

9 December 2016

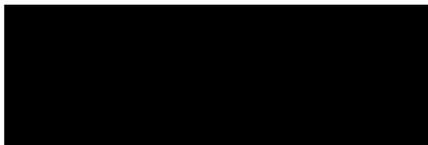
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Dear Sir/Madam

Attached are the comments that the New Zealand Food & Grocery Council wishes to present on the ***Call for Submissions – Proposal P1043: Code Revision***.

Yours sincerely



Katherine Rich  
**Chief Executive**



***Call for Submissions – Proposal P1043:  
Code Revision***

**Submission by the New Zealand Food & Grocery Council**

**9 December 2016**

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## **NEW ZEALAND FOOD & GROCERY COUNCIL**

1. The New Zealand Food & Grocery Council (“NZFGC”) welcomes the opportunity to comment on the ***Call for Submissions – Proposal P1043: Code Revision***.
2. NZFGC represents the major manufacturers and suppliers of food, beverage and grocery products in New Zealand. This sector generates over \$34 billion in the New Zealand domestic retail food, beverage and grocery products market, and over \$31 billion in export revenue from exports to 195 countries – some 72% of total merchandise exports. Food and beverage manufacturing is the largest manufacturing sector in New Zealand, representing 44% of total manufacturing income. Our members directly or indirectly employ more than 400,000 people – one in five of the workforce.

### **OVERARCHING COMMENTS**

3. NZFGC appreciates that the scale of the revision of the Food Standards Code inevitably resulted in a few typographical and cross referencing errors and we fully support the corrections being made in P1043.
4. Other amendments that clarify inconsistencies or provisions are also supported.
5. We particularly appreciate that the currency of the Code is maintained with the updating of the latest internationally recognised reference documents in several areas.

### **SPECIFIC COMMENTS**

#### **Standard 1.1.1 – Structure of the Code and general provisions**

6. NZFGC notes the amendments relate to provisions that have now expired.

#### **Standard 1.1.2 – Definitions used throughout the Code**

7. NZFGC is pleased to see the currency of the Food Standards Code maintained with inclusion of the latest GRAS lists of flavourings. The heading to this definition of permitted flavouring substance also needs realigning.

#### **Standard 1.2.1 - Requirements to have labels or otherwise provide information**

8. NZFGC notes the removal of an obligation to label foods that are not required to bear a label and corrections to cross references.

#### **Standard 1.2.3 – Information Requirements – warning statements, advisory statements and declarations**

9. This correction inserts a missing ‘or’ for consistency.

#### **Standard 1.2.3 – Information Requirements – date marking of food for sale**

10. NZFGC notes that the amendment clarifies that while other foods that have a best before date of 2 years or more need not apply date marking, this does not apply to infant formula.

#### **Standard 1.2.7 – Nutrition, health and related claims**

11. Two notes are updated and a cross reference is corrected in this Standard.

#### **Standard 1.2.8 – Nutrition information requirements**

12. NZFGC notes that ‘calories’ were not intended as an option for energy and the amendment corrects this. We note that Paragraph 12 of SD1 does not reflect this response.

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### **Standard 1.3.2 – Vitamins and minerals**

13. This amendment corrects a cross reference.

### **Standard 1.5.1 – Novel foods**

14. These amendments correct cross references.

### **Standard 2.5.7 –Dried milk, evaporated milk and condensed milk**

15. We note the word 'must' was omitted from the evaporated milk requirements.

### **Standard 2.6.3 – Kava**

16. These amendments correct cross references.

### **Standard 2.9.1 – Infant formula products**

17. NZFGC notes that the amendment removes all references to date marking from Standard 2.9.1 and clarifies the expectation in Standard 1.2.5 that infant formula must always be date marked. This is effected by a complementary amendment to Standard 1.2.5 above. The other amendment is to a cross reference.

### **Standard 2.9.3 – Formulated meal replacements and formulated supplementary foods**

18. NZFGC notes that this amendment corrects an error that would inadvertently provide it as optional to claim the presence of a vitamin or mineral if either the food contains 10% of the RDI or the amount claimed is within limits set when these are conditions that must both be met. The other amendments are to correct typographical errors.

### **Standard 2.9.5 – Food for special medical purposes**

19. These amendments correct references and updates references to EU Regulations on the provision of food information to consumers.

### **Standard 2.10.3 – Chewing gum**

20. For consistency, the term 'serve' is replaced by 'serving'.

### **Schedules**

21. Amendments are made to several Schedules that are typographical or cross references. We suggest that the cross references in the notes for Schedule 1 to paragraphs 1.1.2--4(a) to (d) are also corrected.

### **Schedule 3 – Identity and purity**

22. Again, NZFGC is pleased to see the currency of the Food Standards Code maintained with inclusion of the latest JECFA monographs and International Oenological Codex. Data from Application A1120 is also drawn on for updating provisions.

### **Schedule 15 – Substances that may be used as food additives**

23. These amendments clarify that annatto extracts, nisin and nitrites are not permitted for use in sausage and sausage meat containing raw, unprocessed meat.

### **Schedule 16 – Types of substances that may be used as food additives**

24. NZFGC notes that the heading for this Schedule is corrected. There are two headings that require correction – to the Schedule and to the Table in S16—3. We assume both are to be corrected.

### **Schedule 17 – Vitamins and minerals**

25. We appreciate the need to explicitly reference the provisions in the Food Standards Code that the permitted forms of vitamins apply to.