in Clause 2(a) has been omitted in that there is no labelling exemption for where the food was labelled with the name of the food which would otherwise be those ingredients listed in the ingredients list	would force products such as Sugar or Olive Oil to have an ingredients List that simply stated "Sugar" or "Olive Oil" if these were the only ingredients.
3	1.2.4-3(2)( e )	added	inclusion of no requirement to declare a "food that is used as a processing aid"	This differentiates between an additive permitted as a "Processing Aid" and a Food which is added as a Processing Aid. The definition of a Processing Aid is that the substance does not exist in the finished fod but a Food added as a Processing Aid would surely exist in the finished food??
5	1.2.4-5 clause 4	added calculation	equation has been added to better explain the role of added water and volatile ingredients	Suggests it states the same thing as current code - but would like a second opinion
8 (8)	1.2.4-7		Clause 8(8) has been omitted: Where the composition of a food may be subject to minor variations by the substitution of an additive which performs a similar function, the statement of ingredients may list both additives in a way which makes it clear that alternative or substitute additives are being declared.	Does 1.2.4-6 "declaration of alternative ingredients" also cover alternative additives? Suggest that this clause be amended to read as both Ingredients and Additives
10	1.2.4	ommission	Statement has been omitted " If a food contains oil as an ingredient, and the specific source name of the oil is used on the label of the food, the label must include the statement prescribed in clause 3 of Standard 2.4.1"	Appears to be covered by Standard 2.4.1-4 in new standard
4 Table	Schedule 10	ommission	There is no comment (blank) in the "conditions for use" column in Schedule 10. Current table to Clause 4 states "No specific condition set" instead of leaving the column blank	
1.2.4 Schedule	S8	unnecessary change	Current schedule lists "Aluminium, calcium, sodium, magnesium, potassium and ammonium salts of fatty acids - 470" but S8 lists this as "Fatty acid salts of aluminium, ammonia, calcium, magnesium, potassium and sodium - 470"	CODEx clists additive 470 as " Salts of fatty acids with base aluminium, ammonium,calcium, magnesium, potassium, sodium"
1.2.4 Schedule	S8	additions	Advantame now has # 969 Yeast Mannoprotein has #555	Consistent with Codex While Advantame is listed in current schedule there is no additive number but Yeast Mannoprotein is not listed at all





# Australian Food and Grocery Council

## P1025 Response Sheet

STANDARD: 1.2.5				
CURRENT CLAUSE	PROPOSED CLAUSE	CHANGE	IMPACT	COMMENT (incl. missed opportunity to clarify)
1.2.5(1)	1.2.5—2	Major	Major	The definition of "best before date" has changed. It used to refer to "a package of food." It has now been changed to "Food for Sale". This significant broadens the scope of the clause.  Similarly, the definition of "use before date" has also been changed. It now reads "for a food for sale, means the date after which the supplier estimates that the food for sale should not be consumed because of health or safety reasons". This is problematic for two reasons: a) it broadens the scope of the definition, but more importantly b) the inclusion of "supplier estimates" reverses the onus of proof and imposes a duty onto suppliers regarding health and safety that did not previously exist.
1.2.5(2)	1.2.5—3	Minor	Minor	Section reworded but mostly replicated. Only query is 1.2.5—3(3) which requires only the use by date for small packages. There does not appear to be an analogous clause in the previous iteration of the standard. It may be a clumsy reword of the original 1.2.5(2)(d)(ii) - however if so it has ignored the proviso "except where the food should be consumed before a certain date because of health or safety reasons".
1.2.5(3)	1.2.5—4	Minor	Minor	Wording change, effect is the same.
1.2.5(4)	1.2.5—5	Minor	Minor	Wording change, effect is the same.
1.2.5(5)	1.2.5—5	Minor	Minor	Incorporated into 1.2.5—5
1.2.5(6)	Deleted	Major	Major	Requirement to include specific storage conditions appears to have been deleted with no corresponding incorporation into the new standard. Arguably it is covered by the new definitions of use by date and best before date, but the reference to "storage conditions" in these definitions applies only to the method by which use by/best before dates are calculated - not a requirement to label.
1.2.5(7)	1.2.—5	Minor	Minor	Incorporated into 1.2.5—5(1)
1.2.5(7)(2)	1.2.5—6	Minor	Minor	Rewording of original 1.2.57(2) to retain statement allowing manufacturers to include packed on dates or packers codes in addition to BB or UBD.







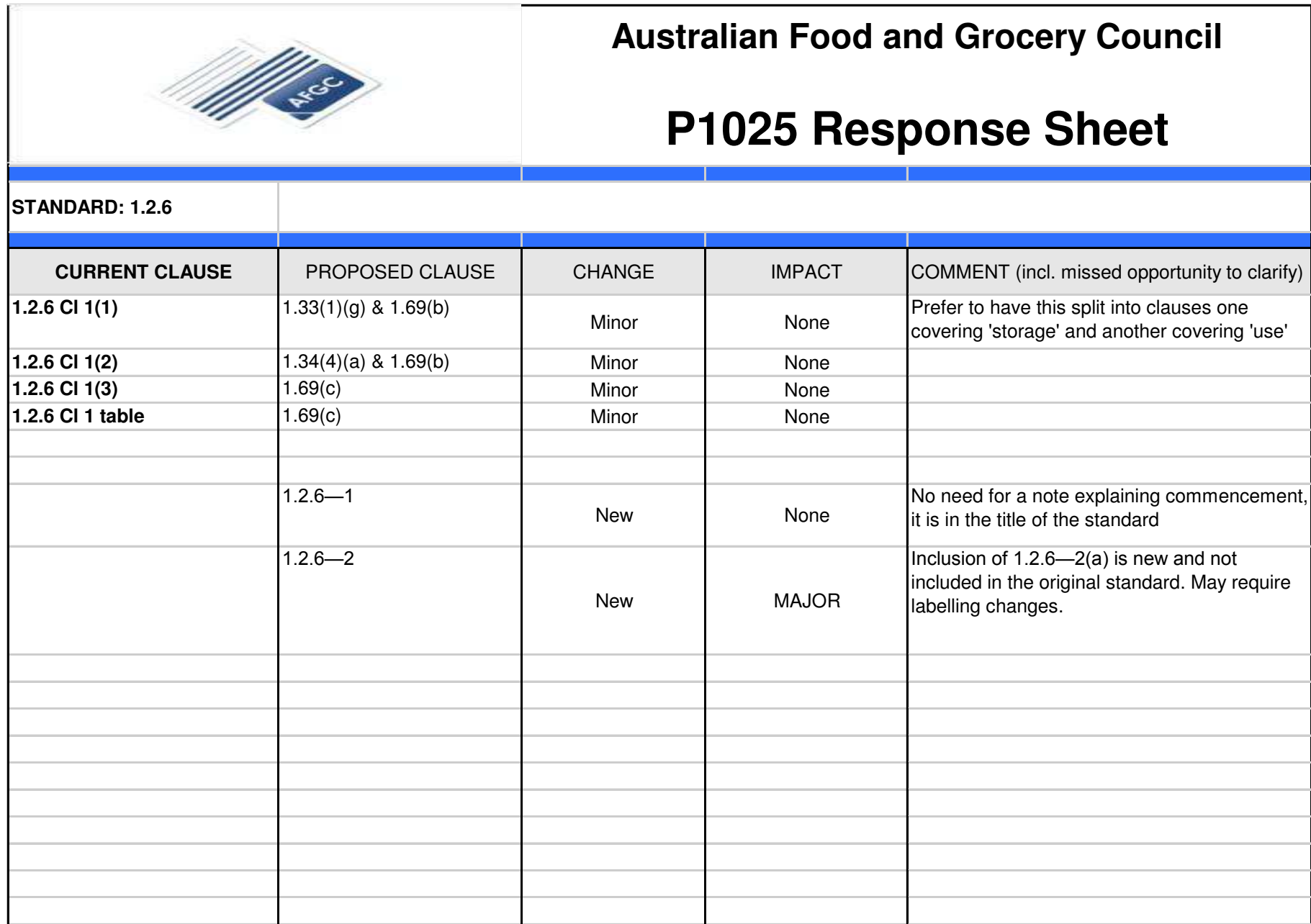


## Australian Food and Grocery Council

### P1025 Response Sheet

STANDARD: 1.2.5				
CURRENT CLAUSE	PROPOSED CLAUSE	CHANGE	IMPACT	COMMENT (incl. missed opportunity to clarify)
1.2.5(1)	1.2.5—2	Major	Major	The definition of "best before date" has changed. It used to refer to "a package of food." It has now been changed to "Food for Sale". This significant broadens the scope of the clause.  Similarly, the definition of "use before date" has also been changed. It now reads "for a food for sale, means the date after which the supplier estimates that the food for sale should not be consumed because of health or safety reasons". This is problematic for two reasons: a) it broadens the scope of the definition, but more importantly b) the inclusion of "supplier estimates" reverses the onus of proof and imposes a duty onto suppliers regarding health and safety that did not previously exist.
1.2.5(2)	1.2.5—3	Minor	Minor	Section reworded but mostly replicated. Only query is 1.2.5—3(3) which requires only the use by date for small packages. There does not appear to be an analogous clause in the previous iteration of the standard. It may be a clumsy reword of the original 1.2.5(2)(d)(ii) - however if so it has ignored the proviso "except where the food should be consumed before a certain date because of health or safety reasons".
1.2.5(3)	1.2.5—4	Minor	Minor	Wording change, effect is the same.
1.2.5(4)	1.2.5—5	Minor	Minor	Wording change, effect is the same.
1.2.5(5)	1.2.5—5	Minor	Minor	Incorporated into 1.2.5—5
1.2.5(6)	Deleted	Major	Major	Requirement to include specific storage conditions appears to have been deleted with no corresponding incorporation into the new standard. Arguably it is covered by the new definitions of use by date and best before date, but the reference to "storage conditions" in these definitions applies only to the method by which use by/best before dates are calculated - not a requirement to label.
1.2.5(7)	1.2.—5	Minor	Minor	Incorporated into 1.2.5—5(1)
1.2.5(7)(2)	1.2.5—6	Minor	Minor	Rewording of original 1.2.57(2) to retain statement allowing manufacturers to include packed on dates or packers codes in addition to BB or UBD.













