

10 October 2001
05/02

FINAL ASSESSMENT REPORT (Inquiry - s.17)

PROPOSAL P228

AMENDMENTS TO FOOD ADDITIVES STANDARD

EXECUTIVE SUMMARY

Standard 1.3.1 – Food Additives, was finalised by ANZFA in May 1999, and forwarded to Australia New Zealand Food Standards Council for adoption in June 1999. This action effectively ended Proposal 150 (which established Standard 1.3.1 – Food Additives) and so no further changes to the Standard were possible under this proposal. Standard 1.3.1 – Food Additives was gazetted in June 2000, which was several months before Volume 2 of the *Food Standards Code* was gazetted in November 2000 as the *Australia New Zealand Food Standards Code*. This difference in time meant that there were a number of inconsistencies and omissions that still needed to be addressed. A separate Proposal, P228, was raised after Volume 2 was gazetted to address these matters.

The aim of Proposal P228 was to correct errors, anomalies and make changes to Standard 1.3.1 in Volume 2 that had not been picked up during Proposal P150. In addition, minor changes to Standard 1.2.4 – Labelling of Ingredients were required.

The Full Assessment Report for Proposal P228, which was released for public comment on 20 December 2000, was prepared considering public comments.

Changes at Full Assessment

The following changes were proposed to Standard 1.3.1 – Food Additives:

- amend subclause 6(2) to be more consistent with clause 1;
- amend subclause 6(2) to aid in clarity;
- amend clause 8 to aid in clarity;
- amend clause 11:
 - replace references to “flavourings” to “flavouring substances”;
 - update the reference to the Flavour and Extract Manufacturers’ Association of the

- United States of America (FEMA) list of flavouring substances;
 - delete references to “synthetic” flavourings; and
 - amend the references to permit the use of “nature-identical” flavouring substances;
- amend Schedule 1 to aid in clarity, and to be more consistent;
- include erythritol, sodium lactylates, calcium lactylates and hydroxypropyl cellulose in Schedule 2;
- amend the definition of “technological function” to prohibit the addition of food additives to single ingredient foods where a single process is applied, and the food is presented in a manner which suggests that the organoleptic qualities have not been altered, other than through the process, where these foods are exempt from labelling; and
- correct spelling errors.

In addition, the user guide and Supplement to Standard 1.3.1 – Food Additives, were updated.

The following changes were proposed to Standard 1.2.4 – Labelling of Ingredients:

- Include food additive numbers for 4-hexylresorcinol (586) and erythritol (968).

The following information was considered that did not result in a proposed change:

One submission suggested that industry may wish to use propionates in cheese and cheese products. No information was provided to support the use of propionates in cheese and cheese products. For ANZFA to consider this extension of use, the following information would be required:

- potential usage of propionates in cheese and cheese products;
- types of cheese and cheese products propionates may be used in; and
- technological justification for the use of propionates in cheese and cheese products.

Additional changes at Inquiry

Additional changes are proposed to Standard 1.3.1 – Food additives in Volume Two following further comments received at Final Assessment:

- correct a typographical error in Clause 1;
- amend General Provisions in Schedule 1 to direct readers to the user guide to Standard 1.3.1 – Food Additives to clarify usage;
- amend Schedule 1 relating to possible carry-over of additives in Schedules 2,3 and 4;
- amend Schedule 1 section 8, Meat to maintain consistency with Volume 1 of the *Food Standards Code*; and
- amend Schedule 2 to include propellants, butane, isobutane, octafluorocyclobutane and propane for pressurized food containers.

Additional changes are proposed to Standard 1.2.4 - Labelling of Ingredients in Volume Two at Final Assessment:

- include the propellants, butane, isobutane, octafluorocyclobutane and propane in Schedule 2, Part 1 and Part 2; and
- include hydroxypropyl cellulose in Schedule 2, Part 1 and Part 2.

Consequential amendments are proposed to Standard 1.3.3 - Processing Aids in Volume Two at Final Assessment:

- amend the entry for the enzyme Chymosin in the Table to Clause 17 to remove the identifiers for variants of two source microorganisms.

In addition, the user guide to Standard 1.3.1 – Food Additives, was further updated.

Previous ANZFA consideration

Proposal P150, which led to the development of Standard 1.3.1 – Food Additives, was completed in June 1999, with a recommendation to Australia New Zealand Food Standards Council for adoption of the Standard. Standard 1.3.1 – Food Additives was gazetted in June 2000. During the public consultation on the Joint Code from March to May 2000, submissions on Standard 1.3.1 – Food Additives were received. These formed the basis of the Full Assessment Report for a new Proposal, P228, which was subsequently released for public comment on 20 Dec 2000. The public comment period for P228 ended on 31 January 2001, although submissions were accepted beyond this date.

New submissions received

Eleven submissions were received at Inquiry from the following organisations: National Meat Association of Australia; Food & Beverage Importers Association; DSM Gist; Corona Manufacturing Pty Ltd; Public Health, Queensland Government; Food Technology Association Victoria Inc; Aqualon Company, Hercules Incorporated; Confectionery Manufacturers of Australasia; Victorian Food Safety Council Food Standards Sub-committee; Brooke-Taylor & Co. (for Tatura Dairy Co-operative Company) and Ministry of Health New Zealand Government.

The summary of submissions is contained in Attachment 3.

ASSESSMENT OF ISSUES RAISED IN PUBLIC SUBMISSIONS AT INQUIRY

1 User guide to Standard 1.3.1 - Food Additives

A number of comments were received from the National Meat Association of Australia relating to the user guide on food additives. These suggested changes were generally incorporated.

2 Standard 1.3.1 - Purpose

2.1 Repeal of Amendment 49

2.1.1 Issues raised

Public Health, Queensland Government asked ANZFA whether Amendment No. 49 was automatically repealed with the gazetting in Dec 2000 of the Amendment No. 53 since there were some changes.

2.1.2 Discussion

The answer is yes; Amendment 53 supersedes Amendment 49.

2.2 Definition of Food Additives

2.2.1 Issues raised

Public Health, Queensland Government suggested in its submission that the purpose clause in Standard 1.3.1 has no legal status. It further stated that it might be better to include the definition of a food additive under clause 1 to give it legal status. The submission proposed that the first paragraph of the Purpose be placed under Clause 1 Definitions.

2.2.2 Discussion

Volume 2 of the *Food Standards Code* does not to define a food additive apart from under the general purpose heading, in Standard 1.3.1. This issue was discussed during the Full Assessment of the review proposal on Food Additives (P150). Volume 2 limits interpretation of which additives are and are not permitted, by listing the prescribed names of food additives and permitted food additive functions. Food additives are not specifically defined, as any definition could provide legal loopholes.

2.2.3 Recommendation

ANZFA proposes not to make the suggested change to the purpose clause of Standard 1.3.1.

3 Clause 1 - Technological Function

3.1.1 Issues raised

Two submissions from Public Health, Queensland Government and Food Technology Association Victoria noted typographical errors in the new section added to clause 1, Definitions, **technological function**, from the Full Assessment Report, attachment 1 and attachment 2. In both attachments, the word *not* needs to be inserted between "... that the organoleptic qualities have" and "been altered,".

Therefore the correct phrase in the included **technological function** should be:

"...that the organoleptic qualities have not been altered, ...".

In the attachment 2, part 1, there is also a mistake in this same definition of **technological function**, where the letter "d" needs to be added to "an" to make "and" to correct the phrase "...single process is applied and the food".

3.1.3 Recommendation

ANZFA proposes to correct these typographical errors.

4 Clause 11 - Permitted flavouring substances

4.1.1 Issues raised

A submission from Public Health, Queensland Government stated the phrase “single chemical entity” in clause 11 (b) needed to be clarified, with possible examples.

4.1.2 Discussion

This section was developed with the assistance of flavour industry representatives and is understood and as they required. Individual flavouring substances, rather than complex blends of flavours, are assessed for safety and listed in the reference documents.

4.1.3 Recommendation

Explanation for the wider food industry and Health Departments will be supplied via ANZFA’s user guide on flavourings, currently under development.

