

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 2.9.3 Formulated meal replacements and formulated supplementary 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.

Division 1 Preliminary

2.9.3—1 Name

This Standard is *Australia New Zealand Food Standards Code* – Standard 2.9.3 – Formulated meal replacements and formulated supplementary 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.

2.9.3—2 Definitions

Note In this Code (see sections 1.1.2—2 and 1.1.2—3):

serving means an amount of the food which constitutes one normal serving when prepared according to manufacturer's directions or when the food requires no further preparation before consumption, and in the case of a formulated meal replacement is equivalent to one meal.

formulated meal replacement means a food for sale or a prepackaged selection of food for sale that:

- (a) has been specifically formulated as a replacement for one or more meals of the day, but not as a total diet replacement; and
- (b) is represented as a formulated meal replacement.

formulated supplementary food means a food specifically formulated as, and sold on the basis that it is, a supplement to a normal diet to address situations where intakes of energy and nutrients may not be adequate to meet an individual's requirements.

formulated supplementary food for young children means a formulated supplementary food for children aged 1 to 3 years.

Note 2 In this Standard, the following term is defined: **claimable vitamin or mineral**.

Division 2 Formulated meal replacements

2.9.3—3 Compositional requirements for formulated meal replacements

- (1) A formulated meal replacement must contain in a serving no less than:
 - (a) 12 g protein; and
 - (b) 850 kJ; and
 - (c) 25% *RDI of each vitamin and mineral listed in Column 1 of the table to section S29—12.
- (2) A vitamin or mineral may be *used as a nutritive substance in a formulated meal replacement if:
 - (a) the vitamin or mineral is listed in Column 1 of:
 - (i) the table to section S29—12; or
 - (ii) the table to section S29—13; and
 - (b) the total of the naturally occurring and added vitamin or mineral in a serving is not greater than the amount, if any, specified in relation to that vitamin or mineral in Column 2 of the relevant table; and
 - (c) the vitamin or mineral is in a permitted form specified in:
 - (i) section S17—2 or S17—3; or
 - (ii) section S29—17; or
 - (iii) for vitamin K—section S29—7.

2.9.3—4 Labelling of formulated meal replacements

- (1) The nutrition information panel on the label on a package of formulated meal replacement must include a declaration of the average quantities of the vitamins and minerals that:
 - (a) in the case of vitamins and minerals listed in the table in section S29—12— are present in the food; and
 - (b) in the case of vitamins and minerals listed in the table in section S29—13— have been *used as a nutritive substance in the food.
 - (2) A claim as to the presence in a formulated meal replacement of a vitamin or mineral listed in the table to section S29—12 or S29—13 may be made on the label on a package of formulated meal replacement only if:
 - (a) no less than 10% *RDI or *ESADDI of that vitamin or mineral is present in a serving of the food; and
 - (b) for a vitamin or mineral that has been *used as a nutritive substance in the food—the claimed amount of that vitamin or mineral in a serving is no more than the amount set out in Column 3 of the relevant table to section S29—12 or S29—13.
- Note** If such a claim is made, subparagraph 1.2.8—6(1)(d)(iv) might be relevant.
- (3) A claim that a formulated meal replacement is a good source of a vitamin or mineral may be made if:
 - (a) the vitamin or mineral is listed in Column 1 of the table to section S29—12 or S29—13; and
 - (b) a serving of the food contains at least 25% *RDI or *ESADDI of that vitamin or mineral; and
 - (c) where the vitamin or mineral has been *used as a nutritive substance in the food, the claimed amount of that vitamin or mineral in a serving is no more than the amount set out in Column 3 of the table to section S29—12 or S29—13.
 - (4) 'Formulated meal replacement' is a *prescribed name.
 - (5) For the labelling provisions, the required statement is words to the effect that the product must not be used as a total diet replacement.

Note The labelling provisions are set out in Standard 1.2.1.

Division 3 Formulated supplementary foods

2.9.3—5 Compositional requirements for formulated supplementary foods

- (1) A formulated supplementary food must contain in a serving no less than:
 - (a) 8 g protein; and
 - (b) 550 kJ; and
 - (c) 20% *RDI of at least 1 vitamin or mineral listed in Column 1 of the table to S29—14.
- (2) A vitamin or mineral may be *used as a nutritive substance in a formulated supplementary food if:
 - (a) the vitamin or mineral is listed in Column 1 of the table to S29—14; and
 - (b) the total of the naturally occurring and added amount of each vitamin or mineral in a serving is not more than the amount, if any, set out in relation to that vitamin or mineral in Column 2 of the table; and
 - (c) the vitamin or mineral is in a permitted form specified in the table in section S17—2 or S17—3.

