Standard 1.1.1

Preliminary Provisions – Application, Interpretation and General Prohibitions

Purpose

This Standard sets out preliminary provisions which apply generally to the *Australia New Zealand Food Standards Code*. General application and interpretation provisions are contained in this Standard. Application and interpretation provisions specific to individual food standards are to be found in those specific standards.

This Standard should always be consulted as a starting point in the use of the Code because it regulates the general operation of the Code in its entirety. Many definitions which have general application to the Code are contained in this Standard.

Editorial note:

This Code is adopted as the required standards for food produced in New Zealand and the States, Territories and Commonwealth of Australia in relation to food sold and/or imported into both countries under the following Acts –

*Food Act 1981* (New Zealand)

*Food Act 1984* (Victoria)

*Food Act 2001* (Australian Capital Territory)

*Food Act 2001* (South Australia)

*Food Act 2003* (New South Wales)

*Food Act 2003* (Tasmania)

*Food Act 2004* (Northern Territory)

*Food Act 2006* (Queensland)

*Food Act 2008* (Western Australia)

*Imported Food Control Act 1992* (Commonwealth)

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Clauses

1 Application of this Code

(1) Unless expressly provided elsewhere in this Code, the provisions of this Code apply to food products –

(a) sold or prepared for sale in Australia or New Zealand; and

(b) imported into Australia or New Zealand.

(2) Unless expressly provided elsewhere in this Code, a food product is taken to comply with any variation to this Code made from time to time, for a period of 12 months after the commencement of the variation, if the food product otherwise complied with this Code before the variation commenced.

(3) Deleted

(4) Deleted

(5) Subclause (1) does not apply to wine with a shelf life of more than 12 months –

(a) bottled before 20 December 2002; and

(b) that complies with all food standards in the case of Australia and all food standards in the case of New Zealand, that would have applied on the date of bottling; and

(c) which is labelled with a 2002 vintage date or earlier.

(6) For the purposes of Standard 1.1A.6, the reference to ‘commencement of the variation’ in subclause 2 is a reference to the date when that corresponding Standard in Part 1.1A ceases to have effect.

(7) Deleted

2 Interpretation

Unless expressly defined elsewhere in this Code –

**Act** means the Act, as amended or, as the case may be, Ordinance of a State, Territory, External Territory, Commonwealth or New Zealand, under the authority of which this Code is enforced.

**ANZS** means a joint Australia New Zealand Standard published by Standards Australia.

**AOAC** means the publication entitled *Official methods of Analysis of AOAC International* published by AOAC International, Maryland USA and includes earlier editions of this publication under its previous name.

**AS** means an Australian Standard published by Standards Australia.

**average quantity** in relation to a substance in a food is the quantity determined from one or more of the following –

(a) the manufacturer’s analysis of the food; or

(b) calculation from the actual or average quantity of nutrients in the ingredients used; or

(c) calculation from generally accepted data;

which best represents the quantity of the substance that the food contains, allowing for seasonal variability and other known factors that could cause actual values to vary.

Editorial note:

The substances referred to in the definition of ‘average quantity’ are, for example, sodium, potassium, fatty acids, amino acids and vitamins and minerals.

**bulk cargo container** means an article of transport equipment, being a lift van, movable tank, or other similar structure –

(a) of a permanent character and accordingly strong enough to be suitable for repeated use; and

(b) specifically designed to facilitate the carriage of goods by one or more modes of transport, without immediate repacking; and

(c) fitted with devices permitting its ready handling and its transfer from one mode of transport to another; and

(d) so designed as to be easy to fill and empty; and

(e) having an internal volume of one cubic metre or more; and

(f) includes the normal accessories and equipment of the container, when imported with the container and used exclusively with it; and

(g) shipping container or aircraft cargo container;

 but does not include –

(h) any vehicle, or any ordinary packing case, crate, box, or other similar article used for packing.

**business address** means a description of the location of the premises from which the business in question is being operated, but does not include a postal address.

**category of ingredients** means ingredients declared in the statement of ingredients using a generic name set out in the Table to Clause 4 of Standard 1.2.4.

