

Standard 1.5.2

Food Produced Using Gene Technology

Purpose

Division 1 of this Standard addresses health and safety requirements, regulating the sale of food produced using gene technology, other than additives and processing aids. The Standard prohibits the sale and use of these foods unless they are included in the Table to clause 2 and comply with any special conditions in that Table.

The Authority will assess the safety for human consumption of each food produced using gene technology or such class of food prior to its inclusion in the Table. The safety assessment will be performed according to the Authority's approved safety assessment criteria.

Additives and processing aids which are produced using gene technology are not regulated in Division 1 of this Standard. Other Standards in this Code regulate additives and processing aids and require pre-market approval for these substances.

Division 2 of this Standard specifies labelling and other information requirements for foods, including food additives and processing aids, produced using gene technology.

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Clauses

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

1 Interpretation

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.

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

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 1 of the Table to this clause and complies with the conditions, if any, specified in Column 2.

Table to clause 2

Column 1	Column 2
Food produced using gene technology	Special conditions
Oil derived from glyphosate-tolerant canola line GT73	
Food derived from glyphosate-tolerant corn line GA21	
Food derived from insect-protected corn line MON 810	
Oil and linters derived from glyphosate-tolerant cotton line 1445	
Oil and linters derived from insect-protected cotton lines 531, 757 and 1076	
Food derived from glyphosate-tolerant soybean line 40-3-2	
Food derived from high oleic acid soybean lines G94-1, G94-19 and G168	The label on or attached to a package of a food derived from high oleic acid soy bean lines G94-1, G94-19 and G168 must include a statement to the effect that the food has been genetically modified to contain high levels of oleic acid

3 Exemption to general prohibition on sale and use

(1) For the purposes of this clause -

- (a) the Act means the Australia New Zealand Food Authority Act 1991;
- (b) the Authority means the Australia New Zealand Food Authority established under the Act;
- (c) the Council means the Australia New Zealand Food Standards Council.

(2) The prohibition in clause 2 does not apply to a food produced using gene technology where -

- (a) that food is the subject of an application under section 12 of the Act to vary the Table to that clause;
- (b) the application has been accepted in accordance with section 13 of the Act by the Authority on or before 30 April 1999;
- (c) the Authority has evidence that that food, in one or more countries, other than Australia or New Zealand, is lawfully permitted to be sold or used as an ingredient or component, by a national food regulatory agency; and
- (d) the Council has not become aware of evidence that that food poses a significant risk to public health and safety.

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 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.

Example for single ingredient genetically modified foods:

Soy Flour
Genetically Modified

Soy Flour
From genetically modified soya beans

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 2 of the Table to clause 2 may specify labelling or other information requirements in relation to food produced using gene technology listed in Column 1 of the Table 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.

Editorial notes:

The Compliance Guide for Standard 1.5.2 as published by the Australia New Zealand Food Authority should be read in conjunction with this Standard.

Claims about genetic modification or its absence are subject to the Australian Trade Practices Act 1974 and State and Territory Food Acts, and the Western Australian Health Act, and the New Zealand Fair Trading Act 1986 and Food Act.

Division 2 of this Standard is to be reviewed 3 years from its date of gazettal.