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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Schedule Permitted Foods produced using Gene Technology

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 registrationGazette  | Commencement(Cessation) | How affected | Description of amendment |
| --- | --- | --- | --- | --- | --- |
| Purpose | 120 | F2011L0006220 Jan 2011FSC 6220 Jan 2011 | 20 Jan 2011 | rs | Purpose replaced with ‘Simplified outline of this Standard’. |
| Table of Provs | 78 | F2005L0124626 May 2005FSC 1926 May 2005 | 26 May 2005 | am | Consequential amendment relating to deletion of clause 3. |
| 1 | 70 | F2008B0081724 Dec 2008FSC 1229 April 2004 | 29 April 2004 | ad | Definitions relating to ‘conventional breeding’, ‘line’ and ‘transformation event’. |
| 1 | 120 | F2011L0006220 Jan 2011FSC 6220 Jan 2011 | 20 Jan 2011 | ad, am | To add a new subclause (2) and make a consequential amendment. |
| 1(b) | 78 | F2005L0124626 May 2005FSC 1926 May 2005 | 26 May 2005 | am | Correct a typographical error in the definition of ‘line’. |
| 1(b) | 120 | F2011L0006220 Jan 2011FSC 6220 Jan 2011 | 20 Jan 2011 | am | Amend to clarify meaning. |
| 2  | 120 | F2011L0006220 Jan 2011FSC 6220 Jan 2011 | 20 Jan 2011 | rs | Clause |
| Table to clause 2 | 55 | F2008B007919 Dec 2008P 2330 Aug 2001 | 30 Aug 2001 | ad | Five GM commodities (potato and corn). |
| Table to clause 2 | 59 | F2008B0079710 Dec 2008FSC 19 May 2002 | 9 May 2002 | ad | Four GM commodities (corn, sugar beet, cotton and canola). |
| Table to clause 2 | 60 | F2008B0079819 Dec 2008FSC 220 June 2002 | 20 June 2002 | ad | One GM commodity (corn). |
| Table to clause 2 | 62 | F2008B0079819 Dec 2008FSC 417 Sept 2002 | 17 Sept 2002 | ad | Two GM commodities (corn and canola). |
| Table to clause 2 | 63 | F2008B0080822 Dec 2008FSC 524 Oct 2002 | 24 Oct 2002 | ad | One GM commodity (cotton). |
| Table to clause 2 | 67 | F2008B0081424 Dec 2008FSC 931 July 2003 | 31 July 2003 | ad | One GM commodity (corn). |
| Table to clause 2 | 69 | F2008B0081624 Dec 2008FSC 917 Dec 2003 | 17 Dec 2003 | ad | One GM commodity (corn). |
| Table to clause 2 | 70 | F2008B0081724 Dec 2008FSC 1229 April 2004 | 29 April 2004 | ad, am | One GM commodity (soybean) and correct a typographical error. |
| Table to clause 2 | 76 | F2005L0032317 Feb 2005FSC 1817 Feb 2005 | 17 Feb 2005 | ad | One GM commodity (cotton). |
| Table to clause 2 | 77 | F2005L0098928 April 2005FSC 2028 April 2005 | 28 April 2005 | ad | One GM commodity (cotton). |
| Table to clause 2 | 83 | F2005L0367324 Nov 2005FSC 2524 Nov 2005 | 24 Nov 2005 | ad | Two GM commodities (corn and sugar beet). |
| Table to clause 2 | 85 | F2006L0046910 Feb 2006FSC 2710 Feb 2006 | 10 Feb 2006 | ad | Two GM commodities (cotton). |
| Table to clause 2 | 87 | F2006L025393 Aug 2006FSC 298 Aug 2006 | 8 Aug 2006 | ad | Two GM commodities (corn). |
| Table to clause 2 | 91 | F2007L0037315 Feb 2007FSC 3315 Feb 2007 | 15 Feb 2007 | ad | One GM commodity (lucerne). |
| Table to clause 2 | 92 | F2007L024062 Aug 2007FSC 342 Aug 2007 | 2 Aug 2007 | ad | One GM commodity (corn). |
| Table to clause 2 | 97 | F2008L0070813 March 2008FSC 3913 March 2008 | 13 March 2008 | ad | One GM commodity (corn). |
| Table to clause 2 | 100 | F2008L0239610 July 2008FSC 4210 July 2008 | 10 July 2008 | ad | One GM commodity (soybean). |
| Table to clause 2 | 103 | F2008L037419 Oct 2008FSC 459 Oct 2008 | 9 Oct 2008 | ad | One GM commodity (rice). |
