Standard 1.5.2

Food Produced Using Gene Technology

Simplified outline of this Standard

Division 1 of this Standard sets out the permission and conditions for the sale and use of foods produced using gene technology.

Division 2 of this Standard specifies the labelling and other information requirements for foods produced using gene technology.

Table of Provisions

Division 1 – Sale and use of food produced using gene technology

1 Interpretation

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Clauses

Division 1 – Sale and use of food produced using gene technology

1 Interpretation

(1) For the purposes of this Standard –

**a food produced using gene technology** means a food which has been derived or developed from an organism which has been modified by gene technology.

Editorial note:

This definition does not include a food derived from an animal or other organism which has been fed food produced using gene technology, unless the animal or organism itself is a product of gene technology.

**conventional breeding** means all methods used to produce plants, excluding techniques that use gene technology.

**gene technology** means recombinant DNA techniques that alter the heritable genetic material of living cells or organisms.

**line** means –

(a) a plant, the genetic material of which includes a transformation event or events; or

(b) any plant, descended from the plant referred to in paragraph (a), that is the result of conventional breeding of that plant with –

(i) any other plant that does not contain a transformation event or events; or

(ii) any other plant that contains a transformation event or events, whether expressed as a line or event, that is listed in Column 3 of the Schedule;

but shall not be taken to mean any plant derived solely as a result of conventional breeding.

**transformation event** means a unique genetic modification arising from the use of gene technology.

(2) To avoid doubt, columns 1 and 2 of the Schedule contain additional information that is not part of this Code. Information in these columns may be added to or edited in any published version of this Code.

2 General prohibition on the sale and use of food produced using gene technology

A food produced using gene technology, other than a substance regulated as a food additive or processing aid, must not be sold or used as an ingredient or component of any food unless it is listed in Column 3 of the Schedule and complies with any corresponding conditions in Column 4.

3 Deleted

Division 2 – Labelling etc of food produced using gene technology

4 Interpretation and Application

(1) For the purposes of this Division –

**genetically modified food** means food that is, or contains as an ingredient, including a processing aid, a food produced using gene technology which –

(a) contains novel DNA and/or novel protein; or

(b) has altered characteristics;

but does not include –

(c) highly refined food, other than that with altered characteristics, where the effect of the refining process is to remove novel DNA and/or novel protein;

(d) a processing aid or food additive, except where novel DNA and/or novel protein from the processing aid or food additive remains present in the food to which it has been added;

(e) flavours present in the food in a concentration no more than 1g/kg; or

(f) a food, ingredient, or processing aid in which genetically modified food is unintentionally present in a quantity of no more than 10g/kg per ingredient.

**altered characteristics** means any of the matters specified in paragraphs 7(a), (b), (c) or (d) of this Standard.

**novel DNA and/or novel protein** means DNA or a protein which, as a result of the use of gene technology, is different in chemical sequence or structure from DNA or protein present in counterpart food which has not been produced using gene technology.

(2) Any statement required by clause 5 may be contained in the statement of ingredients where the genetically modified food is an ingredient or processing aid.

(3) Where genetically modified food is displayed for retail sale other than in a package, any information that would have been required under clause 5 of this Standard on the label on the food if it was packaged, must be displayed on or in connection with the display of the food.

(4) This Division does not apply to food intended for immediate consumption which is prepared and sold from food premises and vending vehicles, including restaurants, take away outlets, caterers, or self-catering institutions.

(5) Deleted

(6) Deleted

5 Labelling of genetically modified food

The label on a package of genetically modified food must include the statement ‘genetically modified’ in conjunction with the name of that food or ingredient or processing aid.

Editorial note:

An example for single ingredient genetically modified foods:

Soy Flour

Genetically Modified

Soy Flour

From genetically modified soya beans

An example for genetically modified food ingredients:

Ingredients: Soy Protein Isolate (genetically modified); Maltodextrin; Vegetable Oil; Food Acid (332); Emulsifier (471); Vegetable Gum (407); Water Added.

6 Labelling of food which is not genetically modified

The label on a package of food which is not defined as ‘genetically modified food’ in clause 4 of this Standard is not required to include any statement about the genetic status of the food.

7 Additional labelling/information requirements

Notwithstanding the provisions of this Division, Column 4 of the Schedule may specify labelling or other information requirements in relation to food produced using gene technology listed in Column 3 of the Schedule where –

(a) the genetic modification has resulted in one or more significant composition or nutritional parameters having values outside the normal range of values for existing counterpart food not produced using gene technology;

(b) the level of anti-nutritional factors or natural toxicants are significantly different in comparison to the existing counterpart food not produced using gene technology;

(c) the food produced using gene technology contains a new factor known to cause an allergic response in particular sections of the population;

(d) the intended use of the food produced using gene technology is different to the existing counterpart food not produced using gene technology; or

(e) the genetic modification raises significant ethical, cultural and religious concerns regarding the origin of the genetic material used in the genetic modification.

