

EXPLANATORY STATEMENT

AUSTRALIA NEW ZEALAND FOOD STANDARDS CODE

EDITORIAL NOTE AMENDMENTS

August 2008

Following the 2007 amendments to the *Food Standards Australia New Zealand Act 1991* (FSANZ Act), editorial notes are not considered to be part of the legally binding Standards that make up the Code. This also means that the process for adding, varying or removing editorial notes is not governed by the statutory procedures (including consultation or requests for a review by the Ministerial Council) as set down in Part 3 of the FSANZ Act.

The *Australia New Zealand Food Standards Code* (the Code) is considered a Commonwealth legislative instrument and amendments to the Code must also be gazetted in the Food Standards Gazette for the purposes of being given legal effect under the State and Territory Food Acts. Amendments to Editorial notes will continue to be included in these two processes to ensure openness and transparency in any change to the Code.

August amendments

Two sets of editorial notes have been included in these amendments:

Proposal P1001 – Omnibus VII

As part of this Proposal, FSANZ conducted an audit of all the editorial notes in the Code to ensure they remained up-to-date and accurate. The audit was also carried out to ensure that all existing editorial notes were informational and not regulatory in nature. FSANZ undertook this work because concern was expressed during the FSANZ Act amendment process that editorial notes were used as a substitute for regulation.

The Assessment Report proposed that a number of editorial notes be converted into substantive provisions of the Code. In addition, it was proposed to delete a number of editorial notes and to update and amend others.

Proposal P1003 – Mandatory Iodine Fortification for Australia

The proposed draft amends the Editorial note following clause 5 of Standard 2.1.1 – Cereals and Cereal products. New Zealand requested two amendments to this Editorial note.

Exemption for exported food

The first amendment notes the mandatory iodine Standard only applies to bread produced and sold domestically in New Zealand. This is because the New Zealand *Food Act 1981* also applies to food for export. Bread in the form of frozen dough is exported to Japan, which does not permit iodine fortification. As a result, the New Zealand Food Standard issued under section 11L of the *Food Act 1981* provides for an exemption to the mandatory iodine standard where the bread/frozen dough is for export.

Salt iodisation range

The second amendment is to clarify that the target level of iodisation should aim for the mid-point of the salt iodisation range i.e. 45 mg of iodine per kilogram of salt. This seeks to clarify that the intent of the Standard is to deliver a population-wide effect on reducing deficiency levels and, therefore, that it is expected that the iodisation level will not consistently fall on the lower side of the fortification range. Salt manufacturers have indicated to FSANZ that in order to comply with the Standard, it is necessary to aim for the midpoint (45 mg of iodine per kilogram of salt).

Consultation

In order to ensure an appropriate degree of consultation on variations to editorial notes, FSANZ follows the following process for varying editorial notes:

1. If jurisdictions or industry wish an editorial note to be varied, that request is made to FSANZ's Standards Management Officer. Otherwise, amendments to editorial notes may be proposed from within FSANZ.
2. The request is then sent to the relevant area within FSANZ and a draft variation to the editorial note with explanatory information will be prepared. The drafting is done by the Office of Legal Counsel.
3. FSANZ then distributes the draft variation to the editorial note and any explanatory information to jurisdictions and, if necessary, industry, for consultation.
4. Following consultation, the draft variation to the editorial note is then finalised and notified to the FSANZ Board.
5. If the FSANZ Board agrees to the draft variation to the editorial note, it is then gazetted and registered as a Commonwealth legislative instrument and the Ministerial Council notified of the variation to the editorial notes.

P1001 Amendments

In the case of this Proposal, a large number of Editorial note amendments were included as part of the public consultation process, given that the editorial note variations and the variations to the substantive provisions of the Code were related, FSANZ took the approach of dealing with the editorial notes as part of this Proposal consultation process. The FSANZ Board recently approved these amendments.

P1003 Amendments

In June 2008, the revised variations to the Editorial note in Standard 2.1.1 were circulated to the jurisdictions for consultation. Feedback was received from New South Wales, Queensland and New Zealand. In response to their comments, FSANZ made minor amendments to the proposed draft variations. FSANZ undertook further consultation with these three jurisdictions who indicated their support for the final revisions. The FSANZ Board recently approved these amendments.