**claim** means an express or implied statement, representation, design or information in relation to a food or property of food which is not mandatory in this Code

Editorial note:

A claim may be made for example, on the label on a package of food or in an advertisement.

**Code** has the same meaning as *Australia New Zealand Food Standards Code* as defined in section 4 of the *Food Standards Australia New Zealand Act 1991*.

**code number**, used in relation to a food additive, means either –

(a) the number set out in the Schedules to Standard 1.2.4 in relation to that food additive; or

(b) the number referred to in (a) preceded by the letter ‘E’.

**Commonwealth** means the Commonwealth of Australia.

**component** means any substance including a food additive used in the preparation of an ingredient and present in the final food in a primary or modified form.

**egg product** means the contents of an egg in any form including egg pulp, dried egg, liquid egg white and liquid egg yolk.

**ESADDI** means,for a vitamin or mineral in column 1 of the Schedule, the Estimated Safe and Adequate Daily Dietary Intake, specified for that vitamin or mineral –

(a) in column 3; and

(b) in column 4 for children aged one to three years;

calculated and expressed in the form specified in column 2.

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**food for special medical purposes** has the meaning given by Standard 2.9.5.

**fund raising event** means an event that raises funds solely for a community or charitable cause and not for personal financial gain.

**galacto-oligosaccharides** means a mixture of those 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.

**Good Manufacturing Practice (GMP)**, with respect to the addition of additives and processing aids to food, means –

(a) the quantity of additive or processing aid added to food shall be limited to the lowest possible level necessary to accomplish its desired effect; and

(b) the quantity of the additive or processing aid that becomes a component of food as a result of its use in the manufacture, processing or packaging of a food, and which is not intended to accomplish any physical or other technical effect in the finished food itself, is reduced to the extent reasonably possible; and

(c) the additive or processing aid is prepared and handled in the same way as a food ingredient.

**hamper** means a decorative basket, box or receptacle containing any number of separately identifiable food items.

Editorial note:

A hamper may also contain non-food items such as decorative cloths, glasses and dishes.

**handling** of food includes the making, manufacturing, producing, collecting, extracting, processing, storing, transporting, delivering, preparing, treating, preserving, packing, cooking, thawing, serving or displaying of food.

**inulin-derived** substances means mixtures of polymers of fructose with predominantly β (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.

**label** means any tag, brand, mark or statement in writing or any representation or design or descriptive matter on or attached to or used in connection with or accompanying any food or package.

**lot** means a quantity of food which is prepared or packed under essentially the same conditions usually –

(a) from a particular preparation or packing unit; and

(b) during a particular time ordinarily not exceeding 24 hours.

**lot identification** means information which indicates, in a clearly identifiable form, the –

(a) premises where the food was packed or prepared; and

(b) lot of the food in question.

**nutrition information panel** or **panel** means a panel which complies with the requirements of Division 2 of Standard 1.2.8.

**nutritive substance** means a substance not normally consumed as a food in itself and not normally used as an ingredient of food, but which, after extraction and/or refinement, or synthesis, is intentionally added to a food to achieve a nutritional purpose, and includes vitamins, minerals, amino acids, electrolytes and nucleotides.

**NZS** means a New Zealand Standard published by Standards New Zealand.

**package** means any container or wrapper in or by which food intended for sale is wholly or partly encased, covered, enclosed, contained or packaged and, in the case of food carried or sold or intended to be carried and sold in more than one package, includes every such package, but does not include –

(a) bulk cargo containers; or

(b) pallet overwraps; or

(c) crates and packages which do not obscure labels on the food; or

(d) transportation vehicles; or

(e) a vending machine; or

(f) a hamper; or

(g) food served on a covered plate, cup, tray or other food container in prisons, hospitals or other similar institutions listed in the Table to clause 8 of Standard 1.2.1.

**permitted form** means a form of a vitamin or mineral specified in column 2 of the Schedule.

**prescribed name** means a name by which a food is defined or described in a Standard, and is declared in this Code to be a prescribed name.

**RDI** means, for a vitamin or mineral in column 1 of the Schedule, the Recommended Dietary Intake, specified for that vitamin or mineral –

(a) in column 3; and

(b) in column 4 for children aged one to three years;

 calculated and expressed in the form specified in column 2.