2.9.3—6 Labelling of formulated supplementary foods

- (1) The nutrition information panel on the label on a package of formulated supplementary food must include a declaration of the average quantities of any vitamin or mineral that:
 - (a) is listed in Column 1 of the table to S29—14; and
 - (b) is present in the food.
- (2) A claim as to the presence in a formulated supplementary food of a vitamin or mineral listed in section S17—2, S17—3 or S29—14 may be made on the label on a package of formulated supplementary food if:
 - (a) no less than 10% *RDI or *ESADDI, as appropriate, of the vitamin or mineral listed in Column 1 of the table to section S29—14 is in a serving of the food; and
 - (b) for a vitamin or mineral that has been *used as a nutritive substance in the food, the claimed amount in a serving of the food is no more than the amount set out in Column 3 of the table.
- (3) A claim that a formulated supplementary food is a good source of a vitamin or mineral may be made if:
 - (a) the vitamin or mineral is listed in section S17—2, S17—3 or S29—14; and
 - (b) a serving of the food contains at least 25% *RDI or *ESADDI of that vitamin or mineral; and
 - (c) where the vitamin or mineral has been *used as a nutritive substance in the food, the claimed amount of that vitamin or mineral in a serving is no more than the amount set out in Column 3 of the table to section S29—14.
- (4) For the labelling provisions, the required statement is a description of the role of the food as a supplement to a normal diet to address situations where intakes of energy and nutrients may not be adequate to meet an individual's requirements.

Note The labelling provisions are set out in Standard 1.2.1.
- (5) 'Formulated supplementary food' is a *prescribed name.

Division 4 Formulated supplementary foods for young children

2.9.3—7 Compositional requirements for formulated supplementary foods for young children

- (1) A formulated supplementary food for young children must contain in a serving no less than:
 - (a) 2.5 g protein; and
 - (b) 330 kJ; and
 - (c) 20% *RDI of at least 1 vitamin or mineral listed in Column 1 of the table to section S29—15.
- (2) A vitamin or mineral may be *used as a nutritive substance in a formulated supplementary food for young children if:
 - (a) the vitamin or mineral is listed in Column 1 of the table to section S29—15; and
 - (b) the total of the naturally occurring and added amount of each vitamin or mineral in a serving is not more than the amount, if any, set out in relation to that vitamin or mineral in column 2 of the table; and
 - (c) the vitamin or mineral is in a permitted form specified in the table in section S17—2 or S17—3.
- (3) If *inulin-type fructans or *galacto-oligosaccharides are added to a formulated supplementary food for young children, the total amount of those substances, both added and naturally occurring, must not be more than 1.6 g/serving.

- (4) Lutein may be *used as a nutritive substance in a formulated supplementary food for young children only if:
 - (a) the lutein is derived from *Tagetes erecta* L.; and
 - (b) the total amount of lutein, both added and naturally occurring, is not more than 100 µg/serving.

2.9.3—8 **Labelling of formulated supplementary foods for young children**

- (1) The nutrition information panel on the label on a package of formulated supplementary foods for young children must include a declaration of the *average quantity of any vitamin or mineral that:
 - (a) is listed in Column 1 of the table to section S29—15; and
 - (b) is *used as a nutritive substance in the food.
 - (2) A claim as to the presence in a formulated supplementary food for young children of a vitamin or mineral in section S17—2, S17—3 or S29—15 may be made on the label on a package of formulated supplementary food for young children if:
 - (a) no less than 10% *RDI or *ESADDI, as appropriate, of the vitamin or mineral listed in Column 1 of the table is present in a serving of the food; and
 - (b) for a vitamin or mineral that has been *used as a nutritive substance in the food, the claimed amount of that vitamin or mineral in a serving of the food is no more than the amount set out in Column 3 of the table.
 - (3) A claim that a formulated supplementary food for young children is a good source of a vitamin or mineral may be made if:
 - (a) the vitamin or mineral is a claimable vitamin or mineral; and
 - (b) a serving of the food contains at least 25% *RDI or *ESADDI of that vitamin or mineral; and
 - (c) where the vitamin or mineral has been *used as a nutritive substance in the food, the claimed amount of that vitamin or mineral in a serving is no more than the amount set out in Column 3 of the table to section S29—15.
 - (4) For the labelling provisions, the required statement is a description of the role of the food as a supplement to a normal diet to address situations where intakes of energy and nutrients may not be adequate to meet an individual's requirements.

Note The labelling provisions are set out in Standard 1.2.1.
 - (5) 'Formulated supplementary food for young children' is a *prescribed name.
 - (6) The label on a package of formulated supplementary food for young children must not include any words indicating, or any other indication, that the product contains lutein unless the total amount of lutein is no less than 30 µg/serving.
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