Regulatory issues

FSANZ considered the comparative costs and benefits of two options in relation to these amendments:

- Option 1, which was not to make variations to the editorial notes; and
- Option 2, which was to make those variations to the editorial notes.

Option 1 was not considered desirable as it would perpetuate errors, inconsistencies and outdated provisions in the Code. Option 2 was considered the more desirable option for the following reasons:

- it would clarify the existing provisions of the Code and did not add regulatory measures;
- it would have no discernable public health or safety considerations;
- it would strengthen public confidence in the Code; and
- any costs were outweighed by these benefits.

ATTACHMENT

1. Variations to Editorial Notes in the *Australia New Zealand Food Standards Code*

To commence: on gazettal

[1] *The Editorial notes in the Standards of the Australia New Zealand Food Standards Code listed in Column 1 of the Table to this item are varied by omitting the Editorial notes listed in Column 2.*

Table to Item 1

Column 1 Standard	Column 2 Editorial note
Standard 1.1.1	The Editorial note following subclause 1(5)
Standard 1.1A.6	The Editorial note following clause 3
Standard 1.2.3	The Editorial note following clause 2 but before the Table to that clause ; the Editorial note following clause 4 and before the Table to that clause; the Editorial note following clause 5 and before the Table to that clause
Standard 1.2.4	The Editorial notes following the Tables to clauses 4 and 6; the Editorial note following Schedule 1
Standard 1.2.5	The Editorial note following subclause 4(3)
Standard 1.2.8	The Editorial notes following the definitions of biologically active substance and nutrition claim ; the Editorial notes following clauses 14, 16 and 17; the Editorial notes following subclauses 5(5), 13(6), 15(3), 15(4)
Standard 1.2.9	The Editorial note following subclause 2(2)
Standard 1.2.10	The Editorial note following clause 5
Standard 1.2.11	The Editorial note following subclause 1(1A)
Standard 1.3.1	The Editorial note following the definition of processed food in clause 1; the Editorial notes following clauses 7 and 9; the Editorial note following Schedule 5
Standard 1.3.3	The Editorial note following the Table to clause 3
Standard 1.4.2	The Editorial note following clause 2
Standard 1.5.3	The Editorial note following the Table to clause 4
Standard 2.4.1	The Editorial notes following clauses 1 and 2
Standard 2.5.1	The Editorial note following clause 4
Standard 2.5.2	The Editorial note following clause 3
Standard 2.5.3	The Editorial notes following clauses 2 and 3
Standard 2.5.4	The Editorial note following clause 4
Standard 2.5.5	The Editorial note following clause 3
Standard 2.5.6	The Editorial note following clause 3
Standard 2.5.7	The Editorial note following clause 4
Standard 2.6.2	The Editorial notes following clauses 7, 8 and 9
Standard 2.9.1	The Editorial notes appearing in the definitions in clause 1(2); the Editorial note following clause 7 and before the Table to that clause; the Editorial notes following the

Standard 2.9.2	Table to clause 22 and the Table to clause 32 The Editorial notes following the definition of sugars in clause 1; the Editorial note following clauses 5, 10 and 11; the Editorial note following subclause 6(1)
Standard 2.10.1	The Editorial note following clause 2
Standard 3.1.1	The Editorial note following clause 3
Standard 3.2.1	The Editorial note following the definition of food safety auditor in clause 1; the Editorial notes following clauses 2 and 4

[2] *The Editorial notes in **Standard 1.1A.6** of the Australia New Zealand Food Standards Code are varied by omitting the Editorial note following subclause 1(2), substituting –*

Editorial note:

The effect of subclause 1(2) is that additives permitted in formulated meal replacements are permitted in special purpose foods. Subclause 1(2) exempts special purpose foods from the requirements for minimum levels for protein, kJ; and the minimum and maximum levels for vitamins and minerals. The definition of formulated meal replacements is not intended to be taken literally in relation to special purpose foods. i.e. special purpose foods are not necessarily intended as a meal replacement.

[3] *The Editorial notes in **Standard 1.2.3** of the Australia New Zealand Food Standards Code are varied by –*

[3.1] *omitting the second and third paragraphs of the Editorial note following the Table to clause 2.*

[3.2] *omitting the Editorial note following the Table to clause 4, substituting –*

Editorial note:

1. As an example, clause 4 can be complied with by listing those substances in the Table in the ingredient list.
2. See Standard 1.2.4 – Labelling of Ingredients for the requirements for the labelling of ingredients, including sulphites.
3. As an example, manufacturers may chose to indicate that a food contains one substance or another (e.g. brazil nuts or cashew nuts) in cases where substitutions occur regularly.