**relevant authority** means the authority responsible for the enforcement of this Code.

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**small package** means a package with a surface area of less than 100 cm2.

**State** means a State of the Commonwealth of Australia.

**statement of ingredients** means a statement as required in Standard 1.2.4 in this Code.

**supplier** means the packer, manufacturer, vendor or importer of the food in question.

**Territory** means a Territory of the Commonwealth of Australia.

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**transportation** outer means a container or wrapper which –

 (a) encases packaged or unpackaged foods for the purpose of

 transportation and distribution; and

 (b) is removed before the food is used or offered for retail sale, or is not

 taken away by the purchaser of the food.

**warning statement** means a statement required to be expressed in the text as so prescribed in this Code, in –

(a) clause 3 of Standard 1.2.3; and

(b) clause 3 of Standard 2.6.3; and

(c) subclauses 14(1), 14(3) and 26(1) of Standard 2.9.1; and

(d) paragraph 5(3)(c) and subclause 6(2) of Standard 2.9.2; and

(e) subclauses 3(3) and 3(4) of Standard 2.9.4.

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 (e) sub clauses 3(3) and 3(4) of Standard 2.9.4; and

 (f) subclause 10(4) of Standard 2.9.5.

3 Prescribed standards for food

A reference in this Code to the nature, substance, composition, strength, weight, volume, quantity, purity or quality of any food, article, ingredient or component is the prescribed standard for that food, article, ingredient or component.

Editorial note:

It is an offence under State and Territory and Commonwealth legislation for food not to comply with a prescribed standard where a prescribed standard has been established for that food. This Code establishes that ‘prescribed standard’.

It is an offence under the New Zealand *Food Act 1981* for food not to comply with applicable food standards issued under that Act.

4 Reference to Acts

In this Code, a reference to an Act includes any regulations made under that Act.

5 Guidelines and editorial notes

(1) In this Code, guidelines as developed by Food Standards Australia New Zealand pursuant to section 13(1)(c) of the *Food Standards Australia New Zealand Act 1991* are to assist in the interpretation of the Code and are not legally binding.

(2) In this Code, the editorial notes are for information only and are not legally binding.

6 Units of measurement

(1) A symbol of measurement used in this Code –

(a) has the meaning assigned to it under the Australian *National Measurement Act* *1960* as amended, or the New Zealand *Weights and Measures Act 1987*; or

(b) if there is no meaning assigned under the Australian *National Measurement Act* *1960* as amended, or the New Zealand *Weights and Measures Act 1987* as amended, has the meaning assigned to it in the Systeme Internationale d’Unites; or

(c) if there is no meaning assigned in the Australian *National Measurement Act* *1960* or the New Zealand *Weights and Measures Act 1987* as amended or the Systeme Internationale d’Unites, has the same meaning assigned to it in the Glossary of Units in this Standard.

(2) Where a unit of measurement is referred to in the heading of a table in this Code, the amounts specified in the table are to be measured according to those units unless a different unit of measurement is specified in relation to a particular item in the table.

7 Interpretation of compositional provisions

A reference to a compositional permission or requirement in this Code is a reference to the composition of the final food, unless expressly stated otherwise.

8 Glossary of symbols and units

Symbols and units used in this Code have the following meanings –

|  |  |
| --- | --- |
| Symbol/Unit | Meaning |
| % | per cent |
| Bq | becquerel  |
| °C | degrees Celsius |
| cfu/g | colony forming units per gram |
| Cal or kcal | kilocalorie |
| cm2 | square centimetre |
| cm | centimetre |
| dm2 | square decimetre |
| g | gram |
| gN/kg | gram of nitrogen/kilogram |
| Gy | Gray |
| J | joule |
| kg | kilogram |
| kGy | kiloGray |
| kJ | kilojoule |
| kPa | kilopascal |
| L or l | litre |
| M | Molar concentration |
| mg | milligram |
| mg/kg | milligram/kilogram |
| milliequiv | milliequivalent |
| **To commence** **on 28 June 2014**MJ | Megajoule |
| mL or ml | millilitre |
| m/m | mass per mass |
| mm | millimetre |
| mmol | millimole |
| mOsm | milliosmoles |
| nm | nanometre |
| Osm | osmoles |
| Pa | pascal |
| ppm | parts per million |
| μg or mcg | microgram |
| μg/kg | microgram/kilogram |
| μL or μl | microlitre |
| μm | micrometre |

9 Prohibition on addition of nutritive substances to food

Nutritive substances must not be added to food unless expressly permitted in this Code.

