

Standard 1.5.1 Novel foods

- Note 1** This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.
- Note 2** The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.
- Note 3** Paragraphs 1.1.1—10(5)(b) and (6)(f) provide that a food for sale must not consist of, or have as an ingredient or a component, a novel food, if the food is offered for retail sale, unless expressly permitted by this Code. This Standard contains the relevant permissions.

1.5.1—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 1.5.1 – Novel foods*.

Note Commencement:
This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

1.5.1—2 Definitions

Note Section 1.1.2—8 (Definition of **novel food**) provides as follows:

- (1) In this Code:
novel food means a non-traditional food that requires an assessment of the public health and safety considerations having regard to:
- the potential for adverse effects in humans; or
 - the composition or structure of the food; or
 - the process by which the food has been prepared; or
 - the source from which it is derived; or
 - patterns and levels of consumption of the food; or
 - any other relevant matters.

Note Possible categories of novel foods are described in guidelines issued by FSANZ. Categories of novel foods may include, but are not limited to, the following:

- plants or animals and their components;
- plant or animal extracts;
- herbs, including extracts;
- dietary macro-components;
- single chemical entities;
- microorganisms, including probiotics;
- foods produced from new sources, or by a process not previously applied to food.

non-traditional food means:

- a food that does not have a history of human consumption in Australia or New Zealand; or
 - a substance derived from a food, where that substance does not have a history of human consumption in Australia or New Zealand other than as a component of that food; or
 - any other substance, where that substance, or the source from which it is derived, does not have a history of human consumption as a food in Australia or New Zealand.
- (2) Any of the following:
- the presence of a food in a food for special medical purposes;
 - the presence of a food in a special medical purpose product for infants;
 - the use of a food as a food for special medical purpose;
 - the use of a food as a special medical purpose product for infants;

do not constitute a history of human consumption in Australia or New Zealand in relation to that food for the purposes of this section.

1.5.1—3

Sale of novel foods

(1) Despite paragraphs 1.1.1—10(5)(b) and (6)(f), a food offered for retail sale (other than an infant formula product) may consist of, or have as an ingredient, a *novel food if:

- (a) the novel food is listed in the table to section S25—2; and
- (b) any conditions of use specified in the corresponding row of that table are complied with.

Note Novel foods are added to the table to section S25—2 by variations to the Code. When added for the first time, the conditions may include some that apply to the novel food only during the first 15 months after gazettal of the variation. Conditions may also deal with matters such as the following:

- the need for preparation or cooking instructions, warning statements or other advice;
- the need to meet specific requirements of composition or purity;
- the class of food within which the food must be sold;
- during the first 15 months after gazettal, the brand under which the food may be sold.

(2) Despite paragraphs 1.1.1—10(5)(b) and (6)(f), an infant formula product for retail sale may consist of, or have as an ingredient or a *component, a novel food only if:

- (a) the novel food is listed in the table to section S25—2; and
 - (b) the presence of that novel food in the infant formula product is expressly permitted by that table; and
 - (c) any conditions of use specified in the corresponding row of that table are complied with.
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Application, saving and transitional provisions

The table below details information on application, saving or transitional provisions in instruments affecting this Standard.

Instrument items affected	A'ment No.	FRLI registration Gazette	Instrument's transitional provision	Description of transitional arrangement
Food Standards (Proposal P1028 – Infant Formula Products – Consequential Amendments) Variation				
Items [13] and [13A] of Schedule 2	231	F2024L01151 13 Sept 2024 FSC 171 13 Sept 2024	Clause 4	<p>Clause 4 establishes a transitional arrangement for variations to the Code made by Items [13] and [13A] of Schedule 2 and by the <i>Food Standards (Proposal P1028 – Infant Formula Products – Consequential Amendments) Variation</i>.</p> <p>The transition period is the period of time that commences on 13 September 2024 and ends on 13 September 2029.</p> <p>Subclause 4(1) provides that section 1.1.1—9 of the Code does not apply to the variations.</p> <p>Subclause 4(2) provides that during the transition period a food product may be sold if the product complies with one of the following:</p> <ul style="list-style-type: none"> (a) the Code as in force without the above variations; (b) the Code as amended by the above variations. <p>Subclause 4(3) provides that a food product that was labelled before the end of the transition period may be sold after the transition period if the product complies with one of the following:</p> <ul style="list-style-type: none"> (a) the Code as in force without the above variations; (b) the Code as amended by the above variations.

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 compilation No. 2 of Standard 1.5.1 as in force on **13 September 2024** (up to Amendment No. 231). It includes any commenced amendment affecting the compilation to that date.

Prepared by Food Standards Australia New Zealand on **13 September 2024**.

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 Legislation 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
exp = expired or ceased to have effect

am = amended
rep = repealed

rs = repealed and substituted

Standard 1.5.1 was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00403 — 31 March 2015) and has since been amended as follows:

Section affected	A'ment No.	FRL registration Gazette	Commencement (Cessation)	How affected	Description of amendment
Note 3 to Std	168	F2017L00414 11 April 2017 FSC110 13 April 2017	13 April 2017	am	Cross-reference.
1.5.1— 3	168	F2017L00414 11 April 2017 FSC110 13 April 2017	13 April 2017	am	Cross-reference.
1.5.1— 2(2)	231	F2024L01151 13 Sept 2024 FSC 171 13 Sept 2024	13 September 2024	rs	Repeal subsection 1.5.1—2(2) and substitute.
1.5.1—3	231	F2024L01151 13 Sept 2024 FSC 171 13 Sept 2024	13 September 2024	rs	Repeal section 1.5.1—3 and substitute.