

## Standard 2.6.2 Non-alcoholic beverages and brewed soft drinks

**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.

### 2.6.2—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 2.6.2 – Non-alcoholic beverages and brewed soft drinks*.

**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.

### 2.6.2—2 Definitions

**Note** In this Code (see section 1.1.2—3):

**brewed soft drink** means a food that:

- (a) is the product prepared by a fermentation process from water with sugar and one or more of:
  - (i) fruit extractives or infusions; or
  - (ii) vegetable extractives or infusions; and
- (b) contains no more than 1.15% alcohol by volume.

**electrolyte drink** means a drink formulated and represented as suitable for the rapid replacement of fluid, carbohydrates, electrolytes and minerals.

**electrolyte drink base** means a solid or liquid which, when made up, makes an electrolyte drink.

**formulated beverage** means a non-carbonated, ready-to-drink, flavoured beverage that:

- (a) is water-based; and
- (b) contains added vitamins or minerals or both vitamins and minerals; and
- (c) contains no more than 240 mL/L of fruit from one or more of the following sources:
  - (i) fruit juice;
  - (ii) fruit purée;
  - (iii) concentrated fruit juice;
  - (iv) concentrated fruit purée;
  - (v) comminuted fruit;
  - (vi) orange peel extract; and
- (d) contains no more than 75 g/L of sugars; and
- (e) does not contain:
  - (i) carbon dioxide; or
  - (ii) caffeine; and
- (f) is not mixed with any other beverage.

**fruit drink** means a product that is prepared from:

- (a) one or more of the following:
  - (i) fruit juice;
  - (ii) fruit purée;
  - (iii) concentrated fruit juice;
  - (iv) concentrated fruit purée;
  - (v) comminuted fruit;
  - (vi) orange peel extract; and
- (b) one or more of the following:
  - (i) water;
  - (ii) mineralised water; and
  - (iii) sugars.

**mineral water** or **spring water** means ground water obtained from subterranean water-bearing strata that, in its natural state, contains soluble matter.

**non-alcoholic beverage:**

- (a) means:
  - (i) packaged water; or
  - (ii) a water-based beverage, or a water-based beverage that contains other foods (other than alcoholic beverages); or
  - (iii) an electrolyte drink; and
- (b) does not include a brewed soft drink.

**2.6.2—3 Composition requirement for packaged water**

- (1) This section applies to a food for sale that consists of water presented in packaged form.
- (2) The food for sale may contain carbon dioxide, whether added or naturally occurring.
- (3) The food for sale must not contain:
  - (a) a chemical (other than fluoride) listed in Table A3.3 *Guideline values for chemicals that are of health significance in drinking-water* of Annex 3 Chemical summary tables in the *Guidelines for drinking-water quality, 4<sup>th</sup> edition incorporating the first addendum, 2017, World Health Organization, Geneva*, at a level greater than the guideline value for the chemical specified in that Table; or
  - (b) fluoride that is naturally-occurring in the water at a level greater than 1.0 mg/L.

**2.6.2—4 Addition of fluoride to packaged water**

A food for sale consisting of water presented in packaged form may contain added fluoride only if:

- (a) the water does not contain sugars, sweeteners, flavouring substances or other food; and
- (b) the water is not carbonated; and
- (c) the total amount of the naturally occurring and any added fluoride is no less than 0.6 mg/L and no more than 1.0 mg/L; and
- (d) the form of fluoride added is:
  - (i) hydrofluorosilicic acid (fluorosilicic acid); or
  - (ii) sodium fluoride; or
  - (iii) sodium fluorosilicate (sodium silicofluoride).

**2.6.2—5 Labelling—composition of packaged water**

- (1) For the labelling provisions, for water presented in packaged form that contains added fluoride, a statement to the effect that the water contains added fluoride is required.

**Note** The labelling provisions are set out in Standard 1.2.1.

- (2) For the labelling provisions, a typical analysis that lists the total concentration of any naturally occurring compound expressed in either mg/L or parts per million may be included.