SCHEDULE

Permitted Foods produced using Gene Technology

| Column 1 | Column 2 | Column 3 | Column 4 |
| --- | --- | --- | --- |
| Commodity | Item | Food produced using gene technology | Special conditions |
| Canola | 1.1 | Food derived from herbicide-tolerant canola line GT73 |  |
|  | 1.2 | Food derived from herbicide-tolerant canola lines Topas 19/2 and T45 and herbicide-tolerant and pollination-controlled lines Ms1, Ms8, Rf1, Rf2, Rf3 |  |
|  | 1.3 | Food derived from herbicide-tolerant canola line Westar-Oxy-235 |  |
|  | 1.4 | Food derived from herbicide-tolerant canola line MON88302 |  |
| Corn | 2.1 | Food derived from herbicide-tolerant corn line GA21 |  |
|  | 2.2 | Food derived from insect-protected corn line MON810 |  |
|  | 2.3 | Food derived from herbicide-tolerant and insect-protected corn line Bt11 |  |
|  | 2.4 | Food derived from insect-protected corn line Bt176 |  |
|  | 2.5 | Food derived from herbicide-tolerant corn line T25 |  |
|  | 2.6 | Food derived from herbicide-tolerant corn line NK603 |  |
|  | 2.7 | Food derived from herbicide tolerant and insect-protected corn line DBT418 |  |
|  | 2.8 | Food derived from herbicide-tolerant and insect-protected corn line 1507 |  |
|  | 2.9 | Food derived from insect-protected corn line MON863 |  |
|  | 2.10 | Food derived from herbicide-tolerant and insect-protected corn line DAS-59122-7 |  |
|  | 2.11 | Food derived from herbicide-tolerant and insect-protected corn line MON88017 |  |
|  | 2.12 | Food derived from insect-protected corn line MIR604 |  |
|  | 2.13 | Food derived from high lysine corn line LY038 | Unless the protein content has been removed as part of a refining process, the label on or attached to a package of a food derived from high lysine corn line LY038 must include a statement to the effect that the food has been genetically modified to contain increased levels of lysine. |
|  | 2.14 | Food derived from amylase modified corn line 3272 |  |
|  | 2.15 | Food derived from insect-protected corn line MON89034 |  |
|  | 2.16 | Food derived from insect-protected corn line MIR162 |  |
|  | 2.17 | Food derived from herbicide-tolerant corn line DP-098140-6 |  |
|  | 2.18 | Food derived from drought-tolerant corn line MON87460 |  |
|  | 2.19 | Food derived from herbicide-tolerant corn line DAS-40278-9 |  |
|  | 2.20 | Food derived from insect-protected corn line 5307 |  |
|  | 2.21 | Food derived from herbicide-tolerant corn line MON87427 |  |
| Cotton | 3.1 | Food derived from insect-protected cotton lines 531, 757 and 1076 |  |
|  | 3.2 | Food derived from herbicide-tolerant cotton line 1445 |  |
|  | 3.3 | Food derived from herbicide-tolerant cotton lines 10211 and 10222 |  |
|  | 3.4 | Food derived from insect-protected cotton line 15985 |  |
|  | 3.5 | Food derived from insect-protected cotton line COT102 |  |
|  | 3.6 | Food derived from herbicide-tolerant and insect-protected cotton line MXB-13 |  |
|  | 3.7 | Food derived from herbicide-tolerant cotton line LL25 |  |
|  | 3.8 | Food derived from herbicide-tolerant cotton line MON88913 |  |
|  | 3.9 | Food derived from herbicide-tolerant cotton line GHB614 |  |
|  | 3.10 | Food derived from insect-protected cotton line COT67B |  |
|  | 3.11 | Food derived from herbicide-tolerant and insect-protected cotton line T304-40 |  |
|  | 3.12 | Food derived from herbicide-tolerant and insect-protected cotton line GHB119 |  |
|  | 3.13 | Food derived from herbicide-tolerant cotton line MON88701 |  |
| Lucerne | 4.1 | Food derived from herbicide-tolerant lucerne lines J101 & J163 |  |
| Potato | 5.1 | Food derived from insect-protected potato lines BT-06, ATBT04-06, ATBT04-31, ATBT04-36, and SPBT02-05 |  |
|  | 5.2 | Food derived from insect- and virus-protected potato lines RBMT21-129, RBMT21-350 and RBMT22-82 |  |
|  | 5.3 | Food derived from insect- and virus-protected potato lines RBMT15-101, SEM15-02 and SEM15-15 |  |
| Rice | 6.1 | Food derived from herbicide-tolerant rice line LLRICE62 |  |
| Soybean | 7.1 | Food derived from herbicide-tolerant soybean line 40-3-2 |  |
|  | 7.2 | Food derived from herbicide-tolerant soybean lines A2704-12 and A5547-127 |  |
|  | 7.3 | Food derived from herbicide-tolerant soybean line MON89788 |  |
|  | 7.4 | Food derived from herbicide-tolerant soybean line DP-356043-5 |  |
|  | 7.5 | Food derived from high oleic acid soybean line DP-305423-1 |  |
|  | 7.6 | Food derived from insect-protected soybean line MON87701 |  |
|  | 7.7 | Food derived from herbicide-tolerant high oleic acid soybean line MON87705 |  |
|  | 7.8 | Food derived from soybean line MON87769 producing stearidonic acid |  |
|  | 7.9 | Food derived from herbicide-tolerant soybean line DAS-68416-4 |  |
|  | 7.10 | Food derived from herbicide-tolerant soybean line FG72 |  |
|  | 7.11 | Food derived from herbicide-tolerant soybean line MON87708 |  |
|  | 7.12 | Food derived from herbicide-tolerant soybean line CV127 |  |
|  | 7.13 | Food derived from herbicide-tolerant soybean line DAS-44406-6 |  |
|  | 7.14 | Food derived from herbicide-tolerant soybean line SYHT0H2 |  |
| Sugarbeet | 8.1 | Food derived from herbicide-tolerant sugarbeet line 77 |  |
|  | 8.2 | Food derived from herbicide-tolerant sugarbeet line H7-1 |  |