| Table to clause 2 | 104 | F2008L045414 Dec 2008FSC 464 Dec 2008 | 4 Dec 2008 | ad | One GM commodity (corn). |
| Table to clause 2 | 106 | F2009L0030712 Feb 2009FSC 4812 Feb 2009 | 12 Feb 2009 | ad | One GM commodity (corn). |
| Table to clause 2 | 112 | F2009L0355017 Sept 2009FSC 5417 Sept 2009 | 17 Sept 2009 | ad | Two GM commodities (cotton). |
| Table to clause 2 | 114 | F2010L0035718 Feb 2010FSC 5618 Feb 2010 | 18 Feb 2010 | ad | Two GM commodities (soybean). |
| Table to clause 2 | 116 | F2010L0131020 May 2010FSC 5820 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 | F2010L0184129 June 2010FSC 591 July 2010 | 1 July 2010 | ad | One GM commodity (corn). |
| Table to clause 2 | 118 | F2010L0239531 Aug 2010FSC 602 Sept 2010 | 2 Sept 2010 | ad | Two GM commodities (corn and soybean). |
| Table to clause 2 | 120 | F2011L0006220 Jan 2011FSC 6220 Jan 2011 | 20 Jan 2011 | rep | Table with approved GM commodities moved to Schedule. |
| 3 | 78 | F2005L0124626 May 2005FSC 1926 May 2005 | 26 May 2005 | rep | Clause. |
| 4 | 57 | F2008B0079510 Dec 2008P 271 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 | F2006L032705 Oct 2006FSC 305 Oct 2006 | 5 Oct 2006 | rep | Subclauses and Editorial note after 4(5) as they have ceased to have effect. |
| 5 | 101 | F2008L0305814 Aug 2008FSC 4314 Aug 2008 | 14 Aug 2008 | rs | Boxed text following the clause and inserting an Editorial note. |
| 7 | 88 | F2006L032705 Oct 2006FSC 305 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 | F2008L0305814 Aug 2008FSC 4314 Aug 2008 | 14 Aug 2008 | rs | Editorial note. |
| 7 | 111 | F2009L0314513 Aug 2009FSC 5313 Aug 2009 | 13 Aug 2009 | rep | Editorial note |
| 7 | 120 | F2011L0006220 Jan 2011FSC 6220 Jan 2011 | 20 Jan 2011 | am | Consequential change relating to the insertion of a Schedule. |
| Schedule | 120 | F2011L0006220 Jan 2011FSC 6220 Jan 2011 | 20 Jan 2011 | ad | Schedule to replace Table to clause 2 and insert a new GM commodity (cotton). |
| Schedule | 124 | F2011L014135 July 2011FSC 6611 July 2011 | 11 July 2011 | ad | One GM commodity (soybean). |
| Schedule | 126 | F2011L0206513 Oct 2011FSC 6813 Oct 2011 | 13 Oct 2011 | ad | One GM commodity (corn). |
| Schedule | 127 | F2011L0237015 Nov 2011FSC 6917 Nov 2011 | 17 Nov 2011 | ad | One GM commodity (soybean). |
| Schedule | 127 | F2011L0237215 Nov 2011FSC 6917 Nov 2011 | 17 Nov 2011 | ad | One GM commodity (soybean). |
| Schedule | 129 | F2012L002088 Feb 2012FSC 719 Feb 2012 | 9 Feb 2012 | ad | One GM commodity (soybean). |
| Schedule | 130 | F2012L0093226 April 2012FSC 7226 April 2012 | 26 April 2012 | ad | One GM commodity (corn). |
| Schedule | 131 | F2012L0106123 May 2012FSC 7324 May 2012 | 24 May 2012 | ad | One GM commodity (soybean). |
| Schedule | 133 | F2012L0153611 July 2012FSC 7512 July 2012 | 12 July 2012 | ad | One GM commodity (corn). |
| Schedule | 133 | F2012L0153711 July 2012FSC 7512 July 2012 | 12 July 2012 | ad | One GM commodity (soybean). |
| Schedule | 135 | F2012L0201410 Oct 2012FSC 7711 Oct 2012 | 11 Oct 2012 | am | Correction of typographical error for Item 1.2 (canola). |
| Schedule | 139 | F2013L0024921 Feb 2013FSC 8121 Feb 2013 | 21 Feb 2013 | ad | One GM commodity (canola). |
| Schedule | 140 | F2013L0066217 April 2013FSC 8218 April 2013 | 18 April 2013 | ad | One GM commodity (soybean). |
| Schedule | 145 | F2014L000356 Jan 2014FSC879 Jan 2014 | 9 Jan 2014 | ad | One GM commodity (cotton). |
| Schedule | 146 | F2014L0018925 Feb 2014FSC8827 Feb 2014 | 27 Feb 2014 | ad | One GM commodity (soybean). |