

Standard 1.5.2 Food produced using gene technology

- 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)(c) and (6)(g) provide that a food for sale must not consist of, or have as an ingredient or a component, a food produced using gene technology, unless expressly permitted by this Code. This Standard contains the relevant permissions. Schedule 26 provides definitions of the terms 'conventional breeding', 'line' and 'transformation event', and lists approved foods produced using gene technology and any conditions for use of the food.

1.5.2—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 1.5.2 – Food produced using gene technology*.

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.

1.5.2—2 Definitions

Note 1 In this Code (see section 1.1.2—2):

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

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

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

Note 2 Definitions for genetically modified food, novel DNA and novel protein are in section 1.5.2—4.

Note 3 Definitions for conventional breeding, line and transformation event are in Schedule 26.

1.5.2—3 When food produced using gene technology is permitted for sale

A food for sale may consist of, or have as an ingredient, a *food produced using gene technology if the food produced using gene technology:

- (a) is listed in Schedule 26 and complies with any corresponding conditions listed in that Schedule; or
- (b) is a substance that is permitted for use as a food additive by Standard 1.3.1 or as a processing aid by Standard 1.3.3.

1.5.2—4 Requirement to label food as 'genetically modified'

- (1) This section applies to a food for sale that consists of, or has as an ingredient, food that is a genetically modified food, unless:
 - (a) the genetically modified food:
 - (i) has been highly refined where the effect of the refining process is to remove novel DNA or novel protein; and
 - (ii) is not listed in subsections S26—3(2) and (3) as subject to the condition that its labelling must comply with this section; or
 - (b) both of the following are satisfied:
 - (i) the genetically modified food is a substance *used as a processing aid or *used as a food additive in the food in accordance with this Code;
 - (ii) no novel DNA or novel protein from the substance remains present in the food; or
 - (c) the genetically modified food is a *flavouring substance that is present in the food in a concentration of no more than 1 g of flavouring/kg of food; or

- (d) the genetically modified food is:
 - (i) unintentionally present in the food; and
 - (ii) present in an amount of no more than 10 g in a kilogram of each ingredient; or
 - (e) the food is:
 - (i) intended for immediate consumption; and
 - (ii) prepared and sold from food premises and vending vehicles, including restaurants, take away outlets, caterers, or self-catering institutions.
- (2) For the labelling provisions, the information relating to *foods produced using gene technology includes the statement 'genetically modified' in conjunction with the name of the genetically modified food.

Note The labelling provisions are set out in Standard 1.2.1. Labelling provisions apply to both packaged and unpackaged foods produced using gene technology.

- (3) If the genetically modified food is an ingredient, *used as a food additive or *used as a processing aid the information may be included in the statement of ingredients.

Example Ingredients: Soy Protein Isolate (genetically modified).

- (4) To avoid doubt, this Code does not require any statement about the genetic status of a food or one of its ingredients other than as required by this section or by a condition in Schedule 26.

- (5) In this section:

novel DNA and **novel protein** mean DNA or 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 that has not been produced using gene technology, other than protein that:

- (a) is *used as a processing aid or *used as a food additive; and
- (b) has an amino acid sequence that is found in nature.

genetically modified food means a *food produced using gene technology that

- (a) contains novel DNA or novel protein; or
 - (b) is listed in Section S26—3 as subject to the condition that its labelling must comply with this section.
-

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 **1 March 2016** (up to Amendment No. 161). It includes any commenced amendment affecting the compilation to that date.

Prepared by Food Standards Australia New Zealand on **1 March 2016**.

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 Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00404 — 31 March 2015) and has since been amended as follows:

Section affected	A'ment No.	FRLI registration Gazette	Commencement (Cessation)	How affected	Description of amendment
Std heading	161	F2016L00120 18 Feb 2016 FSC103 22 Feb 2016	1 March 2016	am	Correction of typographical error in Note 3.
1.5.2—2	157	F2015L01374 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	am	Correction of numbering error for Note 1.