5 Schedule 1

5.1 Cross references to the user guides

5.1.1 Issues raised

Public Health, Queensland Government suggested that comment be made in the Standard to refer the reader to the food additives user guide, specifically to explain the categories and sub-categories of food additives. Public Health, Queensland Government suggested that the categories can be rather confusing and appear to be inconsistent with the compositional standards in Volume 2, but this is clarified in the user guide.

5.1.2 Discussion

Cross-referencing must be consistent with amendments to other Standards and other user guides.

5.1.3 Recommendation

ANZFA will consider this issue further with regard to consistency throughout Volume 2. ANZFA recommends the following editorial note be included under the General Provisions in Schedule 1:

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

5.2 “Additives in must not be present”

5.2.1 Issues raised

The Ministry of Health, New Zealand stated the phrase “Additives in Schedules 2,3&4 must not be present in (*add in food*) ...” throughout Schedule 1 is misleading due to possible carry over in ingredients or through their use as processing aids.

5.2.2 Discussion

This matter was already addressed at Full Assessment where the phrase “must not be added” was recommended to be replaced by the phrase “must not be present” in all the sections in Schedule 1 where the phrase is used.

5.2.3 Recommendation

The Full Assessment Report recommended this change and it is incorporated in the revised drafting.

6 Schedule 1 – 0.1 Preparations of food additives

6.1 Groups of preparations of food additives

6.1.1 Issues raised

Public Health, Queensland Government raised concerns about the grouping under ‘0.1 Preparations of food additives’ in Schedule 1, with a range of questions indicating a misunderstanding of this grouping. Public Health, Queensland Government stated that the grouping was ambiguous, specifically referring to the flavourings category in this section as well as under Schedule 2.

6.1.2 Discussion

The section ‘0.1 Preparations of food additives’, is a food category in its own right, where different food additive preparations or premixes may also contain the various additives listed. As an example the group for flavourings contains ethyl acetate as a solvent that can be used in flavouring preparations, but this does not mean that ethyl acetate is a flavouring. Reference to Schedule 2 provides permissions for flavourings in various food categories.

6.1.3 Recommendation

Further explanation of the food category system will be included in ANZFA’s user guide on flavourings, which is being developed.

6.2 Foods as preparations of food additives

6.2.1 Issues raised

Public Health, Queensland Government queried the inclusion of flavourings, baking compounds and renneting enzymes (under the category ‘Preparations of Food Additives’) as food types.

6.2.2 Discussion

The categories in section 0.1 are for preparations of food additives, which allows for various additives to be used in each type of preparation.

6.2.3 Recommendation

Further explanation will be included in ANZFA's user guides on food additives and flavourings and by editorial notes in the relevant standards where appropriate.

7 Schedule 1- 5 Confectionery

7.1.1 Issues raised

Confectionery Manufacturers of Australasia submitted a request to include the term "carbohydrate modified confectionery/chocolate" within Schedule 1 section 5 Confectionery.

7.1.2 Discussion

No justification was provided to include the term in the food additives standard. Manufacturers can use this term as a marketing term if they so wish. ANZFA has moved away from defining a number of sub-groups of foods, where possible, to broad terms such as Confectionery, Chocolate which encompasses 'carbohydrate modified confectionery/chocolate'. The term could be considered for inclusion in ANZFA's user guide on food additives under item 5.1 as an alternative to regulation.

7.1.3 Recommendation

ANZFA proposes not to amend Standard 1.3.1 to allow for carbohydrate modified confectionery.

8 Schedule 1 - 8 Meat

8.1 Meat coating agents

8.1.1 Issues raised

The National Meat Association of Australia (NMAA) queried the deleting of a number of additives allowed to contact meat carcasses.

8.1.2 Discussion

Some of these substances are now listed under Standard 1.3.3 - Processing Aids. Specifically cetyl alcohol and stearyl alcohol are listed in the Table to clause 14 as coating agents on meat carcasses. Polysorbate 60 (or Polyoxyethylene (20) sorbitan monostearate), acetic acid and sorbitan monostearate are listed in Schedule 2 of Standard 1.3.1 and are thus included as generally permitted processing aids.

8.1.3 Recommendation

ANZFA proposes not to amend Standard 1.3.1 as these substances have been reclassified as approved processing aids.

8.2 Cuts or pieces

8.2.1 Issues raised

The NMAA noted the issue of harmonisation of terminology between sections of the Code. Specifically NMAA referred to the use of the phrase “pieces or cuts” of meat in Schedule 1, item 8.2 of Standard 1.3.1 and the phrase “cuts or pieces” in Standard 2.2.1.1.

8.2.2 Recommendation

ANZFA proposes that the heading in Schedule 1, item 8.2 be changed to ‘Processed meat, poultry and game products in whole cuts or pieces’ for consistency in terminology.

8.3 Consistency in the use of nitrates and nitrites

8.3.1 Nitrates in cured meat

8.3.1.1 Issues raised

The NMAA raised concerns about consistency in the use of nitrates (and nitrites) in the treatment of meat. The NMAA stated that nitrates cannot be added to cured meat in Volume One of the *Food Standards Code* (even though nitrates can be present due to the oxidation of nitrites) however the additives 251, 252 (potassium and sodium nitrate) are specifically permitted on cured meat under item 8.2 in Volume 2.

8.3.1.3 Recommendation

ANZFA proposes to remove this unrequired specific permission for nitrates for cured meat under item 8.2 in Schedule 1 in Standard 1.3.1 in Volume 2 of the *Food Standards Code* to provide greater consistency with Volume One.

8.3.2 Naturally occurring nitrates

8.3.2.1 Issues raised

The NMAA also submitted that the provisions for allowing naturally occurring nitrates in meat are not included in the calculation of total nitrites for all relevant categories in items 8.2 and 8.3.

8.3.2.2 Discussion

This is incorrect, as the note in the side column under the heading ‘qualifications’ covers this. The Full Assessment Report recommended a change to the heading from ‘applications’ to ‘qualifications’. The phrase reads “total of nitrates and nitrites, calculated as sodium nitrite”.

8.3.2.3 Recommendation

No action is required.

8.3.3 Nitrites in fermented, uncooked processed comminuted meat products

8.3.3.1 Issues raised

The NMAA stated that nitrites 249 and 250 are not allowed in fermented, uncooked processed comminuted meat products. They state that additives above the item in the schedule of the same number are also allowed which is confusing and inconsistent with other items in the schedule.

8.3.3.2 Discussion

Volume 2 allows the use of nitrites 249 and 250 in fermented, uncooked processed comminuted meat products. The confusion seems to come from understanding how permissions cascade down within a food sub-category and were complicated by unnecessary permissions for nitrates in item 8.2. This is further explained in ANZFA's user guides on meat, and food additives.

8.3.3.3 Recommendation

No action is required.

8.4 Sorbic acid in fermented, uncooked processed comminuted meat products

8.4.1 Issues raised

The NMAA stated that the approval for use of sorbic acid or its sodium or potassium salts at a maximum rate of 1500 mg/kg had been omitted from fermented, uncooked processed comminuted meat products.

8.4.3 Recommendation

This is incorrect. No action is required.

8.5 Gelatine and collagen

8.5.1 Issues raised

The NMAA queried the deletion of gelatine and collagen from item 8.5 while they are listed in the user guide.

8.5.2 Discussion

One of the aims of the user guides is to indicate the products under each of the food categories. Gelatine and collagen are not additives so they do not need to be included in Schedule 1, Standard 1.3.1, Food Additives. The user guide gives examples of different foods under each food category.

8.5.3 Recommendation

No action is required.

8.6 Sulphur dioxide in gelatine

8.6.1 Issues raised

The NMAA also queried the omission of sulphur dioxide and its salts as additives for gelatine and collagen from the Standard 1.3.1, Food Additives.

8.6.3 Recommendation

This approval is in Standard 1.3.3, Processing Aids in the Table to clause 14. No further action is required.