# Australian Food and Grocery Council

## P1025 Response Sheet

**STANDARD: 1.2.6**

CURRENT CLAUSE	PROPOSED CLAUSE	CHANGE	IMPACT	COMMENT (incl. missed opportunity to clarify)
1.2.6 CI 1(1)	1.33(1)(g) & 1.69(b)	Minor	None	Prefer to have this split into clauses one covering 'storage' and another covering 'use'
1.2.6 CI 1(2)	1.34(4)(a) & 1.69(b)	Minor	None	
1.2.6 CI 1(3)	1.69(c)	Minor	None	
1.2.6 CI 1 table	1.69(c)	Minor	None	
	1.2.6—1	New	None	No need for a note explaining commencement, it is in the title of the standard
	1.2.6—2	New	MAJOR	Inclusion of 1.2.6—2(a) is new and not included in the original standard. May require labelling changes.









# Australian Food and Grocery Council

## P1025 Response Sheet

STANDARD: 1.2.7 Nutrition, Health and Related Claims				
CURRENT CLAUSE	PROPOSED CLAUSE	CHANGE	IMPACT	COMMENT (incl. missed opportunity to clarify)
Editorial Note	None	Omitted	None	
1	1.2.7-3	None	None	
2 - Definitons	1.2.7-2 note 1	?		Average energy content missing
				Biologically Active substance missing - 1.1.2-2
				Claim missing - 1.1.2-2
				Dietary fibre missing - 1.1.2-2
				fvnl missing - defined in S5-4
				General level health claim table - added
				Gluten missing - 1.1.2-2
				GI missing - 1.1.2-2 + ed note for GI method omitted
				HLHC table - added
				Monounssaturated fatty acids definition - missing - 1.1.2-2
				Polyunsaturated fatty acids definition - 1.1.2-2
				Trans fatty acids definition - 1.1.2-2
				Saturated fatty acids missing - 1.1.2-2
				Small package missing - 1.1.2-2
				Vegetable missing - 1.1.2-2
	1.2.7-2 note 2	Major	Major??	Nutrition content claim - added - "does not refer to the presence or absence of alcohol"
3	1.2.7-4	Minor	None	



4	1.2.7-5	Major	??	"Other similar institution" is changed to "a medical institution" which is defined under 1.1.2-7(1)
5	1.2.7-6	Minor	None	
6	1.2.7-7	Minor		Table to cl 6 replaced by a list; Ed note omitted
7	1.2.7-8	None		
8	1.2.7-9	None		
9	1.2.7-10	Minor		Removed section 9(2).
	Division 4			
10	1.2.7-11	None		
11	1.2.7-12	Minor		S4-3 = Nutrition content claims table
12	1.2.7-13	None		
13	1.2.7-14	None		
14	1.2.7-15	None		
15	1.2.7-16	Minor		Reorganised the wording but intent the same
	Division 5			
16	1.2.7-17	None		Note added to 1.2.7-17. Refers to S4-5
17	1.2.7-18	None		
18	1.2.7-19	None		
19	1.2.7-20	None		
20	1.2.7-21	None		
21	1.2.7-22	None		
	Division 6			
22	1.2.7-23	None		
23	1.2.7-24	None		
	Division 7			
24	1.2.7-25	None		Refers to Schedule 5
25	1.2.7-26	Major	Minor	Section 25(5) is deleted.
26	1.2.7-27	None		

Note - did not look at Schedules - assume they have been carried across as is from the current Code

S4-3 = Conditions for nutrition content claims

S4-4 = Conditions for permitted high level health claims

S4-5 = Conditions for permitted general level health claims

S4-6 = Nutrient profiling scoring criteria

Schedule 5 = Nutrient profiling scoring method

Schedule 6 = Required elements of a systematic review

Overall note: Some definitions are still in the standard and others are in 1.1.2-2(3). The definitions in this standard are not all in alphabetical order which is confusing





# Australian Food and Grocery Council

## P1025 Response Sheet

STANDARD:				
Standard 1.2.8 Nutritional Information Requirements				
CURRENT CLAUSE	PROPOSED CLAUSE	CHANGE	IMPACT	COMMENT (incl. missed opportunity to clarify)
Purpose	2 Purpose	Minor	None	
This Standard sets out nutrition information requirements in relation to food that is required to be labelled under	This Standard sets out nutrition information requirements in relation to food for sale that are required to be labelled			
1 Definitions	4 Definitions	Major	?	Average energy content symbol changed
				Carbohydrate definition separated into available carbohydrate and available carbohydrate by difference (reference Schedule)
				Definition of claim added - consistent definition in review of Std 1.1.2
				Fat definition references Std 1.2.7 (references Std 1.2.8) and 1.2.8 and Schedule 4 and 11
				Fruit added - reference to Std 1.2.7 and Std 1.2.8. Definition consistent with Standard 1.1.2
				Sugars now reference Std 1.2.7 and 1.2.8. Statement that except where it appears with asterisks. And defined difference in code.
				Trans fat definition removed
				Unit quantity definition repeated
2 Energy factors	Schedule 11	Minor ?	?	Metabolisable energy definition removed
				Energy factors. Asterisks to sorbitol has been removed - energy factor for sorbitol taken as an average of calculated range determined with
3 Nutrition information	5 When nutrition	Minor	None	Removal of reference to specific standards that define foods and ingredients
				Addition clarification that small packaged foods for infants require labels
4 Requirements for	1 Definitions	Minor	None	Formatting
				4(3) missing?
5 Prescribed	6 what must be on	Minor	Minor	per 100g/mL in original. Unit quantity in new standard
		Minor	Minor	Change from zero to absence of dietary fibre and zero (0) to symbol "0"
	Schedule 12			Editorial note to table 5(7) removed, discussing the use of the term total with regard to protein and dietary fibre
	7 How to express			
6 Expression of	7 How to express	Minor	None	Reference to the requirement of fatty acids being labelled MUFA etc in NIP moved to this section
		Minor	None	Mandatory advisory statement changes to advisory statement
7 Percentage daily	8 Percentage daily	Minor	None	Removed "or" from based on an average adult diet of 8700kJ or Percentage of daily etc. Captured by use of either of the following statements
		Minor	None	Asterisks removed from the "based on average statement"
		Minor	None	Removal of reference to "foods for infants" as standardised by Standard 2.9.2 - obvious?
8 Food in small	Schedule 13	Minor	?	Where appropriate the word "serving" may be replaced by:... Changed from or to and?
	14 Requirements for			
9 Food in dehydrated or	11 Requirement for	Minor	?	Removal of requirement to "label with instructions"? Remains on "Food intended to be drained before consumption"
10 Food intended to be	12 Food intended to be	None	None	
11 Food intended to be	13 Food intended to be	Minor	Minor	Combined 11 and 11A (claims on food to be prepared or consumed with other food). Closer to 11A
	Schedule 12			Additional NIP for % DI, formulated caffeinated beverages, foods for infants, chewing gum



it



<b>STANDARD:</b>	<b>1.2.9 Legibility Requirements</b>			
<b>CURRENT CLAUSE</b>	<b>PROPOSED CLAUSE</b>	<b>CHANGE</b>	<b>IMPACT</b>	<b>COMMENT (incl. missed opportunity to clarify)</b>
1.2.9	1.2.1 - 24	Std incorporated into 1.2.1 Requirements to have labels of otherwise provide information.	Minor	
1.2.9 1	??			could not find definition of <b>size of type</b> elsewhere in code
1.2.9 2 (1)	1.2.1 - 24 (1)	Paragraph broken into sections	Minor	language clearer
1.2.9 2 (2)	1.2.1 - 24 (2)	Paragraph simplified	Minor	language clearer
1.2.9 3	1.2.1 - 5	Paragraph simplified	Minor	language clearer
1.2.9 3 Ed note+A37		deleted	None	