9A Certain substances not nutritive substances

Inulin-derived substances are taken not to be nutritive substances.

10 Addition of ‘other foods’

(1) A reference to the addition or use of ‘other foods’ in the composition of a food for which a standard is prescribed is not a permission for the addition or use of a nutritive substance, vitamin, mineral, processing aid or food additive in the food.

(2) A reference to the addition or use of ‘foods’ in Part 1.3 of this Code, is not a permission for the addition of a nutritive substance, vitamin, mineral, processing aid or food additive to a food.

(3) In cases where no specific foods are authorised for addition in a standard, any other food or anything that may be lawfully added to that food may be added.

(4) Compositional requirements for a food apply to the final food irrespective of any presence or permission to add other foods.

11 Prohibition on altering labels

(1) Subject to subclause (2), the label on package of food must not be altered, removed, erased, obliterated or obscured except with the permission of the relevant authority.

(2) A package of food may be relabelled by placing a new label over the incorrect one provided that the new label is not able to be removed so that the incorrect information is visible.

12 Modification of prescribed statements

A statement or information which is required by this Code or the relevant Act to be included in a label or advertisement for food, may include words which modify that statement or information provided that those words do not contradict, or detract from the intended effect of, the required statement or information.

13 Application of labelling provisions to advertising

Advertisements for food must not contain any statement, information, designs or representations which are prohibited by this Code from being included in a label for that food.

14 Interpretation of definitions

Where a definition for a food in this Code contains a reference to the composition of the food, the definition is to be taken as a –

(a) substantive requirement for the composition of the food; and

(b) standard for the composition of the food.

15 Phytosterols, phytostanols and their esters

(1) A reference in this Code to phytosterols, phytostanols and their esters is a reference to a substance which meets a specification for phytosterols, phytostanols and their esters in Standard 1.3.4.

(2) In this Code, **total plant sterol equivalents content** means the sum of –

(a) phytosterols; and

(b) phytostanols; and

(c) phytosterols and phytostanols following hydrolysis of any phytosterol esters and phytostanol esters.

**16 Citation of the United States Code of Federal Regulations (CFR)**

(1) In this Code, a reference to the Code of Federal Regulations, or CFR, is a reference to the 2012 compilation of the United States Code of Federal Regulations.

(2) In this Code, the Code of Federal Regulations is cited in the following format –

[title number] CFR § [section number]

Schedule

Permitted Forms of Recommended Dietary

Intakes (RDIs) and Estimated Safe and Adequate Daily Dietary Intakes (ESADDIs) for Vitamins and Minerals

