

Food Standards (Proposal P1025 – Code Revision) Variation

The Board of Food Standards Australia New Zealand gives notice of the making of this standard under section 92 of the *Food Standards Australia New Zealand Act 1991*. The Standard commences on 1 March 2016.

Dated 25 March 2015



Standards Management Officer
Delegate of the Board of Food Standards Australia New Zealand

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 96 on 10 April 2015.

Standard 1.4.1 Contaminants and natural toxicants

- 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** Subsection 1.1.1—10(6) provides that a food for sale must comply with any provisions of this Code relating to the composition of, or the presence of specified substances in, food of that kind. This Standard contains provisions relating to the presence of other substances in food.
- Note 4** Limits have been set under this Standard when it has been determined that there is a potential risk to public health and safety if the prescribed limits are exceeded, that should be managed by a standard. This Standard is to be read in the context of the requirements imposed in the application Acts that food must be safe and suitable for human consumption. For example, the concentration of contaminants and natural toxicants should be kept as low as reasonably achievable.

1.4.1—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 1.4.1 – Contaminants and natural toxicants*.

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.

1.4.1—2 Interpretation

- (1) The limits prescribed by this Standard apply to the portion of foods that is ordinarily consumed.
- (2) In this Standard and Schedule 19, a reference to a particular food is to the food as described in Schedule 22.

1.4.1—3 Levels of contaminants and natural toxicants in food

- (1) The level of a contaminant or natural toxicant listed in section S19—4, S19—5 or S19—6 in a food listed in relation to that contaminant or toxicant must not be greater than the corresponding amount listed in that Schedule.

Note Schedule 19 sets out maximum levels of:

- metal contaminants;
 - non-metal contaminants;
 - natural toxicants; and
 - average and maximum levels of mercury in fish.
- (2) The level of mercury in fish and fish products, calculated in accordance with section S19—7, must comply with the requirements of subsection S19—7(1) or S19—7(2), as appropriate.
 - (3) For a food for sale with 2 or more ingredients, 1 or more of which is listed in Schedule 19, the level of a contaminant or toxicant listed in Schedule 19 in the food for sale must not be greater than the amount, **ML**, given by the following equation:

$$ML = \frac{\sum_{j=1}^N (ML_j Total_j) + CF \times (Total - \sum_{j=1}^N Total_j)}{Total}$$

where:

N is the number of ingredients of the food for sale for which a maximum level of a contaminant or toxicant is specified in Schedule 19.

ML_j is:

- (a) in the case of mercury—the mean level of mercury that is permitted under section S19—7; or
- (b) otherwise—the maximum level of the contaminant or toxicant that is permitted, in accordance with subsection (1);

in a particular ingredient (the *jth ingredient*) of the food for sale.

Total_j is the total weight of the *jth* ingredient of the food for sale (in g).

CF is:

- (a) in the case of lead—0.01 mg/kg; and
- (b) in the case of cadmium—0.005 mg/kg; and
- (c) for other substances—0 mg/kg.

Note **CF** is the background calculation factor, and allows for a representative contaminant level for those foods for which a maximum level is not specified in Schedule 19. The contaminants occur at low levels in such foods.

Total is the total weight of the food for sale (in g).