[4] *The Editorial notes in **Standard 1.2.4** of the Australia New Zealand Food Standards Code are varied by –*

[4.1] *omitting the Editorial note following clause 1, substituting –*

Editorial note:

See Standard 1.2.3 – Mandatory Warning and Advisory Statements and Declarations for the requirements to always declare the presence of certain substances.

[4.2] *omitting the Editorial note following clause 4 and before the Table to that clause, substituting –*

Editorial note:

The term 'common name' does not have a technical meaning for the purposes of paragraph 4(a), and should be given its ordinary meaning.

[4.3] *omitting the Editorial note following clause 8, substituting –*

Editorial note:

For the purposes of subclause 8(3), enzymes need only be declared by the class name 'enzyme' and not by specifically declaring the name of the enzyme.

An example for subclause 8(8) is where a manufacturer chooses to use preservative X for 6 months of the year and preservative Y for the rest of the year, one label may indicate that either preservative was used in the preparation, manufacture or handling of the food e.g. preservative (X or Y) where X and Y may be expressed as either the additive's specific name or code number, if any.

[5] *The Editorial notes in **Standard 1.2.5** of the Australia New Zealand Food Standards Code are varied by inserting, following the definition of baked-for date in clause 1 –*

Editorial note:

For example, bread that is baked after midday on one day may have a 'baked-for' date for the following day.

[6] *The Editorial notes in **Standard 1.2.6** of the Australia New Zealand Food Standards Code is varied by omitting from the Editorial note following clause 3 –*

packet

substituting –

package

[7] *The Editorial notes in **Standard 1.2.8** of the Australia New Zealand Food Standards Code are varied by –*

[7.1] *omitting the first paragraph of the Editorial note following the Table to subclause 2(2)*

[7.2] *omitting from the Editorial note following subclause 7(2) the Example Nutrition Information Panel, substituting –*

NUTRITION INFORMATION			
Servings per package: (insert number of servings)			
Serving size: g (or mL or other units as appropriate)			
	Quantity per Serving	% Daily Intake* (per Serving)	Quantity per 100 g (or 100 mL)

Energy	kJ (Cal)	%	kJ (Cal)
Protein	g	%	g
Fat, total	g	%	g
– saturated	g	%	g
Carbohydrate	g	%	g
– sugars	g	%	g
Sodium	mg (mmol)	%	mg (mmol)
(insert any other nutrient or biologically active substance to be declared)	g, mg, µg (or other units as appropriate)	%	g, mg, µg (or other units as appropriate)
* Percentage Daily Intakes are based on an average adult diet of 8700 kJ. Your daily intakes may be higher or lower depending on your energy needs.			

[7.3] *omitting the Editorial note following subclause 18(2), substituting –*

Editorial note:

For example, the dietary fibre content of a cereal bar with added inulin is calculated by adding the result of the analysis for total dietary fibre, using one of the two possible methods of analysis, to the result of the analysis for inulin, and subtracting from the total that part of the inulin content that was included in the result of the analysis for total dietary fibre.

See Standard 1.3.4 – Identity and Purity for the identity and purity requirements for added resistant maltodextrins.

[8] *The Editorial notes in **Standard 1.2.10** of the Australia New Zealand Food Standards Code are varied by omitting the Editorial note following subclause 2(4), substituting –*

Editorial note:

Cured and/or dried meat flesh in whole cuts or pieces is defined in Standard 2.2.1.

An example of a characterising component is milk fat in ice cream.

[9] *The Editorial notes in **Standard 1.3.1** of the Australia New Zealand Food Standards Code are varied by –*

[9.1] *omitting the Editorial note following the definition of technological function in clause 1, substituting –*

Editorial note:

The technological functions of food additives are listed in Schedule 5 of Standard 1.3.1. See Standard 1.2.4 – Labelling of Ingredients for the requirements for the declaration of ingredients, including for food additive class names.

[9.2] *omitting the Editorial note following clause 3, substituting –*

Editorial note:

As a guide, the Codex Alimentarius Commission Procedural Manual sets out the following relevant criteria for use in assessing compliance with Good Manufacturing Practice:

- (a) the quantity of additive added to food shall be limited to the lowest possible level necessary to accomplish its desired effect;
- (b) the quantity of the additive 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 is prepared and handled in the same way as a food ingredient.