**Note** The labelling provisions are set out in Standard 1.2.1.

- (3) The typical analysis may also include added fluoride provided that only the total amount of the naturally occurring and added fluoride is specified.
- (4) A typical analysis that complies with subsections (2) and (3) is not a nutrition content claim for the purposes of section 1.1.2—9.

**2.6.2—6 Requirement for food sold as brewed soft drink**

A food that is sold as a brewed soft drink must be a brewed soft drink.

### **2.6.2—7 Requirement for food sold as fruit drink**

A food that is sold as fruit drink must:

- (a) be fruit drink, and;
- (b) contain no less than:
  - (i) in the case of passionfruit juice drink—35 mL/L of passionfruit; and
  - (ii) otherwise—50 mL/L of fruit.

### **2.6.2—8 Non-alcoholic beverages not to be labelled or presented as alcoholic beverages**

A non-alcoholic beverage or brewed soft drink must not be labelled or otherwise presented for sale in a form which expressly or by implication suggests that the product is an alcoholic beverage.

### **2.6.2—9 Requirements for food sold as electrolyte drink or electrolyte drink base**

- (1) A food that is sold as an electrolyte drink or an electrolyte drink base must:
  - (a) be an electrolyte drink or an electrolyte drink base, as appropriate; and
  - (b) contain:
    - (i) no less than 10 mmol/L of sodium; and
    - (ii) no less than 50 g/L and no more than 100 g/L in total of the following:
      - (A) dextrose;
      - (B) fructose;
      - (C) glucose syrup;
      - (D) maltodextrin;
      - (E) sucrose; and
    - (iii) no more than 50 g/L fructose.
- (2) For an electrolyte drink base, the amounts in paragraph (1)(b) apply to the electrolyte drink base as ready to drink.

### **2.6.2—10 Permission to add minerals to electrolyte drink and electrolyte drink base**

The following may be added to an electrolyte drink or an electrolyte drink base:

- (a) calcium phosphates;
- (b) potassium phosphates;
- (c) calcium citrates;
- (d) potassium citrates;
- (e) sodium citrates;
- (f) potassium carbonates, including potassium bicarbonate;
- (g) potassium chloride;
- (h) calcium chloride;
- (i) sodium chloride;
- (j) calcium lactate;
- (k) magnesium lactate;
- (l) magnesium sulphate.

### **2.6.2—11 Labelling of electrolyte drinks and electrolyte drink bases**

- (1) For the labelling provisions, the following information is required for an electrolyte drink or an electrolyte drink base:

- (a) the average per 100 mL, of:
  - (i) the average energy content; and
  - (ii) the \*carbohydrate present, including each type of monosaccharide and disaccharide; and
  - (iii) added minerals and electrolytes, expressed as milligrams and millimoles;
- (b) the recommended volume and frequency of use.

**Note** The labelling provisions are set out in Standard 1.2.1.

- (2) For an electrolyte drink base, the declaration must be based on the electrolyte drink as ready to drink.

#### **2.6.2—12 Claims in relation to the tonicity of electrolyte drinks**

- (1) A claim that an electrolyte drink is isotonic may only be made if the electrolyte drink has an average osmolality of 250-340 mOsm/L.
- (2) For the labelling provisions, the osmolality of the electrolyte drink must be declared as measured in mOsm/L.

**Note** The labelling provisions are set out in Standard 1.2.1.

- (3) The label on a package of isotonic electrolyte drink may include words to the effect that the product is designed to promote the availability of energy and to prevent or treat mild dehydration that may occur as a result of sustained strenuous exercise.

#### **2.6.2—13 Requirement for food sold as a formulated beverage**

A food sold as a formulated beverage must be a formulated beverage.

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## 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 2 of Standard 2.6.2 as in force on **7 September 2016** (up to Amendment No. 172). It includes any commenced amendment affecting the compilation to that date.

Prepared by Food Standards Australia New Zealand on **7 September 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 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  
rs = repealed and substituted  
am = amended  
rep = repealed

**Standard 2.6.2** was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00465 — 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
2.6.2—3	157	F2015L01374 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	rep	Note following section.
2.6.2— 3(3)(a)	172	F2017L01142 6 Sept 2017 FSC114 7 Sept 2017	7 Sept 2017	am	Correction of typographical error.