9 Schedule 2

9.1 Support for lactylates

9.1.1 Issues raised

The Food & Beverage Importers Association provided positive support from for the inclusion of calcium and sodium lactylates in Schedule 2 of Standard 1.3.1.

9.2 Hydroxypropyl cellulose

9.2.1 Issues raised

Hercules Incorporated requested the inclusion of hydroxypropyl cellulose (INS 464) in Schedule 2 in Standard 1.3.1 consistent with hydroxypropyl methylcellulose, as a food additive without restrictions other than GMP.

Hercules Incorporated suggested that ethylcellulose could also be included in the same Schedule 2.

9.2.2 Discussion

Hydroxylpropyl cellulose is included in the NZ Food Regulations and should be included in Volume 2. This change had already been recommended in the Full Assessment Report.

If manufacturers wish to use ethylcellulose they will need to make a formal application and supply more information to make a safety assessment of the proposed additive.

9.2.3 Recommendation

At Full Assessment Hydroxypropyl cellulose (INS 464) was proposed for inclusion in Schedule 2 of Standard 1.3.1. Hydroxypropyl cellulose should be included in Parts 1 and 2 of Schedule 2 of Standard 1.2.4 to make that standard consistent with Standard 1.3.1.

9.3 Paprika oleoresin in sausage

9.3.1 Issues raised

Corona Manufacturing requested permission to include paprika oleoresin as a spice in sausage and sausage meat containing raw, unprocessed meat rather than in Schedule 3 (colours), where it is currently listed.

Corona Manufacturing argued for permission to include all colouring additives in Schedule 3 in sausage and sausage meat containing raw, unprocessed meat.

9.3.2 Discussion

Colours are not permitted in sausages, but are permitted in sausage casings. Paprika oleoresin can also be regarded as a flavouring. Flavourings are allowed in Schedule 2 so there is no need to include paprika oleoresin or other oleoresins as separate entries.

Additives in Schedule 3 would not be allowed to be added to sausage and sausage meat containing raw, unprocessed meat as determined in the review of meat and meat products (in P191). Colours can be added to sausage casings but not the sausage meat itself.

9.3.3 Recommendation

No action is required.

9.4 Propellants in pressurised food containers

9.4.1 Issues raised

Brooke-Taylor & Co. (for Tatura Dairy Co-operative) submitted that the permissions for food propellants from Volume One of the *Food Standards Code* (clause 3 of Standard A3) were not carried over to Volume 2, for butane, isobutane, octafluorocyclobutane and propane. Permissions for carbon dioxide, nitrogen and nitrous oxide are included in Schedule 2 of Standard 1.3.1.

9.4.2 Discussion

These propellants do not have INS numbers. Dr Brooke-Taylor suggested that they have a supplementary note limiting their permission to pressurized containers only for consistency with Volume One.

9.4.3 Recommendation

ANZFA recommends that the food propellants, namely butane, isobutane, octafluorocyclobutane and propane be included in Schedule 2 of Standard 1.3.1 with a supplementary note limiting their approval to pressurised containers only, as well as Schedule 2 of Standard 1.2.4.

10 Chymosin as a processing aid

10.1.1 Issues raised

DSM Gist requested the removal of the identifier CHY 1 as a variant of the source organism *Kluyveromyces lactis* in Standard 1.3.3, Processing Aids as a source agent for the enzyme, chymosin.

10.1.2 Discussion

The submission from DSM Gist mentioned that they now use variant CHY 6 though the first variant CHY 1 is listed in Volume 2, and H2 and H9 of Volume One. This highlights the difficulty of monitoring regulations for new variants used for enzyme manufacture.

Variants or strains of organisms are not generally listed in the approved enzymes list in the Table to clause 17 to Standard 1.3.3. Also for Chymosin, *var awamori* is not required after *Aspergillus niger* as this is covered by an existing editorial note.

Chymosin is approved as a food additive in Volume One but is now classified as a processing aid in Volume 2.

10.1.3 Recommendation

ANZFA recommends that, as a consequential variation to P228, Standard 1.3.3, Processing Aids be varied to remove the two unnecessary variants to the source organisms for Chymosin.

REGULATION IMPACT ANALYSIS

The Regulation Impact Analysis of this proposal is the same as at Full Assessment so has been copied (with slight amendments) from the Full Assessment Report.

ANZFA develops food regulation suitable for adoption in Australia and New Zealand. It is required to consider the impact, including compliance costs to business, of various regulatory (and non-regulatory) options on all sectors of the community, which includes the consumers, food industry and governments in both countries. The regulation impact assessment will identify and evaluate, though not be limited to, the costs and benefits of the regulation, and its health, economic and social impacts. In the course of assessing the regulatory impact, ANZFA is guided by the Australian *Guide to Regulation* (Commonwealth of Australia 1997) and *New Zealand Code of Good Regulatory Practice*.

To assist in this process, comment on potential impacts or issues pertaining to these regulatory options is sought from all interested parties in order to complete the development of the regulation impact statement. Public submissions should clearly identify relevant impact(s) or issues and provide support documentation where possible.

Problem

Standard 1.3.1 – Food Additives, requires amendment to aid in clarity and consistency across Volume 2 of the *Food Standards Code*. Standard 1.2.4 – Labelling of Ingredients, requires minor changes to update the listing of food additives and food additives code numbers.

Standard 1.3.3 – Processing Aids, requires a small consequential change.

Objective

The objectives of the review of food standards in Australia and New Zealand were to:

- reduce the level of prescriptiveness of standards to facilitate innovation by allowing wider permission on the use of ingredients and additives, but with consideration of the possible increased need for consumer information;
- develop standards which are easier to understand and make amendment more straightforward;
- replace standards which regulate individual foods with standards that apply across all foods or a range of foods;
- consider the possibility of industry codes of practice as an alternative to regulation; and
- facilitate harmonisation of food standards between Australia and New Zealand.

The objective of this proposal is to amend Standard 1.3.1 so that it is easier to understand, to update Standard 1.2.4 and make a consequential change to Standard 1.3.3.

Options

Option 1: Do not amend Standard 1.3.1, 1.2.4 and 1.3.3.

Option 2: Amend Standard 1.3.1, 1.2.4 and 1.3.3 to enhance the overall consistency of Volume 2 of the *Food Standards Code*.

Impact Analysis

Benefits	Costs
<ul style="list-style-type: none">• Consumer confidence in the food supply could be enhanced by a well elaborated regulatory system• Simplified regulations could assist users of those regulations, such as enforcement agencies, industry and consumers.	<ul style="list-style-type: none">• There is a cost to government of amending the new standard.

Consultation

Volume 2 of the *Food Standards Code* was released for public comment from March to May 2000, seeking comment on the overall consistency, coverage, omissions and anomalies within Volume 2 as a whole.

Submissions received during this phase of consultation, as well as after the Full Assessment have suggested that some changes to Standard 1.3.1, 1.2.4 and 1.3.3 were necessary. This proposal seeks to address the issues raised in these submissions.

Implementation and Review

Consideration of the Regulatory Impact for this proposal concludes that Option 2, to amend Standard 1.3.1, 1.2.4 and 1.3.3 is the preferred option.

CONCLUSIONS

As concluded at Full Assessment, it is proposed to amend Standard 1.3.1 and 1.2.4, as well as a consequential change to Standard 1.3.3 to ensure consistency across Volume 2 of the *Food Standards Code*.

WORLD TRADE ORGANIZATION (WTO) NOTIFICATION

Australia and New Zealand are members of the WTO and are bound as parties to WTO agreements. In Australia, an agreement developed by the Council of Australian Governments (COAG) requires States and Territories to be bound as parties to those WTO agreements to which the Commonwealth is a signatory. Under the agreement between the Governments of Australia and New Zealand on Uniform Food Standards, ANZFA is required to ensure that food standards are consistent with the obligations of both countries as members of the WTO.

In certain circumstances Australia and New Zealand have an obligation to notify the WTO of changes to food standards to enable other member countries of the WTO to make comment. Notification is required in the case of any new or changed standards which may have a significant trade effect and which depart from the relevant international standard (or where no international standard exists).