The manner in which a food is intended to be presented (e.g. by the use of such quality descriptors as natural, pure, traditional etc) may affect the type and level of food additives that could be used in accordance with GMP. Similarly, the type and level of food additives used may affect the way in which a food may be presented.

[9.3] *omitting the Editorial Note following clause 4, substituting –*

Editorial note:

Limits for specific intense sweeteners in specific foods are included in Schedule 1. Some intense sweeteners are included in Schedule 2 and these sweeteners may be added to a food in accordance with Schedule 1 (i.e. where Schedule 2 additives may be present in a food).

The amount of an intense sweetener needed in a food would depend on the amount required:

- 1. as a flavour enhancer in the food; or
- 2. to wholly or partially replace the sweetness of sugars that would or could be present in the food.

Polyols, isomalt and polydextrose are examples of ingredients that are used as humectants or texturisers or as foods in their own right.

[9.4] *omitting the Editorial note following clause 11, substituting –*

Editorial note:

The Flavour and Fragrance Association of Australia and New Zealand (FFAANZ) has prepared a consolidated list of artificial flavouring substances in three publications. This list is available from FFAANZ.

[10] *The Editorial notes in **Standard 1.3.3** of the Australia New Zealand Food Standards Code are varied by –*

[10.1] *omitting the Editorial note following the Table to clause 12, substituting –*

Editorial note:

FSANZ will review the extent of the use of Iodine as a processing aid three years from the date of the inclusion of Iodine as a processing aid in the Table to clause 12.

[10.2] *omitting the letter E from the heading of the Editorial note following clause 14.*

[11] *The Editorial notes in **Standard 1.4.2** of the Australia New Zealand Food Standards Code are varied by omitting the following heading after subclauses 4(3) and 4(4) –*

Sample calculation

substituting –

Editorial note:

[12] *The Editorial notes in **Standard 1.5.1** of the Australia New Zealand Food Standards Code are varied by omitting the Editorial note following the Table to clause 2, substituting –*

Editorial note:

See Standard 1.3.4 – Identity and Purity for identity and purity requirements for novel foods.

[13] *The Editorial notes in **Standard 1.5.2** of the Australia New Zealand Food Standards Code are varied by –*

[13.1] *omitting the boxed text following clause 5, substituting –*

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.

[13.2] *omitting the Editorial Note following clause 7, substituting –*

Editorial note:

See also the User Guide – Labelling Genetically Modified Food.

[14] *The Editorial notes in **Standard 1.6.2** of the Australia New Zealand Food Standards Code are varied by –*

[14.1] *omitting the Editorial note for New Zealand following clause 1, substituting –*

Editorial note for New Zealand:

For New Zealand purposes, processing requirements for milk and milk products are regulated under the *Animal Products Act 1999* and the *Food Act 1981*, including the New Zealand *Food (Milk and Milk Product Processing) Standard 2007*.

[14.2] *omitting the third paragraph of the Editorial note following clause 2, substituting –*

For New Zealand purposes, processing requirements for milk and milk products are regulated under the *Animal Products Act 1999* and the *Food Act 1981*, including the New Zealand *Food (Milk and Milk Product Processing) Standard 2007*.

[14.3] *omitting the Editorial note for New Zealand following clause 3, substituting –*

Editorial note for New Zealand:

For New Zealand purposes, processing requirements for egg products are regulated under the *Animal Products Act 1999* and the *Food Act 1981*.

[14.4] *omitting the Editorial note for New Zealand following clause 4, substituting –*

Editorial note for New Zealand:

For New Zealand purposes, processing requirements for poultry are regulated under the *Animal Products Act 1999* and the *Food Act 1981*.

[14.5] *omitting the Editorial note for New Zealand following clause 8, substituting –*

Editorial note for New Zealand:

For New Zealand purposes, processing requirements for fermented comminuted processed meats are regulated under the *Animal Products Act 1999* and the *Food Act 1981*.

[15] *The Editorial notes in **Standard 2.1.1** of the Australia New Zealand Food Standards Code are varied by omitting the Editorial Note following clause 3, substituting –*

Editorial note:

As an example, products are traditionally described by names such as ‘shortbread’, ‘soda bread’, ‘pita bread’ and ‘crispbread’.