**Amendment History**

The Amendment History provides information about each amendment to the Standard. The information includes commencement or cessation information for relevant amendments.

These amendments are made under section 92 of the *Food Standards Australia New Zealand Act 1991* unless otherwise indicated. Amendments do not have a specific date for cessation unless indicated as such.

**About this compilation**

This is a compilation of Standard 1.5.2 as in force on **27 February 2014** (up to Amendment No. 146). It includes any commenced amendment affecting the compilation to that date.

Prepared by Food Standards Australia New Zealand on **27 February 2014**.

**Uncommenced amendments or provisions ceasing to have effect**

To assist stakeholders, the effect of any uncommenced amendments or provisions which will cease to have effect, may be reflected in the Standard as shaded boxed text with the relevant commencement or cessation date. These amendments will be reflected in a compilation registered on the Federal Register of Legislative Instruments including or omitting those amendments and provided in the Amendment History once the date is passed.

The following abbreviations may be used in the table below:

ad = added or inserted am = amended

exp = expired or ceased to have effect rep = repealed

rs = repealed and substituted

**Standard 1.5.2** was published in the Commonwealth of Australia Gazette No. P 30 on 20 December 2000 as part of Amendment 53 (F2008B00628 – 2 October 2008) and has been amended as follows:

| Clause affected | A’ment No. | FRLI registration  Gazette | Commencement  (Cessation) | How affected | Description of amendment |
| --- | --- | --- | --- | --- | --- |
| Purpose | 120 | F2011L00062  20 Jan 2011  FSC 62  20 Jan 2011 | 20 Jan 2011 | rs | Purpose replaced with ‘Simplified outline of this Standard’. |
| Table of Provs | 78 | F2005L01246  26 May 2005  FSC 19  26 May 2005 | 26 May 2005 | am | Consequential amendment relating to deletion of clause 3. |
| 1 | 70 | F2008B00817  24 Dec 2008  FSC 12  29 April 2004 | 29 April 2004 | ad | Definitions relating to ‘conventional breeding’, ‘line’ and ‘transformation event’. |
| 1 | 120 | F2011L00062  20 Jan 2011  FSC 62  20 Jan 2011 | 20 Jan 2011 | ad, am | To add a new subclause (2) and make a consequential amendment. |
| 1(b) | 78 | F2005L01246  26 May 2005  FSC 19  26 May 2005 | 26 May 2005 | am | Correct a typographical error in the definition of ‘line’. |
| 1(b) | 120 | F2011L00062  20 Jan 2011  FSC 62  20 Jan 2011 | 20 Jan 2011 | am | Amend to clarify meaning. |
| 2 | 120 | F2011L00062  20 Jan 2011  FSC 62  20 Jan 2011 | 20 Jan 2011 | rs | Clause |
| Table to clause 2 | 55 | F2008B00791  9 Dec 2008  P 23  30 Aug 2001 | 30 Aug 2001 | ad | Five GM commodities (potato and corn). |
| Table to clause 2 | 59 | F2008B00797  10 Dec 2008  FSC 1  9 May 2002 | 9 May 2002 | ad | Four GM commodities (corn, sugar beet, cotton and canola). |