The amendments recommended in this Proposal are either: consistent with Codex, minor corrections or transferral of existing permissions into Volume 2 of the *Food Standards Code*.

A notification to the WTO was not made, as these matters do not meet the above notification requirements.

CHANGES TO FULL ASSESSMENT RESULTING FROM FINAL ASSESSMENT

There were no changes proposed to the Full Assessment Report other than those detailed in the above “Assessment of Issues Raised in Public Submissions” section.

OTHER CONSIDERATIONS

There were no extra matters proposed to the Full Assessment Report other than those detailed in the above “Assessment of Issues Raised in Public Submissions” section.

FURTHER INFORMATION

Submissions: No submissions on this matter are sought as the Authority has completed its assessment and the matter is now with the Australia New Zealand Food Standards Council for consideration.

Further information on this and other matters should be addressed to the Standards Liaison Officer at the Australia New Zealand Food Authority at one of the following addresses:

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Assessment reports or other information papers are available on the web-site at www.anzfa.gov.au then <Food Standards> then <Recent Standards Development>. Paper copies can be obtained by contacting the Authority's Information Officer at the above address, or e-mail info@anzfa.gov.au

ATTACHMENTS

1. Proposed Draft Variations to Volume 2 of the *Food Standards Code*
2. Statement of Reasons
3. Summary of Submissions

DRAFT VARIATIONS TO VOLUME 2 OF THE *FOOD STANDARDS CODE*

PROPOSAL P228 – AMENDMENTS TO FOOD ADDITIVES STANDARD

To commence: On gazettal

[1] *Standard 1.3.1 of Volume 2 is varied by –*

[1.1] *omitting the definition technological function from clause 1, and inserting directly following the Editorial note to the definition of processed food –*

technological function means a function set out in Schedule 5, but does not include the addition of a food additive to a single ingredient food that is not required by this Code to be labelled where a single process is applied and the food is presented in a manner which suggests that the organoleptic qualities have not been altered, other than through the process.

Editorial note:

When prawns are cooked, they generally turn red in colour. If a red food colour was also added to cooked prawns, consumers may be misled into believing that the red quality was attributable to the cooking process, and not the addition of a red food colour.

Food that has been smoked generally has a ‘smokey’ taste. If a smoke flavouring substance was also added to a smoked food, consumers may be misled into believing that the smoke taste was attributable to the smoking process, and not the addition of a smoke flavouring substance.

[1.2] *omitting from subclause 6(2) -*

amount permitted

inserting

permitted level

[1.3] *omitting from subclause 6(2) and the Example following subclause 6(2), wherever occurring –*

fraction *or* fractions

inserting

quantity *or* quantities

[1.4] *omitting clause 8 of Standard 1.3.1 and inserting –*

8 Food for use in preparation of another food

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

[1.5] *omitting clause 11, substituting –*

11 Permitted flavouring substances

Permitted flavouring substances, for the purposes of this Standard, are those flavouring substances which are either –

- (a) Listed in at least one of the following publications-
 - (i) *Food Technology, A Publication of the Institute of Food Technologists, Generally Recognised as Safe (GRAS) lists of flavouring substances published by the Flavour and Extract Manufacturer's Association of the United States from 1960 to June 2000; or*
 - (ii) *Flavouring Substances and Natural Sources of Flavourings, 4th Edition, Volume 1, Chemically-defined flavouring substances, Council of Europe, 1992; or*
 - (iii) *United States Code of Federal Regulations, 1996, 21 CFR Part 172.515; or*
- (b) a substance that is a single chemical entity obtained by physical, microbiological, enzymatic, synthetic 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.

[1.6] *omitting the Editorial note to clause 11 of Standard 1.3.1, substituting –*

Editorial note:

The Flavour and Fragrance Association of Australia and New Zealand (FFAANZ) has prepared a consolidated list of permitted artificial flavouring substances in the three publications for ease of reference. This list is available from FFAANZ or from the Australia New Zealand Food Authority.

[1.7] *inserting in Schedule 1 in 0 General Provisions immediately before item 0.1, the following -*

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

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

[1.8] *omitting the term must not be present in and substituting must not be added to throughout Schedule 1.*

[1.9] *omitting item heading 8.2 Processed meat, poultry and game products in whole pieces or cuts* in Schedule 1, substituting -*

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

[1.10] *omitting approval for nitrates under cured meat in item 8.2 of Schedule 1.*

[1.11] *inserting the following Additive name, in Schedule 2, Alphabetical Listing, immediately following the entry for Bleached starch -*

- Butane (for pressurised food containers only)

[1.12] *inserting the following Additive name in Schedule 2, Alphabetical Listing, immediately following the entry for Hydroxypropyl starch -*

- Isobutane (for pressurised food containers only)

[1.13] *inserting the following Additive name, in Schedule 2, Alphabetical Listing immediately following the entry for Nitrous oxide -*

- Octafluorocyclobutane (for pressurised food containers only)

[1.14] *inserting the following Additive name in Schedule 2, Alphabetical Listing, immediately following the entry for Processed eucheuma seaweed -*

- Propane (for pressurised food containers only)

[1.15] *inserting the following INS number and Additive name in Schedule 2, Alphabetical Listing, immediately following the entry for Sodium lactate -*

481 Sodium lactylates

[1.16] *inserting the following INS number and Additive name in Schedule 2, Alphabetical Listing,, immediately following the entry for Calcium lactate -*

482 Calcium lactylates

[1.17] *inserting the following INS number and Additive name in Schedule 2, Alphabetical Listing,, immediately following the entry for Erythorbic acid -*

968 Erythritol

[1.18] *inserting the following INS number and Additive name in Schedule 2, Alphabetical Listing, immediately following the entry for Hydrochloric acid -*

463 Hydroxypropyl cellulose

[1.19] *inserting the following Additive name in Schedule 2 of Standard 1.3.1, Numeric Listing, preceding the entry for Flavourings (including permitted synthetic flavourings) but excluding quinine and caffeine -*

- Butane (for pressurised food containers only)

[1.20] *inserting the following Additive name in Schedule 2, Numeric Listing, immediately following the entry for Flavourings (including permitted synthetic flavourings) but excluding quinine and caffeine -*

- Isobutane (for pressurised food containers only)

[1.21] *inserting the following Additive name in Schedule 2, Numeric Listing, immediately following the entry for Neotame-*

- Octafluorocyclobutane (for pressurised food containers only)

[1.22] *inserting the following Additive name in Schedule 2, Numeric Listing,, immediately following the entry for Octafluorocyclobutane -*

- Propane (for pressurised food containers only)

[1.23] *inserting the following INS Number and Additive name in Schedule 2, Numeric Listing, immediately following the entry for Methyl cellulose -*

463 Hydroxypropyl cellulose

[1.24] *inserting the following INS Number and Additive name in Schedule 2, Numeric Listing, immediately following the entry for Propylene glycol esters of fatty acids -*

481 Sodium lactylates

[1.25] *inserting the following INS Number and Additive name in Schedule 2, Numeric Listing, immediately following the entry for Sodium lactylate s-*

482 Calcium lactylates

[1.26] *inserting the following INS Number and Additive name in Schedule 2, Numeric Listing, including, immediately following the entry for Xylitol -*

968 Erythritol

[1.27] *omitting from items 1.5, 1.6, 6.4, 7 and 20.2 of Schedule 1, including Max level and Applications, wherever occurring –*

481 Sodium lactylates

[1.28] *omitting from items 6.4, 7 and 20.2 of Schedule 1, including Max level and Applications, wherever occurring –*

482 Calcium lactylates

[1.29] *omitting from item 13.2 of Schedule 1, including INS Number and Max level -*
Ethyl vanillin

[1.30] *omitting from item 13.2 of Schedule 1, including INS Number and Max level -*
Vanillin

[1.31] *omitting from items 12.3 and 14.2.1 of Schedule 1, wherever occurring –*
(including permitted synthetic flavourings) but

[1.32] *omitting from item 13.2 of Schedule -*
(excluding synthetic flavourings) but