See Standard 1.2.3 – Mandatory Warning and Advisory Statements and Declarations for requirements for declaring the presence of certain specified substances that must always be declared in the label of the food.

[16] *The Editorial notes in **Standard 2.2.1** of the Australia New Zealand Food Standards Code are varied by –*

[16.1] *omitting the Editorial note following the definition of meat in clause 1, substituting –*

Editorial note:

See Standards 2.2.2 – Egg and Egg Products and 2.2.3 – Fish and Fish Products, for the respective requirements for eggs or fish. See Standard 1.2.4 – Labelling of Ingredients for ingredient labelling requirements.

[16.2] *inserting, following subclause 8(3) –*

Editorial note:

An example of referring to a heating process would be describing a product as ‘pasteurised’.

[16.3] *omitting the Editorial note following clause 9, substituting –*

Editorial note:

An example of referring to a heating process would be describing a product as ‘pasteurised’.

[16.4] *omitting the Editorial note following clause 11, substituting –*

Editorial note:

Clause 11 applies to Australia only. Bovine products imported for sale in New Zealand are regulated by the New Zealand *Food (Prescribed Foods) Standard 2007* and associated import requirements.

[17] *The Editorial notes in **Standard 2.2.3** of the Australia New Zealand Food Standards Code are varied by –*

[17.1] *omitting the Editorial note following clause 1, substituting –*

Editorial note:

In New Zealand, guidance may be found in the following publications:

1. Scientific names of fish, approved under clause 32 of the Animal Products (Specifications for Products Intended for Human Consumption) Notice 2005 <http://www.nzfsa.govt.nz/animalproducts/legislation/notices/animal-material-product/human-consumption/nz-fishnames-list-web-published-20080128.pdf> ; and
2. Approved Scientific, New Zealand Common, Maori, and Foreign Common Names of New Zealand Commercial Fish Species, are available from the New Zealand Food Safety Authority website at <http://www.nzfsa.govt.nz/animalproducts/registers-lists/approved-fish-names/>

[17.2] *omitting the Editorial note following clause 3, substituting –*

Editorial note:

See Standard 1.2.1 – Application of Labelling and Other Information Requirements for the application of labelling requirements.

[17.3] *omitting the Editorial note following clause 3, substituting –*

Editorial note:

An example of a process that alters the fatty acid composition of fatty acids in edible oil is the process of hydrogenation.

[18] The Editorial notes in **Standard 2.5.1** of the Australia New Zealand Food Standards Code are varied by inserting, following the Purpose –

Editorial note:

For New Zealand purposes, processing requirements for milk and milk products are regulated under the *Animal Products Act 1999* and the *Food Act 1981*, including the New Zealand Food (Milk and Milk Products Processing) Standard 2007.

[19] The Editorial notes in **Standard 2.5.2** of the Australia New Zealand Food Standards Code are varied by inserting, following the Purpose –

Editorial note:

For New Zealand purposes, processing requirements for milk and milk products are regulated under the *Animal Products Act 1999* and the *Food Act 1981*, including the New Zealand Food (Milk and Milk Products Processing) Standard 2007.

[20] The Editorial notes in **Standard 2.5.3** of the Australia New Zealand Food Standards Code are varied by inserting, following the Purpose –

Editorial note:

For New Zealand purposes, processing requirements for milk and milk products are regulated under the *Animal Products Act 1999* and the *Food Act 1981*, including the New Zealand Food (Milk and Milk Products Processing) Standard 2007.

[21] The Editorial notes in **Standard 2.5.4** of the Australia New Zealand Food Standards Code are varied by inserting, following the Purpose –

Editorial note:

For New Zealand purposes, processing requirements for milk and milk products are regulated under the *Animal Products Act 1999* and the *Food Act 1981*, including the New Zealand Food (Milk and Milk Products Processing) Standard 2007.

[22] The Editorial notes in **Standard 2.5.5** of the Australia New Zealand Food Standards Code are varied by inserting, following the Purpose –

Editorial note:

For New Zealand purposes, processing requirements for milk and milk products are regulated under the *Animal Products Act 1999* and the *Food Act 1981*, including the New Zealand Food (Milk and Milk Products Processing) Standard 2007.