Australian Food and Grocery Council

P1025 Response Sheet

STANDARD:		1.2.10- Characterising Ingredients and Components of Food		
CURRENT CLAUSE	PROPOSED CLAUSE	CHANGE	IMPACT	COMMENT (incl. missed opportunity to clarify)
1.2.10(1) - Interpretation	1.2.10—1 Definitions	MAJOR	MAJOR	Inclusion of qualifier "in relation to food for sale" is not included in the original standard. In addition: - use of the term "is likely to be associated" in 2(1)(b) and 2(2 assumedly)(b) is much
1.2.10(2) - Declaration of characterising ingredients and characterising components	1.2.10—3 Requirement to declare characterising ingredients and components	MAJOR	MAJOR	Three previously exempt categories have been removed from 1.2.10(3)(3): - food packaged in the presence of the purchaser - foods for catering purposes - Food delivered packaged and ready for immediate consumption at the express order of the purchaser
1.2.10(3) - Method of calculated the proportion of characterising ingredients by ingoing weight	1.2.10—4 Method of calculating proportion of characterising ingredients	Minor	none	Content accurately replicated. Minor wording differences.
1.2.10(4) - Method of calculating the proportion of characterising ingredients where moisture loss occurs	1.2.10—5 Calculating proportion of characterising ingredients where moisture loss occurs	Minor	None	None
1.2.10(4A) - Method of determining the proportion of characterising ingredient where the proportion of is declared in a nutritional information panel	1.2.10—6 Calculating proportion of characterising ingredient or characterising component where proportion is delcared in nutrition information panel	Minor	None	None
1.2.10(5) - Method of declaration of characterising ingredients	1.2.10—8 Declaration of characterising ingredients and components	MAJOR	MAJOR	Insertion of new (2) requires percentage of declared proportion of ingredient to immediately follow the common, descriptive or generic name of the ingredient. This is not in the original standard and creates confusion and/or neccesitates labelling changes.
1.2.10(6) - Method of calculating the proportion of characterising components	1.2.10—7 Method of calculating proportion of characterising components	Minor	None	Restatement of original formula in mathematical form
1.2.10(7) - Method of declaration of characterising components	1.2.10—8 Declaration of characterising ingredients and components	as above	as above	as above







# Australian Food and Grocery Council

## P1025 Response Sheet

STANDARD:		1.2.10- Characterising Ingredients and Components of Food		
CURRENT CLAUSE	PROPOSED CLAUSE	CHANGE	IMPACT	COMMENT (incl. missed opportunity to clarify)
1.2.10(1) - Interpretation	1.2.10—1 Definitions	MAJOR	MAJOR	Inclusion of qualifier "in relation to food for sale" is not included in the original standard. In addition: - use of the term "is likely to be associated" in 2(1)(b) and 2(2 assumedly)(b) is much
1.2.10(2) - Declaration of characterising ingredients and characterising components	1.2.10—3 Requirement to declare characterising ingredients and components	MAJOR	MAJOR	Three previously exempt categories have been removed from 1.2.10(3)(3): - food packaged in the presence of the purchaser - foods for catering purposes - Food delivered packaged and ready for immediate consumption at the express order of the purchaser
1.2.10(3) - Method of calculated the proportion of characterising ingredients by ingoing weight	1.2.10—4 Method of calculating proportion of characterising ingredients	Minor	none	Content accurately replicated. Minor wording differences.
1.2.10(4) - Method of calculating the proportion of characterising ingredients where moisture loss occurs	1.2.10—5 Calculating proportion of characterising ingredients where moisire loss occurs	Minor	None	None
1.2.10(4A) - Method of determining the proportion of characterising ingredient where the proportion of is declared in a nutritional information panel	1.2.10—6 Calculating proportion of characterising ingredient or characterising component where proportion is delcared in nutrition information panel	Minor	None	None
1.2.10(5) - Method of declaration of characterising ingredients	1.2.10—8 Declaration of characterising ingredients and components	MAJOR	MAJOR	Insertion of new (2) requires percentage of declared proportion of ingredient to immediately follow the common, descriptive or generic name of the ingredient. This is not in the original standard and creates confusion and/or neccesitates labelling changes.
1.2.10(6) - Method of calculating the proportion of characterising components	1.2.10—7 Method of calculating proportion of characterising components	Minor	None	Restatement of original formula in mathematical form
1.2.10(7) - Method of declaration of characterising components	1.2.10—8 Declaration of characterising ingredients and components	as above	as above	as above









## Australian Food and Grocery Council

### P1025 Response Sheet

STANDARD:													
Standard 1.3.1 Food Additives													
CURRENT CLAUSE	PROPOSED CLAUSE	CHANGE	IMPACT	COMMENT (incl. missed opportunity to clarify)									
<b>Purpose</b>	1.3.1 Clause 2 (2) (b)	<b>Current:</b> A food additive is any substance not normally consumed as a food in itself and not normally used as an ingredient of food,  <b>Change to:</b> (b) any substance that: (i) has been selectively concentrated or refined, or synthesised; and (ii) is not normally sold as a food item; and (iii) is not normally used as an ingredient by consumers.	Minor	Does "...by Consumers" change the context? Does " ... normally consumed as a food" have a different context to " ...sold as a food item"?									
<b>1.3.1 Clause 5 (2)</b>	1.3.1 Clause 4 (6)	Includes definition for Nitrates	none	defined elsewhere in the current Code but appears to be the same									
<b>1.3.1 Clause 6</b>	1.3.1 Clause 6	Includes statement that additives used at GMP permission are excluded from the calculation		Good inclusion									
		<b>Continually refers to:</b> additives permitted in processed foods colourings permitted in processed foods colourings permitted in processed foods to a maximum level <b>Preference would be for:</b> Additives in Schedule 16-2 Colours in Schedule 16-3 Colours in Schedule 16-4	Minor	Including this information in the relevant sections would provide greater clarity than current code where the use of the "*" was not always clear what additives were permitted. In some cases "additives permitted at GMP" is declared and while the intent may be that this does not apply to "Colours permitted at GMP" there is room for confusion. Referring to the actual Schedules of permitted additives and colours would prevent misunderstanding									
<b>Standard 1.3.1 Schedule</b>	Schedule 15	Current Standard shows <b>Liquid milk to which phytosterols, phytostanols or their esters have been added</b> as Clause 1.1.3 with no * to indicate that Additives in Schedules 2, 3, and 4 could be added.  This has changed to Clause 1.1.1.1 but intent of the additives permissions appears to be the same	None										
<b>Standard 1.3.1 Schedule</b>	Schedule 15	Clause 12 Salt and Condiments current states a restriction for Ferrocyanides in Salt but the new Schedule does not include the same restriction for the total of Sodium and Potassium Ferrocyanide		Just an issue of the Note being missing??									
		<table border="1"> <tr> <td>535</td> <td>Sodium ferrocyanide</td> <td>50</td> <td>mg/kg</td> <td rowspan="2">total of sodium and potassium ferrocyanide</td> </tr> <tr> <td>536</td> <td>Potassium ferrocyanide</td> <td>50</td> <td>mg/kg</td> </tr> </table>	535	Sodium ferrocyanide	50	mg/kg	total of sodium and potassium ferrocyanide	536	Potassium ferrocyanide	50	mg/kg	Major	
535	Sodium ferrocyanide	50	mg/kg	total of sodium and potassium ferrocyanide									
536	Potassium ferrocyanide	50	mg/kg										
<b>Standard 1.3.1 Schedule</b>	Schedule 15	Clause 13.1 Infant Formula Products does not include <b>Carrageenan 407</b> in Soy Based Infant Formula but the new Schedule does as it is now included in the general list of additives											
<b>Standard 1.3.1 Schedule</b>	Schedule 15	Clause 14.1.4 Formulated Beverages current brackets 950 Ace K, 951 Aspartame and 954 Saccharin with Sucralose, Alltame and Thaumatin, referring to Clause 4 limits (now Section 1.3.1-5 limits)	Major	Just a case where "see note" has not been included against 950 Ace K, 951 Aspartame and 954 Saccharin Infers that Ace K, Aspartame and Saccharin are now restricted in use									
	schedule 15 13.1.1	Current Code shows Sodium Ferrocyanide and Potassium Ferrocyanide bracketed together although both showed 50 mg/kg maximum permitted level. Clause 13.1.1 does not bracket these together so it looks like both are permitted at 50 mg/kg each	Major										
<b>6</b>	1.3.1-6	The formula for calculating food additives performing the same function has changed. The new standard 1.3.1-6 does not display the formula clearly and while a mathematician may concur that the formula is exactly the same as that stated in the current code most of us are not mathematicians	minor	preference would be to retain the same formula as per current code or provide greater explanation of the new formula format									
<b>Schedule 1 &amp; 2</b>	S15	Advantame (currently listed Sch 2 only) and yeast mannoproteins (currently listed in Schedule 1 only) do not have INS numbers. These have recently been determined.	minor	additives are listed in P1033 for change. Change mimics CODEX #s									