[1.33] *omitting from item 12.5, heading dried yeast, of Schedule 1, including INS Number and Application -*

Sodium lactylates

[1.34] *omitting from item 14.1.2.2, 14.1.3 and 20.2 of Schedule 1, wherever occurring -*
sucrose acetate isobutrate

inserting

sucrose acetate isobutyrate

[1.35] *omitting from item 11.4 of Schedule 1 -*

Polyvinylpyrrolidone

inserting

Polyvinylpyrrolidone

[1.36] *omitting from item 9.1 of Schedule 1 -*

- 4-hexylresorcinol

inserting

586 4-hexylresorcinol

[1.37] *omitting from Schedule 2, Alphabetical Listing, immediately following the entry for Ferrous gluconate -*

Flavourings (including permitted synthetic flavourings) but excluding quinine and caffeine

inserting

Flavourings, excluding quinine and caffeine

[1.38] *omitting from Schedule 2, Numeric Listing, immediately before the entry for Calcium carbonates -*

Flavourings (including permitted synthetic flavourings) but excluding quinine and caffeine

inserting

Flavourings, excluding quinine and caffeine

[1.39] *omitting from Schedule 1, the heading -*

INS Number	Additive Name	Max Level	Application
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inserting

INS Number	Additive Name	Max Permitted Level	Qualifications
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[2] **Standard 1.2.4** is varied by –

[2.1] *inserting in columns 1 and 2 respectively of Schedule 2, Part 1, Food Additive Code Numbers (alphabetical order), immediately following the entry for Brown HT -*

Butane	-
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[2.2] *inserting in columns 1 and 2 respectively of Schedule 2, Part 2, Food Additive code Numbers (numerical order), immediately before the entry for Curcumin -*

Butane	-
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[2.3] *inserting in columns 1 and 2 respectively of Schedule 2, Part 1, Food Additive Code Numbers (alphabetical order), immediately following the entry for Erythorbic acid -*

Erythritol	968
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[2.4] *inserting in columns 1 and 2 respectively of Schedule 2, Part 2, Food Additive Code Numbers (numerical order), immediately following the entry for Xylitol -*

Erythritol	968
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[2.5] *omitting from columns 1 and 2 respectively of Schedule 2, Part 1, Food Additive Code Numbers (alphabetical order), immediately following the entry for Guar gum -*

4-hexylresorcinol	-
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inserting

4-hexylresorcinol	586
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[2.6] *omitting from columns 1 and 2 respectively of Schedule 2, Part 2, Food Additive Code Numbers (numerical order), immediately before the entry for Curcumin -*

4-hexylresorcinol -

inserting immediately following the entry for Magnesium gluconate -

4-hexylresorcinol 586

[2.7] *inserting in columns 1 and 2 respectively of Schedule 2, Part 1, Food Additive Code Numbers (alphabetical order), immediately following the entry for Hydrochloric acid -*

Hydroxypropyl cellulose 463

[2.8] *inserting in columns 1 and 2 respectively of Schedule 2, Part 2, Food Additive Code Numbers (numerical order), immediately following the entry for Methyl cellulose -*

Hydroxypropyl cellulose 463

[2.9] *inserting in columns 1 and 2 respectively of Schedule 2, Part 1, Food Additive Code Numbers (alphabetical order), immediately following the entry for Iron oxide -*

Isobutane -

[2.10] *inserting in columns 1 and 2 respectively of Schedule 2, Part 2, Food Additive Code Numbers (numerical order), immediately following the entry for Butane -*

Isobutane -

[2.11] *inserting in columns 1 and 2 respectively of Schedule 2, Part 1, Food Additive Code Numbers (alphabetical order), immediately following the entry for Nitrous oxide -*

Octafluorocyclobutane -

[2.12] *inserting in columns 1 and 2 respectively of Schedule 2, Part 2, Food Additive Code Numbers (numerical order), immediately following the entry for Neotame -*

Octafluorocyclobutane -

[2.13] *inserting in columns 1 and 2 respectively of Schedule 2, Part 1, Food Additive Code Numbers (alphabetical order), immediately following the entry for Processed eucheuma seaweed -*

Propane -

[2.14] *inserting in columns 1 and 2 respectively of Schedule 2, Part 2, Food Additive Code Numbers (numerical order), immediately following the entry for Octafluorocyclobutane -*

Propane -

[3] *Standard 1.3.3 is varied by –*

[3.1] *omitting from the Table to clause 17 -*

Chymosin *Aspergillus niger var awamori*
EC [3.4.23.4] *Escherichia coli* K-12 strain GE81
 Kluyveromyces lactis CHY 1

Inserting -

Chymosin *Aspergillus niger*
EC [3.4.23.4] *Escherichia coli* K-12 strain GE81
 Kluyveromyces lactis

STATEMENT OF REASONS

PROPOSAL P228 - FOR RECOMMENDING A VARIATION TO STANDARD 1.3.1 – FOOD ADDITIVES, STANDARD 1.2.4 - LABELLING OF INGREDIENTS AND STANDARD 1.3.3 – PROCESSING AIDS

Standard 1.3.1 – Food Additives, was finalised by the Australia New Zealand Food Authority (ANZFA) in May 1999, and forwarded to Australia New Zealand Food Standards Council for adoption in June 1999. This action effectively ended Proposal 150 (which established Standard 1.3.1 – Food Additives) and so no further changes to the Standard were possible under this proposal. Standard 1.3.1 – Food Additives was gazetted in June 2000, which was several months before Volume 2 of the *Food Standards Code* was gazetted in November 2000 as the *Australia New Zealand Food Standards Code*. This difference in time meant that there were a number of inconsistencies and omissions that still needed to be addressed. A separate Proposal, P228, was raised after Volume 2 was gazetted to address these matters.

The aim of Proposal P228 was to correct errors, anomalies and make changes to Standard 1.3.1 in Volume 2 that had not been picked up during Proposal P150. In addition, minor changes to Standard 1.2.4 – Labelling of Ingredients were required.

The Full Assessment Report for Proposal P228, which was released for public comment on 20 December 2000, was prepared considering public comments.

ANZFA recommends the adoption of the draft variations to the *Food Standards Code*, as amended for the following reason:

- To correct errors, anomalies and make changes to ensure consistency across Volume Two of the *Food Standards Code*.

The commencement date of the draft variation is to be the date of gazettal.

REGULATION IMPACT

ANZFA has undertaken a regulation impact assessment process, which also fulfils the requirement in New Zealand for an assessment of compliance costs. That process concluded that the amendment to the Code is necessary, cost effective and of benefit to both producers and consumers.

WORLD TRADE ORGANIZATION (WTO) NOTIFICATION

Australia and New Zealand are members of the WTO and are bound as parties to WTO agreements. In Australia, an agreement developed by the Council of Australian Governments (COAG) requires States and Territories to be bound as parties to those WTO agreements to which the Commonwealth is a signatory. Under the agreement between the Governments of Australia and New Zealand on Uniform Food Standards, ANZFA is required to ensure that food standards are consistent with the obligations of both countries as members of the WTO.

In certain circumstances Australia and New Zealand have an obligation to notify the WTO of changes to food standards to enable other member countries of the WTO to make comment. Notification is required in the case of any new or changed standards which may have a significant trade effect and which depart from the relevant international standard (or where no international standard exists).

The amendments recommended in this Proposal are either: consistent with Codex, minor corrections or transferral of existing permissions into Volume 2 of the *Food Standards Code*.

A notification to the WTO was not made, as these matters do not meet the above notification requirements.

DRAFT VARIATIONS TO THE *FOOD STANDARDS CODE*

To commence: On gazettal

[1] *Standard 1.3.1 of Volume 2 is varied by –*

[1.1] *omitting the definition technological function from clause 1, and inserting directly following the Editorial note to the definition of processed food –*

technological function means a function set out in Schedule 5, but does not include the addition of a food additive to a single ingredient food that is not required by this Code to be labelled where a single process is applied and the food is presented in a manner which suggests that the organoleptic qualities have not been altered, other than through the process.