[23] The Editorial notes in **Standard 2.5.6** of the Australia New Zealand Food Standards Code are varied by –

[23.1] inserting, following the Purpose –

Editorial note:

For New Zealand purposes, processing requirements for milk and milk products are regulated under the *Animal Products Act 1999* and the *Food Act 1981*, including the New Zealand *Food (Milk and Milk Products Processing) Standard 2007*.

[23.2] *omitting the Editorial note following clause 2, substituting –*

Editorial note:

See Standard 1.2.4 – Labelling of Ingredients for requirements for the declaration of animal fats or oils in ice cream.

[24] *The Editorial notes in **Standard 2.5.7** of the Australia New Zealand Food Standards Code are varied by inserting, following the Purpose –*

Editorial note:

For New Zealand purposes, processing requirements for milk and milk products are regulated under the *Animal Products Act 1999* and the *Food Act 1981*, including the New Zealand *Food (Milk and Milk Products Processing) Standard 2007*.

[25] *The Editorial notes in **Standard 2.6.1** of the Australia New Zealand Food Standards Code are varied by omitting the Editorial note following clause 3, substituting –*

Editorial note:

See Part 1.2 – Labelling and Other Information Requirements of this Code for general labelling requirements. See Standard 1.3.1 – Food Additives for limits for additives for fruit juice and vegetable juice. See Standard 1.3.3 – Processing Aids for requirements for processing aids in the production of fruit juice and vegetable juice.

[26] *The Editorial notes in **Standard 2.6.4** of the Australia New Zealand Food Standards Code are varied by –*

[26.1] *omitting the Editorial note following subclause 2(1), substituting –*

Editorial note:

See Standard 1.3.1 – Food Additives for the limits for food additives, other than caffeine, in formulated caffeinated beverages.

[26.2] *omitting from the Editorial Note following subclause 3(2) the Example Nutrition Information Panel, substituting –*

NUTRITION INFORMATION		
Servings per package: (insert number of servings)		
Serving size: 250 mL		
	Quantity per	Quantity per
	Serving	100 mL
Energy	kJ (Cal)	kJ (Cal)
Protein	g	g

Fat, total	g	g
- saturated	g	g
Carbohydrate,	g	g
total	g	g
- sugars		
Sodium	mg (mmol)	mg (mmol)
COMPOSITION INFORMATION		
Caffeine	mg	mg
Thiamin	mg	mg
Riboflavin	mg	mg
Niacin	mg	mg
Vitamin B ₆	mg	mg
Vitamin B ₁₂	µg	µg
Pantothenic acid	mg	mg
Taurine	mg	mg
Glucuronolactone	mg	mg
Inositol	mg	mg

[27] The Editorial notes in **Standard 2.7.2** of the Australia New Zealand Food Standards Code are varied by omitting the Editorial note following clause 2, substituting –

Editorial note:

See Standard 1.3.1 – Food Additives and Standard 1.3.3 – Processing Aids for the respective requirements for additives and processing aids. See Standard 2.7.1 – Labelling of Alcoholic Beverages and Food Containing Alcohol for specific labelling requirements for alcoholic beverages.

[28] The Editorial notes in **Standard 2.7.3** of the Australia New Zealand Food Standards Code are varied by omitting the Editorial note following clause 2, substituting –

Editorial note:

See Standard 1.3.1 – Food Additives and Standard 1.3.3 – Processing Aids for the respective requirements for additives and processing aids. See Standard 2.7.1 – Labelling of Alcoholic Beverages and Food Containing Alcohol for specific labelling requirements for alcoholic beverages.

[29] The Editorial notes in **Standard 2.7.4** of the Australia New Zealand Food Standards Code are varied by –

[29.1] omitting the Editorial note following the Purpose, substituting –

Editorial note:

The New Zealand *Geographical Indications (Wines and Spirits) Registration Act 2006* applies to geographical indications in relation to wine. The Act will commence on a date to be proclaimed by the Governor-General of New Zealand.

[29.2] omitting the Editorial note following clause 2, substituting –

Editorial note:

See Standard 4.5.1 – Wine Production Requirements for requirements for the production of wine in Australia. See Standard 1.3.1 – Food Additives and Standard 1.3.3 – Processing Aids for the respective requirements for additives and processing aids. See Standard 2.7.1 – Labelling of Alcoholic Beverages and Food Containing Alcohol for specific labelling requirements for alcoholic beverages.