# Australian Food and Grocery Council

## P1025 Response Sheet

STANDARD:				
1.3.2 Vitamins & Minerals				
CURRENT CLAUSE	PROPOSED CLAUSE	CHANGE	IMPACT	COMMENT (incl. missed opportunity to clarify)
1.3.2 1 (a)	1.3.2-2	mentioned changed to listed	none	
1.3.2 1 (a)	1.3.2-2 (a)	table to clause 3 changed to table to section S17-4 in schedule 17	none	
1.3.2 1 (a) (i)	1.3.2-2 (a)(i)	quantity changed to amount	none	
1.3.2 1 (a) (ii)	1.3.2-2 (a)(ii)	quantity changed to amount mentioned in column 2 of table 1 substituted with referred to in subparagraph (i)	none	
1.3.2 1 (b) (ii)	1.3.2-2 (b)(ii)	quantity changed to amount	none	
		Cross references added for RDI and used as a nutritive substance	none	
1.3.2 2	1.3.2-3	a v&m must not be added changed to a v&m may be used as nutritive substance	none	changed wording from prohibition to permissive language, clarifies status of additives that could be added for a range of permitted technological functions, which may or may not include fortification.
none	1.3.2-3	vitamin or mineral may be used as a nutritive substance in a food if:....		old code does not refer to V&M being nutritive substances directly
1.3.2 2 (a)	1.3.2-3 (a)	old refers to "this code" new refers to schedules 17-2 or 17-3	none	
1.3.2 2 (b)	1.3.2-3 (a)	old refers to "standard 1.1.1, unless otherwise stated in this code" new does not acknowledge other permissions elsewhere in the foodstandards code.	major	may restrict what has been previously permitted in other std eg supplementary foods etc
1.3.2 3	1.3.2-3 (b)	permitted addition of V&M to foods table to clause 3 now in schedule 17-4	none	
1.3.2 3	1.3.2-3 (c)	maximum qty present Should read the <i>maximum permitted</i> amount (if any)	minor	This would clarify difference between maximum claim and maximum amount.



<b>1.3.2 4</b>	1.3.2-4 (1)	not previously present	none	has been put in because now acknowledging V&M may be used as fort or other purpose. Talking about claims made if used as nutritive substance
<b>1.3.2 4</b>	1.3.2-4 (2)	maximum claims	minor	Revised language, but same effect.
<b>1.3.2 5 (1)</b>	1.3.2-5 (1) (a) & (b)	old code 1 clause new code now has 2 parts but same meaning	none	
<b>1.3.2 5 (1)</b>	1.3.2-5 (1) (a) & (b)	final omitted in new standard refers to a food for sale	minor	Revised language, but same effect.
<b>1.3.2 5 (1)</b>	1.3.2-5 (3)	rounding rules moved to different clause	none	no change just further down the page
<b>1.3.2 5 (2)</b>	1.3.2-5 (2)	Minor rewording quantity & formula replaced with amount & equation. Would be clearer if formula was replaced with $M_{rq} = m_1 \cdot Q_1 + m_2 \cdot Q_2 + \dots + m_i \cdot Q_i$ Where: $m_i$ is the proportion of the particular ingredient in the final food	minor	Revised language, but similar effect. Revise 1.3.2-5 (2)(a) to: for an unfortified ingredient—the average quantity of the vitamin or mineral present in the amount of the ingredient in a reference quantity of that ingredient; and Revise 1.3.2-5 (2)(b) to: for a fortified ingredient—the maximum amount that may be claimed for that vitamin or mineral in the reference quantity of the ingredient.
<b>1.3.2 5 (2)</b>	1.3.2-5 (2)	definition of $Q_i$ replaces $Q_1$ & $Q_2$ and so forth.	minor	Revised language, but similar effect.
<b>1.3.2 5 (3) (a)</b>	1.3.2-5 (2) (a)	Minor reordering of the wording in the clause	minor	Revised language, but similar effect.
<b>1.3.2 5 (3) (b)</b>	1.3.2-5 (2) (b)	Minor reordering of the wording in the clause	minor	Revised language, but similar effect.
<b>1.3.2 5 (2) editorial note example calcs</b>		now not included		this section which focuses on the calculation of the maximum quantity is not clearly worded & confusing (in both codes) and does not use correct mathematical notation. It needs to be redone to provide clarity. It is also more difficult to understand the worded intent because examples in the editorial note are no longer there.









# Australian Food and Grocery Council

## P1025 Response Sheet

STANDARD:		Standard 1.3.3 Permitted Processing Aids		
CURRENT CLAUSE	PROPOSED CLAUSE	CHANGE	IMPACT	COMMENT (incl. missed opportunity to clarify)
6	S18-3	The list of Decolourants, Clarifying, Filtration and Adsorbent agents currently lists <b>Co-extruded polystyrene and polyvinyl polypyrrolidone</b> but in S18-3 this is only listed as <b>Co-extruded polystyrene and polyvinyl</b> .  However further down the list <b>polyvinyl polypyrrolidone</b> is listed separately.	unknown	
various	S18	Order in which Processing Aids tables are displayed has changed. Data displayed is the same	confusion	Retain tables in the same order as current Code
		Tables for the following Processing Aids have been removed and all have been collated in the same S18-3 AntiFoams Catalysts Clarifying, Filtering Discolouring agents Dessicants Ion Exchange Lubricants, release and Anti Stick agents Carriers, solvents and Diluents	confusion	Retain tables in the same order as current Code
17	S18-4 Enzymes of Microbial origin	Current Standard has an editorial note at the end of the table advising of alternative or former names for specific species. This is missing in the new Schedule	minor	may cause confusion.
14	S18 -9 S1.3.3-11	Current Table to Clause 14 states: <b>Agarose ion exchange resin being agarose cross-linked and alkylated with epichlorohydrin and propylene oxide, then derivatised with tertiary amine groups whereby the amount of epichlorohydrin plus propylene oxide does not exceed 250% by weight of the starting quantity of agarose</b>  However, new Schedule only states : <b>Agarose ion exchange resin</b> with additional information in the content included in the Standard	unknown	As Schedule and Standard are not in the same document then is there the potential for misunderstanding?
14	S18-9 S1.3.3-11	Current Table to Clause 14 states: <b>Colours permitted in Schedules 2, 3 and 4 of Standard 1.3.1</b>  New Schedule states: <b>A colouring that is an additive permitted in processed foods, a colouring permitted in processed foods, or a colouring permitted in processed foods to a maximum level</b>		Prefer to see the actual Schedules stated to avoid confusion
14	S18-9 S1.3.3-11	Current Standard has 2 Editorial Notes with the table providing further explanation around the Ice Structuring Protein patented by Unilever and Listeria Phage P100 limitations Neither the new Standard or new Schedule makes mention of these notes	unknown	









## Australian Food and Grocery Council

### P1025 Response Sheet

STANDARD: 1.3.4 Identity & Purity				
CURRENT CLAUSE	PROPOSED CLAUSE	CHANGE	IMPACT	COMMENT (incl. missed opportunity to clarify)
1	1.1.1-15	Clause 1 ( c ) "Vitamins and Minerals" has been deleted. Clause 1 ( e ) "nutritive substances" has been retained	minor	Do we assume that "vitamins and minetrals" are "nutritive substances"
4	S3-4	New Schedule includes "or" (a) 2 mg/kg of lead; <b>or</b> (b) 1 mg/kg of arsenic; <b>or</b> (c) 1 mg/kg of cadmium; <b>or</b> (d) 1 mg/kg of mercury.  Current Standard states (a) 2 mg/kg of lead; (b) 1 mg/kg of arsenic; (c) 1 mg/kg of cadmium; (d) 1 mg/kg of mercury.	major	Change infers that there is an option as to which heavy metal you apply. The use of "or" gives you an option whereas in the current Standard all 4 heavy metal limits must be met. Instead of "or" it should read "and"
Specification s for Nucleotides - Testing Requirement s for Nucleotides subclause 5 "clarity and colour of solution"	S3-18 ( e )	Standard states: 5. Clarity and colour of solution: 500 mg/10 mL H <sub>2</sub> O for IMP: is colourless and shows only a trace of turbidity 100 mg/10 mL H <sub>2</sub> O for GMP: is colourless and shows only a trace of turbidity  However, S3-18 clause (e) states: (e) clarity and colour of solution: (i) mg/10 mL H <sub>2</sub> O for IMP: is colourless and shows only a trace of turbidity; and (ii) mg/10 mL H <sub>2</sub> O for GMP: is colourless and shows only a trace of turbidity;	major	concentration of solution for testing purposes is critical
Specification s	S3-18	Order in which substances are listed has changed to alphabetical. What is going to happen when a new substances is included? Will it be included in alphabetical order (thus changing the proposed sub clause numbering) or at the end of the table as a new item?	minor	Change for change sake?
Specification s	S3-18	Schedule 3 - 18 has removed all the tables where data was set out in current Code	minor	greater clarity with data in table format rather than in sentence format
2	S3-2	FAO JECFA Monographs 13 (2012);  Current Code stops at the 2011 edition	Listed in P1033	Potential updates / changes to reference documents that could impact interpretation of the Code
2	S3-2	United States Pharmacopeial Convention (2014) Food chemicals codex. 9th ed, United States Pharmacopeial Convention, Rockville, MD.  Current Code stops at the 8th Edition	Updated reference documents not yet gazetted	Potential updates / changes to reference documents that could impact interpretation of the Code
3	S3-3	(a) British Pharmacopoeia Commission (2014) British Pharmacopoeia 2014. TSO, Norwich;  Current Code stops at 2010 edition	Updated reference documents not yet gazetted	Potential updates / changes to reference documents that could impact interpretation of the Code
3	S3-3	(b) United States Pharmacopeial Convention (2013) United States pharmacopoeia and the national formulary. 37th revision, 32nd ed, United States Pharmacopeial Convention, Rockville, MD;  Current Code stops at 34th Revision, 2010	Updated reference documents not yet gazetted	Potential updates / changes to reference documents that could impact interpretation of the Code
3	S3-3	(d) Sweetman SC (2011) Martindale: the complete drug reference. 37th ed, Pharmaceutical Press, London;  Current Code stops at 2009 edition	Updated reference documents not yet gazetted	Potential updates / changes to reference documents that could impact interpretation of the Code
3	S3-3	( e ) the European Pharmacopoeia 8th Edition, Council of Europe, Strasbourg (2014);  Current Code stops at 6th Edition 2007	Updated reference documents not yet gazetted	Potential updates / changes to reference documents that could impact interpretation of the Code
3	S3-3	(g) the Merck Index, 15th Edition, (2013);  Current Code stops at 14th Edition (2006)	Updated reference documents not yet gazetted	Potential updates / changes to reference documents that could impact interpretation of the Code
3	S3-3	(i) the Specifications and Standards for Food Additives, 8th Edition (2007), Ministry of Health and Welfare (Japan);  Current Code stops at 7th Edition (2000)	Listed in P1033	Potential updates / changes to reference documents that could impact interpretation of the Code
3	S3-3	(j) the International Oenological Codex (2013), Organisation Internationale de la Vigne et du Vin (OIV)  Current Code stops at 2010 edition	Updated reference documents not yet gazetted	Potential updates / changes to reference documents that could impact interpretation of the Code