|  |  |  |  |
| --- | --- | --- | --- |
| Column 1 | Column 2 | Column 3 | Column 4 |
| Vitamin or Mineral | Permitted Forms | RDI (unless stated otherwise) | RDI (unless stated otherwise) for children aged 1 – 3 years |
| Vitamins |  |  |  |
|  |  |  |  |
| Vitamin A | *Retinol Forms*Vitamin A (retinol)Vitamin A acetate (retinyl acetate)Vitamin A palmitate (retinyl palmitate)Vitamin A propionate (retinyl propionate) *Carotenoid Forms*beta-apo-8’-carotenalbeta -carotene-synthetic carotenes-naturalbeta -apo-8’-carotenoic acid ethyl ester | 750 µg retinol equivalents1 | 300 µg retinol equivalents1 |
|  |  |  |  |
| Thiamin (Vitamin B1) | Thiamin hydrochlorideThiamin mononitrateThiamin monophosphate | 1.1 mg thiamin | 0.5 mg thiamin |
|  |  |  |  |
| Riboflavin (Vitamin B2) | Riboflavin Riboflavin 5’-phosphate sodium | 1.7 mg riboflavin | 0.8 mg riboflavin |
|  |  |  |  |
| Niacin | Niacinamide (nicotinamide)Nicotinic acid | 10 mg niacin2 | 5 mg niacin2 |
|  |  |  |  |
| Folate  | Folic acid | 200 µg  | 100 µg  |
|  | L-methyltetrahydrofolate, calcium  |  |  |
|  |  |  |  |
| Vitamin B6 | Pyridoxine hydrochloride | 1.6 mg pyridoxine | 0.7 mg pyridoxine |
|  |  |  |  |
| Vitamin B12 | CyanocobalaminHydroxocobalamin | 2.0 µg cyanocobalamin | 1.0 µg cyanocobalamin |
|  |  |  |  |
| Biotin | No permitted form specified | 30 µg biotin (ESADDI)  | 8 µg biotin (ESADDI)  |
|  |  |  |  |
| Pantothenic acid | Calcium pantothenateDexpanthenol | 5.0 mg pantothenic acid (ESADDI)  | 2.0 mg pantothenic acid (ESADDI)  |
|  |  |  |  |
| Vitamin C | L-ascorbic acidAscorbyl palmitateCalcium ascorbatePotassium ascorbate Sodium ascorbate | 40 mg in total of L-ascorbic acid and dehydroascorbic acid | 30 mg in total of L-ascorbic acid and dehydroascorbic acid |
|  |  |  |  |
| Vitamin D | Vitamin D2 (ergocalciferol)Vitamin D3 (cholecalciferol) | 10 µg cholecalciferol3 | 5 µg cholecalciferol3 |
|  |  |  |  |

Schedule

Permitted Forms of Recommended Dietary

Intakes (RDIs) and Estimated Safe and Adequate Daily Dietary Intakes (ESADDIs) for Vitamins and Minerals (continued)

|  |  |  |  |
| --- | --- | --- | --- |
| Column 1 | Column 2 | Column 3 | Column 4 |
| Vitamin or Mineral | Permitted Forms | RDI (unless stated otherwise) | RDI (unless stated otherwise) for children aged 1 – 3 years |
| Vitamin E | dl-alpha-tocopherold- alpha -tocopherol concentrateTocopherols concentrate, mixedd- alpha -tocopheryl acetatedl- alpha -tocopheryl acetated- alpha -tocopheryl acetate concentrated- alpha -tocopheryl acid succinate | 10 mg alpha -tocopherol equivalents4 | 5 mg alpha -tocopherol equivalents4 |
|  |  |  |  |
| Vitamin K | No permitted form specified | 80 µg phylloquinone (ESADDI) | 15 µg phylloquinone (ESADDI) |
|  |  |  |  |
| Minerals |  |  |  |
|  |  |  |  |
| Calcium | Calcium carbonateCalcium chlorideCalcium chloride, anhydrousCalcium chloride solutionCalcium citrateCalcium gluconateCalcium glycerophosphateCalcium lactateCalcium oxideCalcium phosphate, dibasicCalcium phosphate, monobasicCalcium phosphate, tribasicCalcium sodium lactateCalcium sulphate | 800 mg calcium | 700 mg calcium |
|  |  |  |  |
| Chromium | No permitted form specified | 200 µg chromium (ESADDI) | 60 µg chromium (ESADDI) |
|  |  |  |  |
| Copper | No permitted form specified | 3.0 mg copper (ESADDI) | 0.8 mg copper (ESADDI) |
|  |  |  |  |