[30] *The Editorial notes in **Standard 2.7.5** of the Australia New Zealand Food Standards Code are varied by omitting the Editorial note following clause 4(2), substituting –*

Editorial note:

See Standard 4.5.1 – Wine Production Requirements for requirements for the production of wine in Australia. See Standard 1.3.1 – Food Additives and Standard 1.3.3 – Processing Aids for the respective requirements for additives and processing aids. See Standard 2.7.1 – Labelling of Alcoholic Beverages and Food Containing Alcohol for specific labelling requirements for alcoholic beverages.

[31] *The Editorial notes in **Standard 2.8.1** of the Australia New Zealand Food Standards Code are varied by omitting the Editorial note following clause 2, substituting –*

Editorial note:

See Standard 1.2.4 – Labelling of Ingredients for requirements for labelling of ‘sugars’ as an ingredient.

[32] ***Standard 2.9.1** of the Australia New Zealand Food Standards Code is varied by –*

[32.1] *inserting, following subclause 1(2) –*

Editorial note:

Subclause 1(2) is structured to indicate that the definitions of specific infant formula products are within the more general ‘infant formula product’ definition. Therefore the usual practice of listing definitions in alphabetical order has not been applied in this subclause.

[32.2] *inserting, following clause 16 –*

Editorial note:

As a guide to how nutrition information may be presented, see the *Guidelines for Infant Formula Products* at the end of this Standard. These *Guidelines* do not form part of the legally binding Standard.

[32.3] *omitting the Editorial note following clause 17, substituting –*

Editorial note:

The full range of climatic conditions that exist in Australia and New Zealand may need to be considered when determining valid and appropriate storage instructions.

[33] *The Editorial notes in **Standard 2.10.2** of the Australia New Zealand Food Standards Code are varied by omitting the Editorial note following clause 5, substituting –*

Editorial note:

See Standard 1.2.8 – Nutrition Information Requirements for requirements where a claim is made in relation to the sodium content of foods to which reduced sodium salt mixtures or salt substitutes have been added.

[34] The Editorial notes in **Standard 3.3.1** of the Australia New Zealand Food Standards Code are varied by omitting the Editorial note following clause 2, substituting –

Editorial note:

‘Act’ is defined in Standard 1.1.1 as meaning the Act under the authority of which the Code is applied.

[35] The Editorial notes in **Standard 3.2.3** of the Australia New Zealand Food Standards Code are varied by –

[35.1] omitting the Editorial note following the definition of potable water in clause 1, substituting –

Editorial note:

The 2004 *Australian Drinking Water Guidelines* (ADWG) are available from the National Health and Medical Research Council (NHMRC).

[35.2] omitting the Editorial note following subclause 2(3), substituting –

Editorial note:

Standards Australia has published AS 4674-2004 Design, Construction and Fit-out of Food Premises. This Standard provides guidance on design, construction and fit-out criteria for new food premises and for the renovation or alteration of existing food premises.

[36] The Editorial notes in **Standard 4.2.1** of the Australia New Zealand Food Standards Code are varied by omitting the Editorial note following clause 3, substituting –

Editorial note:

Examples of ‘controls’ referred to in this clause could include –

- a. measures to control hazards from air, soil, water, bait and feedstuffs, fertilizers (including natural fertilizers), pesticides, veterinary drugs and any other agent used in primary production of seafood; and
- b. controls to protect food sources from faecal and other contamination.

[37] The Editorial notes in **Standard 4.2.3** of the Australia New Zealand Food Standards Code are varied by omitting the Editorial note for New Zealand following clause 5, substituting –

Editorial note for New Zealand:

For New Zealand the processing of UCFM is regulated under the *Animal Products Act 1999* and the *Food Act 1981*.

[38] *The Editorial notes in **Standard 4.2.4** of the Australia New Zealand Food Standards Code are varied by omitting from the Editorial note following subclause 15(3) –*

paragraph 14(3)(b)

substituting –

paragraph 15(3)(b)

[39] *The Editorial notes in **Standard 4.2.4A** of the Australia New Zealand Food Standards Code is varied by omitting from the Editorial note following the Table to clause 1 –*

paragraph 3(2)(a) of Standard 4.2.4

substituting

paragraph 2(1)(a) of Standard 1.6.2 before 5 October 2008 and then with paragraphs 16(a) and (b) of Standard 4.2.4 after 5 October 2008