## Australian Food and Grocery Council

### P1025 Response Sheet

STANDARD:				
Standard 1.4.1 Contaminants and natural toxicants				
CURRENT CLAUSE	PROPOSED CLAUSE	CHANGE	IMPACT	COMMENT (incl. missed opportunity to clarify)
Purpose	Note 4	New		reference to SPS & TBT agreements omitted.
	Notes 1, 2 & 3	New		
Clause 1 (1)	now S19-2	minor		arsenic definition moved to Schedule 19; Maximum level on longer specifically defined
Clause 1 (2)	now S19-3 (1)	minor		
Clause 1 (3)	1.4.1 -2 (1)	minor		
Clause 1 (4)	S19-3 (1) (d)	minor		
Clause 1 (5)	S19-3 (1) (c)			
Clause 1 (6)	1.4.1-3 (3)	major	CHECK	formula has been rewritten
Clause 2 (1) & Clause 2 (3)	S19-3 & S19-4	major		
	1.4.1 -3 (3)	major		
Clause 2 (2)	1.4.1 -3 (1) & 1.4.13 (2)	major		separate clauses for mercury and other contaminants requirements S19-7 (2) has no requirements for mercury levels. Suggest no need to include in the clause
Table Clause 2	S19-4	major		no change to maximum levels. "Cereals" category more widely specified. "Infant formulae" now "Infant formula products"
	S19-7	major		Mercury given own schedule. Specific reference to mercury requirements in 1.4.1-3
Clause 3	S19-5	minor		"ergot" definition in S19-2 & same wording: MU defined in reference to "neurotoxic shellfish poisons", but referred authority remains the same
Clause 4 & Clause 5	S19-6	Major	no impact	all natural toxicants are combined in one table
		Major	CHECK	No change to maximum levels
		Minor		"Hydrocyanic acid, total" now in S19-2. Definition different "or" changed to "and" in "ready-to-eat cassava chips"
Clause 6	S19-7	Major		Heading specifies commodities to which mercury limits apply
Clause 6 (1)	omitted			
Clause 6 (2)	S19-7 (2)			The word "this" after "For" is unnecessary
	S19-7 (4)			definition of sample unit
Clause 6 (3)	S19-7 (2)			Typo in S19-7 (2) @ "paragraph (a) or (b)" not "of"
Clause 6 (4)	S19-7 (1)			
	S19-7 (5)			





## Australian Food and Grocery Council

# P1025 Response Sheet

STANDARD:				
1.4.1 - Contaminants and Natural Toxicants				
CURRENT CLAUSE	PROPOSED CLAUSE	CHANGE	IMPACT	COMMENT (incl. missed opportunity to clarify)
Purpose	Notes to 1.4.1			Lacks commentary on MLs in the current Code. Mentions as low as reasonably achievable but does not use the term "ALARA".
1 Interpretation				
1.4.1 Cl 1 (1)	S19-2	None	None	Definition of 'maximum level' has been omitted. The table of provisions states that the term is incorporated in section S19-2 but it is not there and it is not in the definitions
1.4.1 Cl 1 (2)	S19-3(1)(a)	Moved to Schedule	?	Included in the schedule and not the Standard - does that mean that the application changes?
1.4.1 Cl 1 (3)	1.4.1-2(1)	Minor	?	New Code refers to "the limits prescribed" - current Code refers to "the maximum level" which is now missing from the StandardNew inclusion "19-3(1)(b) "for a food for which only a portion is ordinarily consumed - a reference to the food is taken to be a reference to that portion"
1.4.1 Cl 1 (4)	S19-3(2)	Minor	None	rewording
1.4.1 Cl 1 (5)	S19-3(1)(d)	Minor		
1.4.1 Cl 1 (6)	1.4.-3(3)	Major	Potentially Major. The Draft Explanatory statement notes the requirement that a food product must not contain a specific level of contaminant was not stated explicitly in the current Standard, and this was an inference. The clearer language may have an impact on changing from an inference to a requirement.	No mention of the term "mixed food" as is used in the current Code. Refers instead to "a food for sale with 2 or more ingredients.... The calculation for "a food for sale with 2 or more ingredients is different to the one in the current Code for a mixed food - the terminology and letters have changed WHY!!!!!! Recommend the definition of 'mixed food' appears in a more prominent location.  The acronym 'ML' has not been defined at all, and the definition of 'maximum level' has been entirely omitted. This definition should be included in the proposed Code for clarification, particularly as the proposed Code does not give the UOM for ML.
1.4.1 Cl 1 (6) ed note	Omitted			
1.4.1 Cl 2 (1)	Supposed to be S19-3(1)(b)			Omitted - definition of "food", "metal contaminant" missing
1.4.1 Cl 2 (2)	S19-4	Minor	None	
1.4.1 Cl 2 (3)	1.4.1-3(3)	Minor	Confusing!	Calculation terminology has changed (see comments for 1.4.1(6) above.



1.4.1 Cl 2 table	S19-4	Major	None - however it depends if the company can locate the requirements for Mercury in S19-7	Maximum levels for Mercury have been separated out from the table in S19-4 and are located in S19-7 - information on Mercury can now be found in one section rather than two and the requirements have not changed. As Mercury has been omitted from this table, it may be easy to miss that requirements for Mercury are located elsewhere in the Schedule. A note in small font size italics has been included in S19-4 as a sign post but it is too small and could well be missed - consider moving the section for Mercury (S19-7) to appear directly after S19-3.
1.4.1 Cl 3 (1)	Ergot - S19-2; MU S19-2	Minor		"ergot", "MU"- Sch 19.01; MU = definition changed to include the words "means the unit of measure for neurotoxic shellfish poisons. Date of publication missing; Definition of "non-metal contaminant" missing
1.4.1 Cl 3 (2)	S19-5	None		
1.4.1 Cl 3 (3)	1.4.1-3(3)	None		
1.4.1 Cl 3 table	S19-5			
1.4.1 Cl 4 (1)	Definitions omitted	?		Omitted (definition of "food", "natural toxicant from the addition of a flavouring substance")
1.4.1 Cl 4 (2)	S19-6	Minor	? Does this change the application?	Title of clause changed - omitted "from the addition of flavouring substances to food"
1.4.1 Cl 4 (3)	1.4.1-3(3)			
1.4.1 Cl 4 table	S19-6			
1.4.1 Cl 5 (1)	S19-2	Minor		"hydrocyanic acid", "ready to eat cassava chips"- Sch 19-2 "food", natural toxicant" - omitted. Under hydrocyanic acid, the statement "expressed as milligrams of hydrocyanic per kilogram of read to eat cassava chips" has been omitted from the proposed Code. Unsure of the effect this would have on industry.
1.4.1 Cl 5 (2)	S19-6			
1.4.1 Cl 5 (3)	1.4.4-3(3)			
1.4.1 Cl 5 (4)	Omitted			
1.4.1 Cl 5 (5)	S19-6 note			Included in Note to S19-6
1.4.1 Cl 5 table	S19-6			
1.4.1 Cl 6	S19-7			Moved from the Standard to S19-7 - should be left in the Standard
1.4.1 Cl 6 (1)	Omitted		Potentially confusing and inconsistent	1.4.1-3(2) states that "the level of mercury in fish.." and omits "fish products, crustacea and molluscs"
1.4.1 Cl 6 (2)	S19-7(4); Current cl 6(2)© = S19-7(2)©	Major	??	Sample unit is defined in S19-7(4) - this is not defined in the current standard 1.4.1. Current standard uses the term "sample unit"
1.4.1 Cl 6 (3)	S19-7(2)(a) and (b)			Wording changes
1.4.1 Cl 6 (4) (a)	S19-7(1) and (2)	Moderate		Clauses 6(4)(a,b,c) have been reworked into S19-7 (1) and (2) - if you are used to the current standard this will be very confusing
1.4.1 Cl 6 (4) (b)	S19-7(1) and (2)	Moderate		
1.4.1 Cl 6 (4) (c)	S19-7(1) and (2)	Moderate		