Schedule

Permitted Forms of Recommended Dietary

Intakes (RDIs) and Estimated Safe and Adequate Daily Dietary Intakes (ESADDIs) for Vitamins and Minerals (continued)

|  |  |  |  |
| --- | --- | --- | --- |
| Column 1 | Column 2 | Column 3 | Column 4 |
| Vitamin or Mineral | Permitted Forms | RDI (unless stated otherwise) | RDI (unless stated otherwise) for children aged 1 – 3 years |
| Iron | Ferric ammonium citrate, brown or greenFerric ammonium phosphateFerric citrateFerric hydroxideFerric phosphateFerric pyrophosphateFerric sodium edetate (This form of iron is not permitted to be added to breakfast cereals, as purchased under Standard 1.3.2 and to formulated supplementary foods for young children as regulated in Standard 2.9.3.)Ferric sulphate (iron III sulphate)Ferrous carbonate Ferrous citrate Ferrous fumarateFerrous gluconateFerrous lactateFerrous succinateFerrous sulphate (iron II sulphate)Ferrous sulphate, driedIron, reduced (ferrum reductum) | 12 mg iron | 6 mg iron |
|  |  |  |  |
| Iodine | Potassium iodatePotassium iodideSodium iodateSodium iodide | 150 µg iodine | 70 µg iodine |
|  |  |  |  |
| Magnesium | Magnesium carbonateMagnesium chlorideMagnesium gluconateMagnesium oxideMagnesium phosphate, dibasicMagnesium phosphate, tribasicMagnesium sulphate | 320 mg magnesium | 80 mg magnesium |
|  |  |  |  |
| Manganese | No permitted form specified | 5.0 mg manganese (ESADDI)  | 1.5 mg manganese (ESADDI)  |
|  |  |  |  |
| Molybdenum | No permitted form specified | 250 µg molybdenum (ESADDI)  | 50 µg molybdenum (ESADDI)  |
|  |  |  |  |

Schedule

Permitted Forms of Recommended Dietary

Intakes (RDIs) and Estimated Safe and Adequate Daily Dietary Intakes (ESADDIs) for Vitamins and Minerals (continued)

|  |  |  |  |
| --- | --- | --- | --- |
| Column 1 | Column 2 | Column 3 | Column 4 |
| Vitamin or Mineral | Permitted Forms | RDI (unless stated otherwise) | RDI (unless stated otherwise) for children aged 1 – 3 years |
| Phosphorus | Calcium phosphate, dibasicCalcium phosphate, monobasicCalcium phosphate, tribasicBone phosphateMagnesium phosphate, dibasicMagnesium phosphate, tribasicCalcium glycerophosphatePotassium glycerophosphatePhosphoric acidPotassium phosphate, dibasicPotassium phosphate, monobasicSodium phosphate, dibasic | 1000 mg phosphorus | 500 mg phosphorus |
|  |  |  |  |
| Selenium | Seleno methionineSodium selenateSodium selenite | 70 µg selenium | 25 µg selenium |
|  |  |  |  |
| Zinc | Zinc acetate Zinc chlorideZinc gluconateZinc lactateZinc oxideZinc sulphate | 12 mg zinc | 4.5 mg zinc |

**FOOTNOTES TO SCHEDULE**

1 Calculation of retinol equivalents for carotenoid form of vitamin A.

|  |  |
| --- | --- |
| Carotenoid Form | Conversion Factor(µg/1 µg retinol equivalents) |
| beta-apo-8’-carotenal | 12 |
| beta-carotene-synthetic | 6 |
| Carotenes-natural | 12 |
| beta-apo-8’-carotenoic acid ethyl ester | 12 |

2 This figure represents the proportion of the RDI provided by pre-formed niacin in foods and excludes the niacin provided from the conversion of the amino acid tryptophan.

3 Recommended daily oral intake as a supplement, for those Australians not exposed to sunlight. Because of the major role of sunlight in determining vitamin D status, a RDI for vitamin D was not developed for the Australian population.

4 Calculation of alpha-tocopherol equivalents for vitamin E.

|  |  |
| --- | --- |
| Vitamin E Form | Conversion Factor(µg/1 µgalpha-tocopherol equivalents) |
| dl-alpha-tocopherol | 1.36 |
| d-alpha-tocopherol concentrate  | \* |
| Tocopherols concentrate, mixed  | \* |
| d-alpha-tocopherol acetate | 1.10 |
| dl-alpha-tocopherol acetate  | 1.49 |
| d-alpha-tocopherol acetate concentrate | \* |
| d-alpha-tocopherol acid succinate  | 1.23 |

\*Conversion factor determined by composition of the form of Vitamin E.

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