

Schedule 25

Permitted 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.

Novel foods are regulated by paragraphs 1.1.1—10(5)(b) and (6)(f) and Standard 1.5.1. This Standard lists permitted novel foods, and specifies conditions for their use, for section 1.5.1—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.

S25—1 Name

This Standard is *Australia New Zealand Food Standards Code – Schedule 25 – Permitted 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.

S25—2 Sale of novel foods

For section 1.5.1—3, the permitted *novel foods and their conditions for use are:

Sale of novel foods

Permitted novel food	Conditions of use
α-cyclodextrin	1. The name 'alpha cyclodextrin' or 'α- cyclodextrin' must be used when declaring the ingredient in the statement of ingredients.
γ-cyclodextrin	1. The name 'gamma cyclodextrin' or 'γ- cyclodextrin' must be used when declaring the ingredient in the statement of ingredients.
Diacylglycerol oil (DAG-Oil)	1. The name 'Diacylglycerol oil' must be used when declaring the ingredient in the statement of ingredients.
Dried marine micro-algae (<i>Schizochytrium</i> sp.) rich in docosahexaenoic acid (DHA)	1. May be added to infant formula products in accordance with Standard 2.9.1.
Oil derived from marine micro-algae <i>Schizochytrium</i> sp. (American Type Culture Collection (ATCC) PTA-9695)	1. Only permitted for use in infant formula products in accordance with Standard 2.9.1
Oil derived from marine micro-algae (<i>Schizochytrium</i> sp.) rich in docosahexaenoic acid (DHA)	1. May be added to infant formula products in accordance with Standard 2.9.1.
Oil derived from marine micro-algae (<i>Ulkenia</i> sp.) rich in docosahexaenoic acid (DHA)	1. May be added to infant formula products in accordance with Standard 2.9.1.
Isomalto-oligosaccharide	1. Must not be added to: (a) food for infants; and (b) formulated supplementary food for young children.
Isomaltulose	
*Phytosterols, phytosteranols and their esters	1. The food must comply with requirements in Standard 1.2.1 insofar as they relate to section 1.2.3—2. 2. May only be added to edible oil spreads: (a) according to Standard 2.4.2; and (b) where the total *saturated and *trans fatty acids present in the food are no more than 28% of the total fatty acid content of the food; and

Permitted novel food	Conditions of use
	<ol style="list-style-type: none"> 3. May only be added to breakfast cereals, not including breakfast cereal bars, if: <ol style="list-style-type: none"> (a) the total fibre content of the breakfast cereal is no less than 3 g/50 g; and (b) the breakfast cereal contains no more than 30 g/100 g of total sugars; and (c) the *total plant sterol equivalents content is no less than 0.5 g per serving and no more than 2.2 g per serving. 4. Foods to which phytosterols, phytostanols or their esters have been added must not be used as ingredients in other foods. 5. May only be added to milk in accordance with Standard 2.5.1. 6. May only be added to yoghurt in accordance with Standard 2.5.3 7. May only be added to a beverage derived from legumes, cereals, nuts, seeds, or a combination of those ingredients if, after that addition, each of the following compositional limits are met: <ol style="list-style-type: none"> (a) the calcium content of the beverage is no less than 100 mg per 100 mL; and (b) the beverage contains no more than 0.75 g saturated fatty acids per 100 mL; and (c) the total plant sterol equivalents content of the beverage is no less than 0.8 g and no more than 2.2 g per 250 mL of the beverage. 8. During the exclusive use period, a beverage to which phytosterols, phytostanols and/or their esters have been added in accordance with condition 7 above may only be sold under the brand SANITARIUM HEALTH FOOD COMPANY. 9. For the purposes of condition 8 above, exclusive use period means the period commencing on the date of gazettal of the <i>Food Standards (Addition of phytosterols, phytostanols or their esters as novel food to plant-based milk alternatives) Variation</i> and ending 15 months after that date
Rapeseed protein isolate	<ol style="list-style-type: none"> 1. Must be derived from rapeseed press cake retained after oil pressing from the seeds of one or more of: <ol style="list-style-type: none"> (a) <i>Brassica napus</i>; (b) <i>Brassica rapa</i>; or (c) <i>Brassica juncea</i>. 2. Must not be added to food for infants. 3. Must comply with the specifications for rapeseed protein isolate listed in section S3—39(A).
D-Tagatose	
Tall oil phytosterol esters	<ol style="list-style-type: none"> 1. Tall oil phytosterol esters must comply with the specification for tall oil phytosterol esters in Schedule 3. 2. The food must comply with the requirements in Standard 1.2.1 insofar as they relate to section 1.2.3—2. 3. The name ‘tall oil phytosterol esters’ or ‘plant sterol esters’ must be used. 4. May only be added to cheese and processed cheese, in accordance with Standard 2.5.4. 6. Foods to which tall oil phytosterol esters have been added must not be used as ingredients in other foods.
Trehalose	<ol style="list-style-type: none"> 1. May be added to infant formula products only as a cryo-preservative for L(+) lactic acid producing microorganisms.