## P1025 Response Sheet

[illegible]









## Australian Food and Grocery Council

### P1025 Response Sheet

STANDARD:				
Standard 1.4.2				
CURRENT CLAUSE	PROPOSED CLAUSE	CHANGE	IMPACT	COMMENT (incl. missed opportunity to clarify)
Name			minor	New name for the standard. Change from "Maximum Residue Limits" to "Agvet Chemicals". Note 3 details that the standard is the Maximum Residue Limits standard
	Note 2			States that the provisions of the Code that apply in NZ and are incorporated by ref into a food standard under the Food Act 1981 - seems superfluous as this standard does not apply in NZ
	Note 5			The following statement is confusing - "Food is not unsuitable if, when it is sold, it does not contain an agvet chemical in an amount that contravenes the Code"; 2nd paragraph, suggest semi-colon in third line should be a comma: "...active constituent, unless...". Also extra full stop at end of sentence.
Purpose	1.4.2-2			TB - picks up main elements of current purpose clause. FF - the purpose in the revised 1.4.2 is much shorter and leaves out a lot of the explanation in the current standard which is useful - suggest it is retained.
Schedules				Suggest that the list of Schedules associated with the Standard is made more prominent such as in the current Standard
Clause 1				
1(1)		deleted	minor	
1(2)		deleted	minor	
1(3)	S20 - 2	minor	none	
1(4)	S20-2 & S21-2	minor	none	
1(5)	S21-2	minor	none	
1(6)	1.4.2-3	major	minor	"chemical" replaced by "active constituent" and "agvet chemical"; NOTE - FSANZ advise that the definition of chemical is picked up in 1.1.2 but it is not included under this section  Definintion for chemical has been removed and replaced with the term "agvet chemical". The actual definition of agvet chemical is not in this division but refers to a subsection 4(1) of the FSANZ Act  MRL defined in 1.4.2-3 under note AND in 1.1.2 - why definitions in 2 places?  residue definition deleted - is now "permitted residue" and dealt with in standard and schedules  Definition of "food" for the purpose of this Standard has been omitted
1(7)			minor	omitted. Does not seem to have been picked up elsewhere.  Not sure about this but the current Code also permits "other metabolites, degradates or impurities of that chemical" which has not been translated to the new code
	1.4.2-3 (3)			makes clear that unless otherwise specified, same amount applies to both processed and unprocessed.
Clause 2		Minor	None	Name has changed from "Maximum residue limits" to "Maximum residue limit of agvet chemicals in foods" Note - this clause is completely different to the current standard so hard to compare
2 (1)	1.4.2-4	major	minor	more structured approach to permitted residue; "mg per kg" now in schedules. Emphasis is on what is permitted
Clause 2 (2) & (3)	omitted	major	minor	Not looked to see if clear prohibitions elsewhere in the revised Code.
Clause 3	1.4.2-5		minor	Name change as for Cl 2 Note - this clause is completely different to the current standard so hard to compare
Clause 4	1.4.2-4 & 1.4.2-5	major	minor	Formula for food with two or more ingredients now set out in the standard
4(1)				
4(2)	1.4.2-3 (3)	no change		
4(3)				Deleted from current Code
4(4)	1.4.2-4(3) & 1.4.2-5(3)			Note that the abbreviations in the formulas have changed and the actual formula are expressed differently - have not checked to see if they actually calculate the same way
	Schedule 20 Note 2			DELETE this note - it is confusing to have it in when this Schedule does not apply to NZ - Note 2 The provisions of the Code that apply in New Zealand are incorporated by reference into a food standard under the Food Act 1981 (NZ). See also section 1.1.1—3.
	S20-1			Delete reference to gazettal in NZ
	S20-3 & S21-3			I do not like the way these schedules are set out with 2 columns per page - it is quite confusing to work out the flow on of the information in the columns - there is definitely potential for mistakes to be made
Schedule 3				Note: no provision for Sch 3 in the future









# Australian Food and Grocery Council

## P1025 Response Sheet

STANDARD:				
1.4.3 - Articles and Materials in Contact with Food				
CURRENT CLAUSE	PROPOSED CLAUSE	CHANGE	IMPACT	COMMENT (incl. missed opportunity to clarify)
				This Standard is not present in the revised Code
				Current Standard gives permission for articles and materials to be placed in contact with food, new provisions have omitted the permission and outlines restrictions only.
Purpose	Nil	Omitted		
Clause 1	1.1.1-10(7)note	Does not replace		According to FSANZ 1.1.1-10(7) replaces CI1 - there however is no note to 10(7). Definition of "articles and materials" is omitted from the revised Code
Clause 2	1.1.1-10(8)			1.1.1-10(8) Any packaging, and any article or material with which it is in contact, must not, if taken into the mouth:
				(a) be capable of being swallowed or obstructing any alimentary or respiratory passage; or
				(b) be otherwise likely to cause bodily harm, distress or discomfort.
				Example Articles or materials include moisture absorbers, mould inhibitors, oxygen absorbers, promotional materials, writing or other graphics.
				Note - this is not written as per the current Code - could potentially be taken to mean that food which is in contact with packaging must not be taken into the mouth
Editorial note	Omitted			









## Australian Food and Grocery Council

### P1025 Response Sheet

STANDARD:				
1.4.4 - Prohibited and Restricted Plants and Fungi				
CURRENT CLAUSE	PROPOSED CLAUSE	CHANGE	IMPACT	COMMENT (incl. missed opportunity to clarify)
<b>Purpose</b>				
1.4.4 Cl 1 (1)	1.1.1-10(3)(a) &(4)e	Major	Major	The new wording in 1.1.1-10(3)(a) does not include the words "or a part or derivative of" - only refers to the prohibited plant or fungus. No reference to prohibited plants or fungi and no reference to S23 so how do users of the Code know to refer to this Schedule?
1.4.4 Cl 1 (2)	1.4.4-4			
1.4.4 Cl 1 (2) (ed note)	Omitted			
1.4.4 Cl 2	1.4.4-3	Minor	None	
1.4.4 Cl 2 (ed note)	Omitted			
1.4.4 Sch 1	S23	Minor	Minor and Major	NOTE - there is no mention of this Schedule in 1.4.4 so there is no link from the Standard to the Scheudle. Formating error on p 518 - the common name for <i>Hyoscyamus niger</i> has moved down a row. NOTE - I have not checked line by line just a random sample
1.4.4 Sch 1 (ed note)	Omitted			
1.4.4 Sch 2	S24	None		
<b>Reference to the Schedules</b>				Standard 1.4.4 would benefit from having a much clearer reference or listing of the Schedules that apply to this Standard - they are buried under the definitions under 1.4.4-2





## Australian Food and Grocery Council

# P1025 Response Sheet

STANDARD:				
1.5.1 Novel Foods				
CURRENT CLAUSE	PROPOSED CLAUSE	CHANGE	IMPACT	COMMENT (incl. missed opportunity to clarify)
Purpose				The purpose statement has been removed from 1.5.1 and refers to 1.1.1-10(3)(b) & (4)(f) which covers the prohibition on sale of novel foods.
				<b>This statement is missing from the new Code</b> - The Authority will assess the safety for human consumption of each novel food prior to its inclusion in the Table. The safety assessment will be performed in accordance with the Authority's safety assessment guidelines.
Clause 1				
1 Definitions	1.1.2-8	None		Definition of non-traditional has not changed
		Minor	None	Definition of novel food has changed slightly - "and the food requires an assessment" has been changed to "food that requires an assessment"
Ed note	1.5.1-2	Minor	Minor	Ed note retained however the wording "Novel food includes novel foods used as ingredients in another food." has not been carried through.
2A Foods for Spec med Purp	1.5.1-2(2)(3) & 1.1.2-8(3) & 2.9.5-3©	Appears twice in the Code	?	This clause is now included under the definition of non-traditional food in the Standard - might be missed by users of the Code who are familiar with clause 2A. Note that in section 1.1.2-8 this is included as a separate para with its own number - confusing in that it is not the same as in the Standard
Clause 2	1.5.1-3	Major	Major	Prohibition is now under 1.1.1-10(3)(b) & (4)(f) and 1.5.1-3 gives permission for a novel food in S25. This note in 1.5.1-3 is new Note Novel foods are added to the table to section S25—2 by variations to the Code. When added for the first time, the conditions may include some that apply to the novel food only during the first 15 months after gazettal of the variation. Conditions may deal with matters such as the following: <ul style="list-style-type: none"> <li>• the need for preparation or cooking instructions, warning statements or other advice;</li> <li>• the need to meet specific requirements of composition or purity;</li> <li>• the class of food within which the food must be sold;</li> <li>• during the first 15 months after gazettal, the brand under which the food may be sold.</li> </ul>
Table to C2	S25-2	None		Schedule would be easier to read if there were lines in the table.
Ed note to C2	Nil			Deleted
Clause 3		Major	Possible major	The wording of current clause 3 has been changed in the revised Code and I think it has changed the effect of this - not sure why they could not have left the wording the same
3 (1)	1.5.1-3 note	Major	?	
Table to 3(1)		Omitted	Possible major	There is no table to clause 3 in the revised Code - what happens when it is needed in the future?
3 (2)	1.5.1-3 note	Major	?	
3(3)	1.5.1-3 note	Major	?	
3(4)	1.5.1-3 note	Major	?	
Ed note	omitted			