| Table to clause 2 | 60 | F2008B00798  19 Dec 2008  FSC 2  20 June 2002 | 20 June 2002 | ad | One GM commodity (corn). |
| Table to clause 2 | 62 | F2008B00798  19 Dec 2008  FSC 4  17 Sept 2002 | 17 Sept 2002 | ad | Two GM commodities (corn and canola). |
| Table to clause 2 | 63 | F2008B00808  22 Dec 2008  FSC 5  24 Oct 2002 | 24 Oct 2002 | ad | One GM commodity (cotton). |
| Table to clause 2 | 67 | F2008B00814  24 Dec 2008  FSC 9  31 July 2003 | 31 July 2003 | ad | One GM commodity (corn). |
| Table to clause 2 | 69 | F2008B00816  24 Dec 2008  FSC 9  17 Dec 2003 | 17 Dec 2003 | ad | One GM commodity (corn). |
| Table to clause 2 | 70 | F2008B00817  24 Dec 2008  FSC 12  29 April 2004 | 29 April 2004 | ad, am | One GM commodity (soybean) and correct a typographical error. |
| Table to clause 2 | 76 | F2005L00323  17 Feb 2005  FSC 18  17 Feb 2005 | 17 Feb 2005 | ad | One GM commodity (cotton). |
| Table to clause 2 | 77 | F2005L00989  28 April 2005  FSC 20  28 April 2005 | 28 April 2005 | ad | One GM commodity (cotton). |
| Table to clause 2 | 83 | F2005L03673  24 Nov 2005  FSC 25  24 Nov 2005 | 24 Nov 2005 | ad | Two GM commodities (corn and sugar beet). |
| Table to clause 2 | 85 | F2006L00469  10 Feb 2006  FSC 27  10 Feb 2006 | 10 Feb 2006 | ad | Two GM commodities (cotton). |
| Table to clause 2 | 87 | F2006L02539  3 Aug 2006  FSC 29  8 Aug 2006 | 8 Aug 2006 | ad | Two GM commodities (corn). |
| Table to clause 2 | 91 | F2007L00373  15 Feb 2007  FSC 33  15 Feb 2007 | 15 Feb 2007 | ad | One GM commodity (lucerne). |
| Table to clause 2 | 92 | F2007L02406  2 Aug 2007  FSC 34  2 Aug 2007 | 2 Aug 2007 | ad | One GM commodity (corn). |
| Table to clause 2 | 97 | F2008L00708  13 March 2008  FSC 39  13 March 2008 | 13 March 2008 | ad | One GM commodity (corn). |
| Table to clause 2 | 100 | F2008L02396  10 July 2008  FSC 42  10 July 2008 | 10 July 2008 | ad | One GM commodity (soybean). |
| Table to clause 2 | 103 | F2008L03741  9 Oct 2008  FSC 45  9 Oct 2008 | 9 Oct 2008 | ad | One GM commodity (rice). |
| Table to clause 2 | 104 | F2008L04541  4 Dec 2008  FSC 46  4 Dec 2008 | 4 Dec 2008 | ad | One GM commodity (corn). |
| Table to clause 2 | 106 | F2009L00307  12 Feb 2009  FSC 48  12 Feb 2009 | 12 Feb 2009 | ad | One GM commodity (corn). |
| Table to clause 2 | 112 | F2009L03550  17 Sept 2009  FSC 54  17 Sept 2009 | 17 Sept 2009 | ad | Two GM commodities (cotton). |
| Table to clause 2 | 114 | F2010L00357  18 Feb 2010  FSC 56  18 Feb 2010 | 18 Feb 2010 | ad | Two GM commodities (soybean). |
| Table to clause 2 | 116 | F2010L01310  20 May 2010  FSC 58  20 May 2010 | 20 May 2010 | ad, rs | One GM commodity (cotton) and replace ‘oil and linters’ with ‘Food’ where occurring in the Table. |
| Table to clause 2 | 117 | F2010L01841  29 June 2010  FSC 59  1 July 2010 | 1 July 2010 | ad | One GM commodity (corn). |
| Table to clause 2 | 118 | F2010L02395  31 Aug 2010  FSC 60  2 Sept 2010 | 2 Sept 2010 | ad | Two GM commodities (corn and soybean). |
| Table to clause 2 | 120 | F2011L00062  20 Jan 2011  FSC 62  20 Jan 2011 | 20 Jan 2011 | rep | Table with approved GM commodities moved to Schedule. |