Editorial note:

When prawns are cooked, they generally turn red in colour. If a red food colour was also added to cooked prawns, consumers may be misled into believing that the red quality was attributable to the cooking process, and not the addition of a red food colour.

Food that has been smoked generally has a ‘smokey’ taste. If a smoke flavouring substance was also added to a smoked food, consumers may be misled into believing that the smoke taste was attributable to the smoking process, and not the addition of a smoke flavouring substance.

[1.2] *omitting from subclause 6(2) -*

amount permitted

inserting

permitted level

[1.3] *omitting from subclause 6(2) and the Example following subclause 6(2), wherever occurring –*

fraction or fractions

inserting

quantity or quantities

[1.4] *omitting clause 8 of Standard 1.3.1 and inserting –*

8 Food for use in preparation of another food

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

[1.5] *omitting clause 11, substituting –*

11 Permitted flavouring substances

Permitted flavouring substances, for the purposes of this Standard, are those flavouring substances which are either –

- (a) Listed in at least one of the following publications-
 - (i) *Food Technology, A Publication of the Institute of Food Technologists, Generally Recognised as Safe (GRAS) lists of flavouring substances published by the Flavour and Extract Manufacturer's Association of the United States from 1960 to June 2000; or*
 - (ii) *Flavouring Substances and Natural Sources of Flavourings, 4th Edition, Volume 1, Chemically-defined flavouring substances, Council of Europe, 1992; or*
 - (iii) *United States Code of Federal Regulations, 1996, 21 CFR Part 172.515; or*
- (b) a substance that is a single chemical entity obtained by physical, microbiological, enzymatic, synthetic 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.

[1.6] *omitting the Editorial note to clause 11 of Standard 1.3.1, substituting –*

Editorial note:

The Flavour and Fragrance Association of Australia and New Zealand (FFAANZ) has prepared a consolidated list of permitted artificial flavouring substances in the three publications for ease of reference. This list is available from FFAANZ or from the Australia New Zealand Food Authority.

[1.7] *inserting in Schedule 1 in 0 General Provisions immediately before item 0.1, the following -*

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

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

[1.8] *omitting the term must not be present in and substituting must not be added to throughout Schedule 1.*

[1.9] *omitting item heading 8.2 Processed meat, poultry and game products in whole pieces or cuts* in Schedule 1, substituting -*

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

[1.10] *omitting approval for nitrates under cured meat in item 8.2 of Schedule 1.*

[1.11] *inserting the following Additive name, in Schedule 2, Alphabetical Listing, immediately following the entry for Bleached starch -*

- Butane (for pressurised food containers only)

[1.12] *inserting the following Additive name in Schedule 2, Alphabetical Listing, immediately following the entry for Hydroxylpropyl starch -*

- Isobutane (for pressurised food containers only)

[1.13] *inserting the following Additive name, in Schedule 2, Alphabetical Listing immediately following the entry for Nitrous oxide -*

- Octafluorocyclobutane (for pressurised food containers only)

[1.14] *inserting the following Additive name in Schedule 2, Alphabetical Listing, immediately following the entry for Processed eucheuma seaweed -*

- Propane (for pressurised food containers only)

[1.15] *inserting the following INS number and Additive name in Schedule 2, Alphabetical Listing, immediately following the entry for Sodium lactate -*

481 Sodium lactylates

[1.16] *inserting the following INS number and Additive name in Schedule 2, Alphabetical Listing,, immediately following the entry for Calcium lactate -*

482 Calcium lactylates

[1.17] *inserting the following INS number and Additive name in Schedule 2, Alphabetical Listing,, immediately following the entry for Erythorbic acid -*

968 Erythritol

[1.18] *inserting the following INS number and Additive name in Schedule 2, Alphabetical Listing, immediately following the entry for Hydrochloric acid -*

463 Hydroxypropyl cellulose

[1.19] *inserting the following Additive name in Schedule 2 of Standard 1.3.1, Numeric Listing, preceding the entry for Flavourings (including permitted synthetic flavourings) but excluding quinine and caffeine -*

- Butane (for pressurised food containers only)

[1.20] *inserting the following Additive name in Schedule 2, Numeric Listing, immediately following the entry for Flavourings (including permitted synthetic flavourings) but excluding quinine and caffeine -*

- Isobutane (for pressurised food containers only)

[1.21] *inserting the following Additive name in Schedule 2, Numeric Listing, immediately following the entry for Neotame-*

- Octafluorocyclobutane (for pressurised food containers only)

[1.22] *inserting the following Additive name in Schedule 2, Numeric Listing,, immediately following the entry for Octafluorocyclobutane -*

- Propane (for pressurised food containers only)

[1.23] *inserting the following INS Number and Additive name in Schedule 2, Numeric Listing, immediately following the entry for Methyl cellulose -*

463 Hydroxypropyl cellulose

[1.24] *inserting the following INS Number and Additive name in Schedule 2, Numeric Listing, immediately following the entry for Propylene glycol esters of fatty acids -*

481 Sodium lactylates

[1.25] *inserting the following INS Number and Additive name in Schedule 2, Numeric Listing, immediately following the entry for Sodium lactylate s-*

482 Calcium lactylates

[1.26] *inserting the following INS Number and Additive name in Schedule 2, Numeric Listing, including, immediately following the entry for Xylitol -*

968 Erythritol

[1.27] *omitting from items 1.5, 1.6, 6.4, 7 and 20.2 of Schedule 1, including Max level and Applications, wherever occurring –*

481 Sodium lactylates

[1.28] *omitting from items 6.4, 7 and 20.2 of Schedule 1, including Max level and Applications, wherever occurring –*

482 Calcium lactylates

[1.29] *omitting from item 13.2 of Schedule 1, including INS Number and Max level -*

Ethyl vanillin

[1.30] *omitting from item 13.2 of Schedule 1, including INS Number and Max level -*

Vanillin

[1.31] *omitting from items 12.3 and 14.2.1 of Schedule 1, wherever occurring –*

(including permitted synthetic flavourings) but

[1.32] *omitting from item 13.2 of Schedule -*

(excluding synthetic flavourings) but

[1.33] *omitting from item 12.5, heading dried yeast, of Schedule 1, including INS Number and Application -*

Sodium lactylates

[1.34] *omitting from item 14.1.2.2, 14.1.3 and 20.2 of Schedule 1, wherever occurring -*

sucrose acetate isobutrate

inserting

sucrose acetate isobutyrate

[1.35] *omitting from item 11.4 of Schedule 1 -*

Polyvinylpyrrolidone

inserting

Polyvinylpyrrolidone

[1.36] *omitting from item 9.1 of Schedule 1 -*

- 4-hexylresorcinol

inserting

586 4-hexylresorcinol

[1.37] *omitting from Schedule 2, Alphabetical Listing, immediately following the entry for Ferrous gluconate -*

Flavourings (including permitted synthetic flavourings) but excluding quinine and caffeine

inserting

Flavourings, excluding quinine and caffeine

[1.38] *omitting from Schedule 2, Numeric Listing, immediately before the entry for Calcium carbonates -*

Flavourings (including permitted synthetic flavourings) but excluding quinine and caffeine

inserting

Flavourings, excluding quinine and caffeine

[1.39] *omitting from Schedule 1, the heading -*

INS Number	Additive Name	Max Level	Application
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inserting

INS Number	Additive Name	Max Permitted Level	Qualifications
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[2] **Standard 1.2.4** is varied by –

[2.1] *inserting in columns 1 and 2 respectively of Schedule 2, Part 1, Food Additive Code Numbers (alphabetical order), immediately following the entry for Brown HT -*

Butane	-
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[2.2] *inserting in columns 1 and 2 respectively of Schedule 2, Part 2, Food Additive code Numbers (numerical order), immediately before the entry for Curcumin -*

Butane -

[2.3] *inserting in columns 1 and 2 respectively of Schedule 2, Part 1, Food Additive Code Numbers (alphabetical order), immediately following the entry for Erythorbic acid -*

Erythritol 968

[2.4] *inserting in columns 1 and 2 respectively of Schedule 2, Part 2, Food Additive Code Numbers (numerical order), immediately following the entry for Xylitol -*