## Australian Food and Grocery Council

# P1025 Response Sheet

STANDARD:				
1.5.2 Food produced using gene technology				
CURRENT CLAUSE	PROPOSED CLAUSE	CHANGE	IMPACT	COMMENT (incl. missed opportunity to clarify)
<b>Sale and use of GM food</b>				
<b>Clause 1 Interpretation</b>				
1(1)	1.1.2-2(3)			Defintion of "a food produced using gene technology" and "gene technology" have not changed
	S26-2(2)	Minor	Potential to miss	Defintions for "conventional breeding", "line" and "transformaton event" moved to Sch 26 - which is stupid - why separate the definitions at opposite ends of the Code?
1(2)	Omitted			
<b>Clause 2</b>				
Prohibition	1.1.1-10(3)(c)			Prohibition
Permission	1.5.2-3			Permission for sale - NEW
<b>Clause 3</b>				Deleted in current Standard
<b>Labelling of GM food</b>				
<b>Clause 4</b>				
4(1)	NIL			No defintion for "genetically modified food", "altered characteristics"
	1.5.2-4(6)	Major	Major	defintions for novel DNA and novel protein have changed, novel protein has issues
				Introduced definition of "relevant food" - ie a food produced using gene technology
4(2)	1.5.2-4(4)	Minor		
4(3)	1.2.1-9(5)(a)	Minor		Moved to another part of the Code
4(4)	1.5.2-4(2)e	Major	????	no change to intent but introduces the concept of "relevant food"
5	1.5.2-4(3) & 1.2.1-8((1)(l))			confusing to have the requirements separated when they are currently together
5 ed note	Omitted	Minor	??	No example provided
6	1.5.2-4(5)	Minor		Reword but intent the same
7	Omitted			S26 only has 2 columns not 4 like the table in the current standard. There is no provision for special conditions - FSANZ state these can be imposed without this provision and refer to a section in the revised Code that does not exist
Schedule	S26(4)			Canola - missing item 1.5 from existing Table
				Note - table now uses letters for GM rather than item numbers - what are they going to do when they run out of letters of the alphabet?
		Major	Major	Replacement of column 4 with s26-3(2) & (3) refering to item numbers is hard to understand and will be missed!






<b>STANDARD:</b>	2.1.1 Cereals			
CURRENT CLAUSE	PROPOSED CLAUSE	CHANGE	IMPACT	COMMENT (incl. missed opportunity to clarify)
2.1.1 CI 1	Division 2 - Bread and bread products	NEW	None	Standard has been separated into divisions of bread and bread products vs wholegrain cereal and cereal products. However the implication is the same in that a product positioned as wholegrain or wholemeal must have this characterising ingredient. No percentage has been specified. There is a risk that the new name of "Bread and bread products" is too narrow and does provide coverage to "cereals and cereal products" like 'flour products' that are not wholegrain, however the need for non-bread cereal products (like say crackers) to comply with the definition of wholegrains is covered by 2.1.1-7
	2.1.1-2 Definitions "bread"	minor		from 'product' to 'food', plus have also brought Cl.2 up into this clause as subpoint (b)
"flour products"	omitted	major	major	the definition of flour products has been removed from the Proposed Clause, which then impacts on 1.3.1 sch 1 6.4 in the Current FSC which relies on that definition to provide a distinction between when a product is a bread or not for the purpose of permitted additives and the Proposed Clause only addresses wheat flour to note that includes wholemeal wheat flour. This is an issue in the first instance because "Wheat flour" as a term is typically used to mean white wheat flour, with the characterisation of "wholemeal" only applied when it is, in fact, <u>wholemeal</u> wheat flour. The second issue arises in that Current Clause embraced grains other than wheat along with seeds and legumes and provided a definition of 'flour and 'meals', which as now been lost entirely in the Proposed Clause.
"flours or meals"	"wheat flour"	major	major	
	"wholegrain"	none		
	"wholemeal"	none		
2.1.1 CI 1A	2.1.1-4	minor		inclusion of 'organic' here and slight wording change
2.1.1 CI 2	omitted, moved up to 2.1.1-2	none		
2.1.1 CI 3	2.1.1-3	major	major	Proposed standard makes no allowance for products traditionally sold using the term 'bread' to keep doing so, such as soda bread or short bread. Now requires that food sold as bread must contain bread
2.1.1 CI 3 ed	omitted	major	major	as above
2.1.1 CI 4 ed	omitted	none		
2.1.1 CI 4(1)	omitted, no longer relevant	none		
2.1.1 CI 4(2)	2.1.1-5	minor		
2.1.1 CI 4(3)	captured under 2.1.1-2	major	none	the Current Clause notes that requirements for thiamin and folic acid extended to wholemeal wheat flour, while the Proposed Clause does not include that but the intention is redrafted in 2.1.1-2 as a new definition. If the new definition is amended to return to the Current Clause [as noted 'flours and meals' above] then Proposed Clause 2.1.1-5 will need to be amended to make reference to wholemeal wheat flours needing to comply.
2.1.1 CI 4(4)	now captured under 2.1.1-4(b)	minor		
2.1.1 CI 4(5)	omitted	minor		start of 2.1.1-5 has a note to clarify that this only applies to Australia
2.1.1 CI 4 ed	omitted	none		
2.1.1 CI 5(1)	omitted, no longer relevant	none		
2.1.1 CI 5(2)	2.1.1-6	minor		
2.1.1 CI 5(3)(a)	now captured under 2.1.1-4(b)	minor		
2.1.1 CI 5(3)(b)	2.1.1-6 (2a)	minor		
2.1.1 CI 5(3)(c)	2.1.1-6 (2b)	minor		
2.1.1 CI 5 ed	omitted	none		
New	Division 3 Wholegrain cereals and cereal products 2.1.1-7			This is a new clause that requires food sold on the representation of consisting of, or being made from, wholemeal or wholegrain must have an ingredient that is wholemeal or wholegrain "as appropriate". The latter is vague as it gives no indication as to how to assess if the level is "appropriate" or what proportion must be present, ie what level of wholemeal flour must be present to be a wholemeal bread. I am not suggesting that an actual level be prescribed, but rather that a reference to characterising ingredient requirements being observed here so the consumer has clarity on what proportion is actually present and can make their own judgement as to whether that is "appropriate" or not. Such judgement could be guided by health authorities or Codes of Practice (eg. Grains & Legumes Nutrition Council) (same comment as last time)





## Australian Food and Grocery Council

### P1025 Response Sheet

STANDARD:				
Standard 2.2.1 Meat and Meat Products				
CURRENT CLAUSE	PROPOSED CLAUSE	CHANGE	IMPACT	COMMENT (incl. missed opportunity to clarify)
1 Interpretation	2.2.1-2	Inclusion of "Fish" in the list of exclusions (along with Avian eggs or foetuses of pert of foetuses) under the definition of meat		Was there a specific reason why "fish" has been included
1 Interpretation	2.2.1-2	Current standard lists items that are included in the definition of Meat Flesh but between each item "and" is used but this has been replaced with "or".	Not sure if there is one.	
1 Interpretation	2.2.1-2	Definition now no longer includes " manufactured meat and cured and/or dried meat flesh in whole cuts or pieces"	Not sure if there is one.	









## Australian Food and Grocery Council

### P1025 Response Sheet

<b>STANDARD:</b>		Standard 2.2.2 Egg and Egg Products		
<b>CURRENT CLAUSE</b>	<b>PROPOSED CLAUSE</b>	<b>CHANGE</b>	<b>IMPACT</b>	<b>COMMENT (incl. missed opportunity to clarify)</b>
		No issues but referencing Standard 4.2.5 Primary Production and Processing Standard for Eggs and Egg Products begs the question why not roll this up into one standard?		









