

Standard 2.6.3 Kava

- 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)(e) and (6)(i) provide that a food for sale must not consist of, or have as an ingredient or a component, kava or any substance derived from kava, unless expressly permitted by this Code. This Standard contains the relevant permissions.
- Note 4** In Australia, this Standard should be considered in conjunction with the *Customs (Prohibited Imports) Regulations 1956* (Cth) and certain State and Territory restrictions on the supply of kava which seek to minimise the detrimental effects associated with kava abuse. Where kava is permitted for supply, the requirements in this Standard complement those restrictions.

2.6.3—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 2.6.3 – Kava*.

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.

2.6.3—2 Definitions

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

kava means plants of the species *Piper methysticum*.

kava root means the peeled root or peeled rootstock of a Noble variety of kava that is named in section 3.1 of the *Regional Standard for Kava Products for use as a Beverage When Mixed with Water* (CXS 336R-2020) as adopted by the 43rd Session of the joint Food and Agriculture Organization and World Health Organization Codex Alimentarius Commission (2020).

2.6.3—3 Exception to prohibition

The prohibition relating to the use of kava and substances derived from kava in paragraph 1.1.1—10(5)(e) does not apply to a food that is:

- (a) a beverage obtained by the aqueous suspension of kava root using cold water only, and not using any organic solvent; or
- (b) dried or raw kava root.

2.6.3—4 Labelling of foods containing kava

For the labelling provisions, the following *warning statements are required for a food referred to in paragraph 2.6.3—3(a) or 2.6.3—3(b):

- (a) 'Use in moderation'; and
- (b) 'May cause drowsiness'.

Note The labelling provisions are set out in Standard 1.2.1. For the labelling requirement for unpackaged kava, see paragraph 1.2.1—9(3)(f)

2.6.3—5 Prohibition on food additives and processing aids in kava

A food referred to in paragraph 2.6.3—3(a) or 2.6.3—3(b) must not have as an ingredient or a component, any of the following:

- (a) a substance that was *used as a food additive;
- (b) a substance that was *used as a processing aid.

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 No. 3 of Standard 2.6.3 as in force on **23 March 2022** (up to Amendment No. 206). It includes any commenced amendment affecting the compilation to that date.

Prepared by Food Standards Australia New Zealand on **23 March 2022**.

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 2.6.3 was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00466 — 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 3 to Std	168	F2017L00414 11 April 2017 FSC110 13 April 2017	13 April 2017	am	Cross-reference.
2.6.3—3	168	F2017L00414 11 April 2017 FSC110 13 April 2017	13 April 2017	am	Cross-reference.
1.2.8—1	200	F2021L00684 2 June 2021 FSC141 3 June 2021	3 June 2021	am	Cross-reference.
2.6.3—2	206	F2022L00308 11 Mar 2022 FSANZ Notification Circular 195-22 (Urgent Proposal) 23 March 2022	23 March 2022	rs	Omit and substitute definition.

Section affected	A'ment No.	FRL registration Gazette	Commencement (Cessation)	How affected	Description of amendment
2.6.3—5	206	F2022L00308 11 Mar 2022 FSANZ Notification Circular 195-22 (Urgent Proposal) 23 March 2022	23 March 2022	ad	Prohibition on food additives and processing aids in kava