Erythritol 968

[2.5] *omitting from columns 1 and 2 respectively of Schedule 2, Part 1, Food Additive Code Numbers (alphabetical order), immediately following the entry for Guar gum -*

4-hexylresorcinol -

inserting

4-hexylresorcinol 586

[2.6] *omitting from columns 1 and 2 respectively of Schedule 2, Part 2, Food Additive Code Numbers (numerical order), immediately before the entry for Curcumin -*

4-hexylresorcinol -

inserting immediately following the entry for Magnesium gluconate -

4-hexylresorcinol 586

[2.7] *inserting in columns 1 and 2 respectively of Schedule 2, Part 1, Food Additive Code Numbers (alphabetical order), immediately following the entry for Hydrochloric acid -*

Hydroxypropyl cellulose 463

[2.8] *inserting in columns 1 and 2 respectively of Schedule 2, Part 2, Food Additive Code Numbers (numerical order), immediately following the entry for Methyl cellulose -*

Hydroxypropyl cellulose 463

[2.9] *inserting in columns 1 and 2 respectively of Schedule 2, Part 1, Food Additive Code Numbers (alphabetical order), immediately following the entry for Iron oxide -*

Isobutane -

[2.10] *inserting in columns 1 and 2 respectively of Schedule 2, Part 2, Food Additive Code Numbers (numerical order), immediately following the entry for Butane -*

Isobutane -

[2.11] *inserting in columns 1 and 2 respectively of Schedule 2, Part 1, Food Additive Code Numbers (alphabetical order), immediately following the entry for Nitrous oxide -*

Octafluorocyclobutane -

[2.12] *inserting in columns 1 and 2 respectively of Schedule 2, Part 2, Food Additive Code Numbers (numerical order), immediately following the entry for Neotame -*

Octafluorocyclobutane -

[2.13] *inserting in columns 1 and 2 respectively of Schedule 2, Part 1, Food Additive Code Numbers (alphabetical order), immediately following the entry for Processed eucheuma seaweed -*

Propane -

[2.14] *inserting in columns 1 and 2 respectively of Schedule 2, Part 2, Food Additive Code Numbers (numerical order), immediately following the entry for Octafluorocyclobutane -*

Propane -

[3] **Standard 1.3.3** is varied by –

[3.1] *omitting from the Table to clause 17 -*

Chymosin	<i>Aspergillus niger var awamori</i>
EC [3.4.23.4]	<i>Escherichia coli</i> K-12 strain GE81
	<i>Kluyveromyces lactis</i> CHY 1

Inserting -

Chymosin	<i>Aspergillus niger</i>
EC [3.4.23.4]	<i>Escherichia coli</i> K-12 strain GE81
	<i>Kluyveromyces lactis</i>

SUMMARY OF SUBMISSIONS

List of submitters:

1	Ingrid Hutchinson	National Meat Association of Australia
2	Tony Beaver	Food & Beverage Importers Association
3	D.J. van Schouwen	DSM Gist
4	Ann-Maree McShanag	Corona Manufacturing Pty Ltd
5	Kerry Bell	Public Health, Queensland Government
6	Elaine Conroy	Food Technology Association Victoria Inc
7	Rodney Gray	Aqualon Company, Hercules Incorporated
8	Jennifer Thompson	Confectionery Manufacturers of Australasia
9	-	Victorian Food Safety Council, Food Standards Sub-committee
10	Simon Brooke-Taylor	Brooke-Taylor & Co (for Tatura Dairy Co-operative Company)
11	John van den Beuken	Ministry of Health, New Zealand Government

Summary of submissions

Submitter	Position	Comments
National Meat Association of Australia (1/02/01)	Amendments	<p><u>On Food Additives User's Guide</u></p> <p>8.1 At the end of the paragraph, add: <i>Excludes raw pickled or salted meats such as raw corned beef and pickled pork. These products belong under 8.2</i></p> <p>8.2 Amend the followings:</p> <p>a. Add: <i>raw corned beef and pickled pork</i> between “such as” and “leg ...” in paragraph 1.</p> <p>b. Change “Dried meat includes...” to “<i>Dried meats may include...</i>” in paragraph 2.</p> <p>c. Query on “Basderma” water activity, it must be lower than 0.85 to be permitted in 8.2 Paragraph 2.</p> <p>d. Delete “This category may include semi-dried heat treated meats” because of water activity issue. Suggest placing it under a separate subheading, e.g. 8.3. Use “Semi-dry heat-treated processed meat” instead of “Semi-dried heat treated meat”. National Smallgoods Council is not aware of any products in Semi-dry heat-treated processed meat. (If no such products are identified, delete such an entry.)</p> <p>e. Change “Slow dried cured meat includes ...” “Slow dried cured meats may include...” in paragraph 3.</p> <p>8.3 Amend the followings:</p> <p>a. Delete “lap cheong, sucuk sausages” due to both products are not fermented. Leave them out of the examples to avoid enforcement problems in paragraph 2.</p>

Submitter	Position	Comments
		<p>b. Add <i>gyulai, mettwurst, pepperoni, toscano and</i> before salamis, and delete “some” in paragraph 2.</p> <p>c. Add <i>BBQ, beef and pork sausages</i> between “breakfast sausages” and “chipolata...”.</p> <p>d. Add <i>and</i> but delete “,” after <i>loukanika</i></p> <p>e. Delete “<i>weisswurst</i>” but add <i>as well as</i> between “Toulouse sausage” and “meat patties ...”. Weisswurst is cooked during production.</p> <p>General: All the following changes.</p> <p><u>On Standard 1.3.1 Schedule 1, Clause 8</u></p> <p>8.1 Query on not listing the following substances on meat carcasses and cuts. “acetic acid, cetyl alcohol, stearyl alcohol, polysorbate 60 and sorbitan monostearate”. (cetyl alcohol, stearyl alcohol are listed in Table 14, and polysorbate 60 is listed in Table 4 and 9 of Processing Aids – Standard 1.3.3. Both acetic acid and sorbitan monostearate are listed as approved additives in Schedule 2 so are approved for use with 8.2, 8.3, 8.4 and 8.5.)</p> <p>8.2</p> <p>a. query on harmonisation of “cuts or pieces” used in Standard 2.2.1.1 while “pieces or cuts” is used in Standard 1.3.1 Schedule 1 item 8.2. (Is minor but will change 8.2 to “Processed meat, poultry and game products in whole <u>cuts or pieces</u>”.)</p> <p>b. Nitrates are not permitted to be added to cured meat according to Volume One, but 8.2 gives permission for nitrates in cured meat. Wondered if correct or a misinterpretation of old code. (Will remove the approval for nitrates for cured meat in Schedule 1, 8.2 of Standard 1.3.1.)</p> <p>c. The provision on naturally occurring nitrates (in calculation for total sodium nitrite) was not made for commercially sterile canned cured meat. (The provision has been made as shown in the side prints in the column under applications (now called qualifications) where phrase ‘total of nitrates and nitrites, calculated as sodium nitrite’ is used.)</p> <p>8.3</p> <p>a. Sorbic acid or its sodium or potassium salts at a maximum rate of 1500 mg/kg have been omitted from being allowed in Fermented, uncooked processed comminuted meat products.</p>

Submitter	Position	Comments
		<p>(Sorbic acid and sodium, potassium and calcium sorbates at a maximum of 1500 mg/kg are permitted for Fermented, uncooked processed comminuted meat products, listed in schedule 1, 8.3 of Standard 1.3.1. The above statement from NMAA is incorrect).</p> <p>b. Sodium and potassium nitrite has been omitted from Fermented, uncooked processed comminuted meat products compared to the case of slow dried cured meat where they are allowed (at maximum level of 125 mg/kg as sodium nitrite). Having general permissions in a group, i.e. 8.3 which pass down to other sub-groups i.e. “Fermented, uncooked processed comminuted meat products” under it is confusing. (The confusion relates to understanding permissions in Schedule 1.3.1, which is explained in the user guide. The new code allows the use of nitrites with fermented, uncooked processed comminuted meat products.)</p> <p>8.5</p> <p>a. Omission of Gelatine and collagen while they are listed in the user guide. It is not necessary to include gelatine and collagen in the additive standard 1.3.1; they are not additives. The user guide lists them as examples of 8.5 Animal protein products.)</p> <p>b. Omission of sulphur dioxide and its salts at 750 mg/kg. (This regulation is now included under Standard 1.3.3 (Processing aids) in Table to clause 14.)</p>
Food & Beverage Importers Association (1/2/01)	Support	Positive comments made for the inclusion of calcium lactylates and sodium lactylates in the Schedule 2
DSM Gist (2/01/01)	Amendment to Standard 1.3.3	This is a submission for P188 (Processing Aids), which unfortunately has been finished, which argued about removing the strain code for Chymosin, i.e. remove CHY 1 after Kluyveromyces lactis in Table to Clause 17 of Standard 1.3.3 Processing Aids. (Remove CHY1 as well as var awamori from after Aspergillus niger in Table to clause 17 of Standard 1.3.3 as part of consequential change.)