## Australian Food and Grocery Council

### P1025 Response Sheet

STANDARD:				
Standard 2.2.3 Fish and Fish Products				
CURRENT CLAUSE	PROPOSED CLAUSE	CHANGE	IMPACT	COMMENT (incl. missed opportunity to clarify)
2	2.2.3-3	Labelling requirements are set out differently but interpretation is the same so - No issues		
		Cross references to new Standard 1.4.1 and S19-6 are correct		









## Australian Food and Grocery Council

# P1025 Response Sheet

STANDARD:				
Standard 2.4.1 Edible Oils				
CURRENT CLAUSE	PROPOSED CLAUSE	CHANGE	IMPACT	COMMENT (incl. missed opportunity to clarify)
1 Interpretation edible oils means the	2 Definitions edible oils means the	Minor	Minor	Combined composition requirements with definition
3 Process Where the	For the labelling	Minor	Minor	Rearranging of sentence. Requirement to state true natura of the process still stands





## Australian Food and Grocery Council

# P1025 Response Sheet

**STANDARD:**

Standard 2.4.2 Edible Oil Spreads

CURRENT CLAUSE	PROPOSED CLAUSE	CHANGE	IMPACT	COMMENT (incl. missed opportunity to clarify)
1 Interpretation	2 Definition	Minor	Minor	Combined interpretation and composition requirements
2 Composition of edible oil spread	3 Requirements	Minor	Minor	Addition - A food that is sold as edible oil spread must consist of edible oil spread?



<b>STANDARD:</b>	2.4.1 Edible oils & 2.4.2 Edible oil spreads			
<b>CURRENT CLAUSE</b>	<b>PROPOSED CLAUSE</b>	<b>CHANGE</b>	<b>IMPACT</b>	<b>COMMENT (incl. missed opportunity to clarify)</b>
<b>2.4.1 CI 1</b>	2.4.1-2	minor		
<b>2.4.1 CI 2</b>	omitted, moved into 2.4.1-2	minor		
<b>2.4.1 CI 3</b>	2.4.1-4	minor		Drafting still provides the scope to avoid a process declaration by simply not declaring the specific source oil. Eg. to avoid declaring partially hydrogenated palm oil just declare as "vegetable oil".
<b>2.4.1 CI 3 ed note</b>	omitted, moved into 2.4.1-4	minor		
<b>2.4.2 CI 1</b>	2.4.2-2	minor		definition of edible oils also repeated in here and the Current Clause 2(1) brought in
<b>2.4.2 CI 2(1)</b>	omitted, moved to 2.4.2-2	minor		
<b>2.4.2 CI 2(2)</b>	omitted, now as 2.4.2-3 (5)	minor		
<b>2.4.2 CI 2(3)</b>	omitted, now as 2.4.2-3 (2 & 4)	minor		
<b>New</b>	2.4.1-3			introduction of a clause to clarify that food sold as an edible oil must be that, and that any representation as being a particular type must be true
<b>New</b>	2.4.1-3 (1&3)			introduction of a clause to clarify that food sold as an edible oil spread or margarine must be that
<b>New</b>	2.4.2-3 (1&3)			introduction of a clause to clarify that food sold as an edible oil spread or margarine must be that





## Australian Food and Grocery Council

# P1025 Response Sheet

STANDARD:				
Standard 2.5.6 Ice Cream				
CURRENT CLAUSE	PROPOSED CLAUSE	CHANGE	IMPACT	COMMENT (incl. missed opportunity to clarify)
1 Interpretation	2 Definition	Minor	None	Edible oil standard combined definition and composition
2 Composition	3 Requirement for food sold	None	None	
Ice cream must	A food that is	Major?	?	Consist of ice cream? Unsure what this statement means





## Australian Food and Grocery Council

# P1025 Response Sheet

STANDARD:		Standard 2.6.1 Fruit Juice and Vegetable Juice		
CURRENT CLAUSE	PROPOSED CLAUSE	CHANGE	IMPACT	COMMENT (incl. missed opportunity to clarify)
1 Interpretation and includes products that have been concentrated and later reconstituted with water to a concentration consistent with that of the undiluted juice from which it was made.	2 Definition includes a product that results from concentrating juice and then reconstituting it with water to a concentration consistent with that of the original juice.	Minor	None	Separated the definitoin of juice, fruit juice and vegetable juice Definition clearer
2 Composition	3 Requirement for food sold	Minor	None	Separation of fruit and vegetable requirements
3 Labelling of juice blend	4 Name and percentage by	Minor	None	Formatting





# Australian Food and Grocery Council

## P1025 Response Sheet

STANDARD:				
Standard 2.6.2 Non-Alcoholic Beverages and Brewed Soft Drinks				
CURRENT CLAUSE	PROPOSED CLAUSE	CHANGE	IMPACT	COMMENT (incl. missed opportunity to clarify)
1 Interpretation	2 Definition	Minor	None	Formatting
2 Composition	3 Composition	None	None	Clause 2 repealed 21 Feb 2015 - following WHO
2A Addition of	4 Addition of	Minor	None	
2B Labelling of	5 Labelling -	Minor	None	
3 Composition	6 Requirement	Minor	None	Formatting
4 Composition	7 Requirement	Minor	None	Formatting
5 Non alcoholic	8 Non	Minor	None	Formatting
6 Composition	9	Minor	None	Formatting
	10 Permission			
7 Labelling of	11 Labelling of	None	None	
8 Claims in	12 Claims in			
Where a claim	For the	Major	?	Removal of term isotonic, hypertonic or hypotonic
9 Composition	1	Minor	None	Stated previously



<b>STANDARD:</b>	2.10.1 Vinegar & related products			
<b>CURRENT CLAUSE</b>	<b>PROPOSED CLAUSE</b>	<b>CHANGE</b>	<b>IMPACT</b>	<b>COMMENT (incl. missed opportunity to clarify)</b>
<b>2.10.1 CI 1</b>	2.10.1-2 "imitation vinegar"	minor		now refers to "food" rather than "product"
	2.10.1-2 "vinegar"	minor		now refers to mixtures of 'such liquids' rather than 'vinegar', which could be argued to be providing less clarity. To be fair, the only liquid referred to however in the definition is 'sour liquid' of fermentation.
<b>2.10.1 CI 2</b>	2.10.1-3	minor		





# Australian Food and Grocery Council

## P1025 Response Sheet

STANDARD:				
2.10.2 Salt and salt products				
CURRENT CLAUSE	PROPOSED CLAUSE	CHANGE	IMPACT	COMMENT (incl. missed opportunity to clarify)
Purpose	Nil	Omitted		Omitted
Clause 1	2.10.2-2 note			the levels for iodine in iodised salt & iodised reduced sodium salt mixture have been combined - makes sense; Salt now described as a "food"
	2.10.2-2 note			reduced sodium salt mixture
	2.10.2-2 note			salt - slight change to definition to "salt means a food that is the ...."
	2.10.2-2 note			salt substitute
Clause 2				Composition
(1) & (2)	2.10.2-3	None	None	
Clause 3	2.10.2-2 note	Minor	None	definition now spread across 2 clauses in the standard
	2.10.2-4			defines reduced sodium salt mixture
				states that food sold as a reduced sodium salt mixture must consist of a reduced sodium salt mixture
Clause 4	2.10.2-5	Minor	None	definition now spread across 2 clauses in the standard - as for reduced sodium salt mixture
	2.10.2-2 note			
Clause 5				
(1) & (2)	2.10.2-8	Minor	None	
	1.2.1-8(1)(aa)			
Clause 6	2.10.2-2 note	Minor	None	
	2.10.2-6			a food that is sold as "iodised salt" must consist of iodised salt"
Clause 7	2.10.2-2 note	Minor	None	
	2.10.2-7			









## Australian Food and Grocery Council

### P1025 Response Sheet

STANDARD:		2.10.4 - Tea and Coffee		
CURRENT CLAUSE	PROPOSED CLAUSE	CHANGE	IMPACT	COMMENT (incl. missed opportunity to clarify)
coffee means the product prepared by roasting <b>or</b> grinding, or both the roasting and grinding, of coffee beans.	coffee means the product prepared by roasting, grinding, or both the roasting and grinding, of coffee beans.	Minor	None	
decaffeinated coffee means coffee <b>from which most of the caffeine has been removed and which</b> contains no more than 1g/kg of anhydrous caffeine on a dry basis.	decaffeinated coffee means coffee that contains no more than 1g/kg of anhydrous caffeine on a dry basis.	Minor	None	
decaffeinated soluble coffee or instant coffee and decaffeinated soluble or instant tea mean soluble or instant coffee or soluble or instant tea from which most of the caffeine has been removed and which contains no more than 3g/kg of anhydrous caffeine on a dry basis.	In table, coffee and tea separated out - contains no more than 3g/kg of anhydrous caffeine on a dry basis.	Minor	None	Formatting
decaffeinated tea means tea <b>from which most of</b>	decaffeinated tea means tea that contains	Minor	None	Consistent with other definitions
instant coffee <b>or soluble coffee</b> means the dried	instant coffee means the dried soluble	Minor	None	Term soluble removed
instant tea <b>or soluble</b> tea means dried soluble solids <b>obtained</b> from the water extraction of tea.	instant tea means dried soluble solids <b>prepared</b> from the water extraction of tea.	Minor	None	Term soluble removed. Prepared replaces obtained. Consistent with instant coffee definition
tea means the product made from the leaves and	tea means the product made from the	None	None	Previous change with the addition of dried and fermented has been removed
	Addition of table - food must consist of	Minor	None	The requirements are consistent with the definitions