| 3 | 78 | F2005L01246  26 May 2005  FSC 19  26 May 2005 | 26 May 2005 | rep | Clause. |
| 4 | 57 | F2008B00795  10 Dec 2008  P 27  1 Nov 2001 | 1 Nov 2001 | am | Insert subclauses (5) and (6) relating to a provision for stock-in-trade for 12 months from 7 December 2001. An Editorial note relating to subclause (5) also inserted. |
| 4(5), 4(6) | 88 | F2006L03270  5 Oct 2006  FSC 30  5 Oct 2006 | 5 Oct 2006 | rep | Subclauses and Editorial note after 4(5) as they have ceased to have effect. |
| 5 | 101 | F2008L03058  14 Aug 2008  FSC 43  14 Aug 2008 | 14 Aug 2008 | rs | Boxed text following the clause and inserting an Editorial note. |
| 7 | 88 | F2006L03270  5 Oct 2006  FSC 30  5 Oct 2006 | 5 Oct 2006 | am | Omit a reference in the Editorial note to a review of Division 2 as it has been completed. |
| 7 | 101 | F2008L03058  14 Aug 2008  FSC 43  14 Aug 2008 | 14 Aug 2008 | rs | Editorial note. |
| 7 | 111 | F2009L03145  13 Aug 2009  FSC 53  13 Aug 2009 | 13 Aug 2009 | rep | Editorial note |
| 7 | 120 | F2011L00062  20 Jan 2011  FSC 62  20 Jan 2011 | 20 Jan 2011 | am | Consequential change relating to the insertion of a Schedule. |
| Schedule | 120 | F2011L00062  20 Jan 2011  FSC 62  20 Jan 2011 | 20 Jan 2011 | ad | Schedule to replace Table to clause 2 and insert a new GM commodity (cotton). |
| Schedule | 124 | F2011L01413  5 July 2011  FSC 66  11 July 2011 | 11 July 2011 | ad | One GM commodity (soybean). |
| Schedule | 126 | F2011L02065  13 Oct 2011  FSC 68  13 Oct 2011 | 13 Oct 2011 | ad | One GM commodity (corn). |
| Schedule | 127 | F2011L02370  15 Nov 2011  FSC 69  17 Nov 2011 | 17 Nov 2011 | ad | One GM commodity (soybean). |
| Schedule | 127 | F2011L02372  15 Nov 2011  FSC 69  17 Nov 2011 | 17 Nov 2011 | ad | One GM commodity (soybean). |
| Schedule | 129 | F2012L00208  8 Feb 2012  FSC 71  9 Feb 2012 | 9 Feb 2012 | ad | One GM commodity (soybean). |
| Schedule | 130 | F2012L00932  26 April 2012  FSC 72  26 April 2012 | 26 April 2012 | ad | One GM commodity (corn). |
| Schedule | 131 | F2012L01061  23 May 2012  FSC 73  24 May 2012 | 24 May 2012 | ad | One GM commodity (soybean). |
| Schedule | 133 | F2012L01536  11 July 2012  FSC 75  12 July 2012 | 12 July 2012 | ad | One GM commodity (corn). |
| Schedule | 133 | F2012L01537  11 July 2012  FSC 75  12 July 2012 | 12 July 2012 | ad | One GM commodity (soybean). |
| Schedule | 135 | F2012L02014  10 Oct 2012  FSC 77  11 Oct 2012 | 11 Oct 2012 | am | Correction of typographical error for Item 1.2 (canola). |
| Schedule | 139 | F2013L00249  21 Feb 2013  FSC 81  21 Feb 2013 | 21 Feb 2013 | ad | One GM commodity (canola). |
| Schedule | 140 | F2013L00662  17 April 2013  FSC 82  18 April 2013 | 18 April 2013 | ad | One GM commodity (soybean). |
| Schedule | 145 | F2014L00035  6 Jan 2014  FSC87  9 Jan 2014 | 9 Jan 2014 | ad | One GM commodity (cotton). |
| Schedule | 146 | F2014L00189  25 Feb 2014  FSC88  27 Feb 2014 | 27 Feb 2014 | ad | One GM commodity (soybean). |