Submitter	Position	Comments
Corona Manufacturing Pty Ltd (7/02/01)	Amendments	<p>a. Request for the permission to include paprika oleoresin as a spice in sausage meat containing raw, unprocessed meat, but not a colour as listed in Schedule 3. (An assessment has been made, which concluded that treating paprika oleoresin as a natural flavouring or a spice is acceptable. The assessment compared Codex, FDA, FSIS and Canadian Food and Drug Regulations on the classification and permission on paprika oleoresin. Paprika oleoresin can be considered as a flavouring, which are listed in Schedule 2 and as such are allowed in sausages. No change is required.)</p> <p>b. Also a request to allow all colours in Schedule 3 to be added to sausages. (No, allowed to add colours to sausage casings but not sausage meat. This has already been discussed and the decision made as part of P191.)</p>
Public Health, Queensland Government (08/02/01)	Queries	<p>a. Error in Draft variations to Volume 2 of the <i>Food Standards Code</i> (Attachment 1 to the FA report), item 1.1, and under technological function of 1 Definitions in the amended Standard 1.3.1 (Attachment 2) where <i>not</i> should be added between "... that the organoleptic qualities have" and "been altered, ...". (Correct as the above proposal.)</p> <p>b. Insert <i>d</i> after "... a single process is applied an" in the paragraph of technological function under 1 Definitions in the amended Standard 1.3.1 i.e. change "an" to "and" (Correct as the above proposal.)</p> <p>c. The phrase "single chemical entity" under Permitted flavouring substances in subclause 11 (b) of both Draft variations to Volume 2 of the <i>Food Standards Code</i> (Attachment 1) and the amended Standard 1.3.1 (Attachment 2) needs to be defined to aid clarification. Examples of flavouring substances would assist in the understanding of this subclause. (Definition established with assistance of flavouring group who understand "single chemical entity". No change required. May be further explained in the Flavouring user guide.)</p> <p>d. ANZFA to confirm if Standard 1.3.1, gazetted in June 2000 as Amendment No. 49 is automatically repealed on commencement of Amendments No. 53, which was gazetted in December 2000. (The answer is yes.)</p>

Submitter	Position	Comments
		<p>e. Purpose clause (Standard 1.3.1, Attachment 2) does not have legal status. It is suggested that a definition for “food additive” is better suited under clause 1 instead of under the purpose clause. (This argument has been raised in P150. No change to earlier resolved position, i.e. not to define a food additive.)</p> <p>f. Discrepancies between Amendment No. 49 and Amendment No. 53 where an entry of flavourings was made under “Preparations of food additives” in Schedule 1 of Standard 1.3.1 for No. 53, but not for No. 49. (This should have been addressed in Amendment No. 53’s FA. The confusion is explained in the user guide.)</p> <p>g. Include a paragraph or a footnote in Schedule 1 of Standard 1.3.1 to direct users to the user guide for the subcategories of certain food additives listed. (The user guide explains this. Consider adding a paragraph under Clause 0 of Schedule 1 with words like: for an explanation and examples of the different food additive classifications in Schedule 1 please refer to the user guide to Standard 1.3.1 – Food Additives. Need to be consistent with what occurs with other user guides.)</p> <p>h. It is suggested that “Preparations of food additives” should be taken out of Schedule 1 of Standard 1.3.1, although it doesn’t mention where it should be placed in Standard 1.3.1. The reason for this suggestion is that Schedule 1 is for “Permitted uses of food additives by food type”. (“Preparations of food additives” under the general provisions as it is now, appears appropriate. Again seems to indicate confusion, similar to point f above.)</p> <p>i. It is suggested, “flavourings’ and “Baking compounds” should be considered as food type, and consequently, they should be placed in Schedule 1 as such as other food type. (The specifics listed under the current “Preparations of food additives” are for preparation instruction only. “Flavourings”, “Baking compounds” and “renneting enzymes” are not considered suitable as food types, they are additives. It is recommended to keep them under the “Preparations of food additives”. Similar to point f above. Refer to the user guide.)</p> <p>j. It is considered that “Flavourings” should not be listed under Schedule 2 and should be considered as a food type.</p>

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		(Flavourings are not considered as a food type, and are a collective word for specific set of additives. It might be possible to have a separate table or a separate schedule to list food flavourings as that for food colours. Again see the user guide.)
Food Technology Association Victoria Inc. (21/02/01)	Support	Error in Draft variations to Volume 2 of the <i>Food Standards Code</i> (Attachment 1 of the FA report), item 1.1, and under technological function of 1 Definitions in the amended Standard 1.3.1 (Attachment 2) where <i>not</i> should be added between "... that the organoleptic qualities have" and "been altered, ...". (This comment is the same as item (a) raised by Queensland Health; correct as proposed.)
Ministry of Health, NZ (19/04/01)	Query	"Additives in Schedule 2,3 & 4 must not be present in the ..." is misleading due to carryover, naturally occurring substances. (This has been corrected in the P228 where "Additives in Schedule 2, 3 & 4 must not be added to ..." has been used to address the confusion.)
Brooke-Taylor & Co. For Tatura Dairy Co-operative Company (13/3/01)	Addition	Approval for food propellants, butane, isobutane, octafluorocyclobutane and propane has not been carried over from the old code to the new one. It is suggested they be included in Schedule 2 of Standard 1.3.1 (where other approved propellants reside). They could all have a note ensuring their use for pressurised containers only. (Approved as stated in the proposal, add butane, isobutane, octafluorocyclobutane and propane to Schedule 2, Standard 1.3.1, and Standard 1.2.4 with a note saying they are only approved for pressurised containers. They all do not have INS numbers.)
Hercules Incorporated (13/3/01)	Addition	Seeking to include hydroxypropyl cellulose (HPC) in Volume 2 of the <i>Food Standards Code</i> , as a food additive without restrictions other than GMP, comparable to other cellulose derivatives. (This proposal has already been acted upon in the Full Assessment Report, where it was proposed to include HPC (INS 463) in Schedule 2 of Standard 1.3.1 However need to rectify the omission of adding it to schedule 2, part 1 and part 2 of Standard 1.2.4 in Volume 2. Needed to include hydroxypropyl cellulose since NZ contains it in their code.) It appears there has been another application for approval for including ethylcellulose. Hercules also support this inclusion. It is approved as a direct food additive in the USA and was included in the WHO/FAO JECFA review of modified celluloses where it was assigned an ADI of "not specified". Believe needs an application for it to be assessed, need more information before can approve its inclusion.

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Confectionery Manufacturers of Australasia	Addition	Wanting the term “carbohydrate modified confectionery/chocolate” be included within Standard 1.3.1, schedule 1 section 5 (Confectionery). They admit the term “carbohydrate modified” is no longer prescribed but would like the group added. They believe it should be added for clarity and ongoing use. (Does not justify any change to the Food Additives Standard 1.3.1.)
Victorian Foods Safety Council Food Standards Sub-committee	No issues	No issues identified, they had no comments.