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 [24], [25], [26] and [27] 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 [24], [25], [26] and [27] 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 Schedule. 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. 8 of Schedule 25 as in force on **13 September** (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 Schedule 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

am = amended

exp = expired or ceased to have effect

rep = repealed

rs = repealed and substituted

Schedule 25 was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00440 — 1 April 2015) and has since been amended as follows:

Section affected	A'ment No.	FRL registration Gazette	Commencement (Cessation)	How affected	Description of amendment
Note 1 to Std	168	F2017L00414 11 April 2017 FSC110 13 April 2017	13 April 2017	am	Cross-reference.
table to S25—2	170	F2017L00586 23 May 2017 FSC112 25 May 2017	25 May 2017	ad	Entry for oil derived from marine micro-algae <i>Schizochytrium</i> sp. (American Type Culture Collection (ATCC) PTA-9695)
table to S25—2	170	F2017L00584 23 May 2017 FSC112 25 May 2017	25 May 2017	am	Entry for *Phytosterols, phytosterols and their esters.
table to S25—2	171	F2017L00915 11 July 2017 FSC113 13 July 2017	13 July 2017	ad	Entry for isomalto-oligosaccharide.
table to S25—2	200	F2021L00684 2 June 2021 FSC141 3 June 2021	3 June 2021	am	Entry for *Phytosterols, phytosterols and their esters.
table to S25—2	139	F2021L00324 24 March 2021 FSC 139 26 March 2021	30 June 2021	ad	Entry for Rapeseed protein isolate
table to S25—2	215	F2023L00032 12 January 2023 FSC155 16 January 2023	16 January 2023	ad	Entry for *Phytosterols, phytosterols and their esters
table to S25—2	220	F2023L01004 11 July 2023 FSC160 19 July 2023	19 July 2023	rs	Entry for rapeseed protein isolate
table to S25—2	231	F2024L01151 13 Sept 2024 FSC171 13 Sept 2024	13 September 2024	rs	Repeal table entries for Dried marine micro-algae, Oil derived from marine micro-algae <i>Schizochytrium</i> sp., Oil derived from marine micro-algae and Oil derived from marine micro-algae and substitute.
table to S25—2	231	F2024L01151 13 Sept 2024 FSC171 13 Sept 2024	13 September 2024	rs	Repeal table item Isomalto-oligosaccharide and substitute.
table to S25—2	231	F2024L01151 13 Sept 2024 FSC171 13 Sept 2024	13 September 2024	rs	Repeal the condition entry for Rapeseed protein isolate and substitute.
table to S25—2	231	F2024L01151 13 Sept 2024 FSC171 13 Sept 2024	13 September 2024	rs	Repeal table item for Trehalose and substitute.