

Australia New Zealand Food Standards Code – Transitional Variation 2015 (Proposal P1037 – Amendments associated with Nutrition Content & Health Claims)

The Board of Food Standards Australia New Zealand gives notice of the making of this variation under section 92 of the *Food Standards Australia New Zealand Act 1991*. This variation commences on the date specified in clause 2 of the variation.

30 November 2015



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

Note:

This variation will be published in the Commonwealth of Australia Gazette No. FSC 101 on 7 December 2015.

1 Name of instrument

This instrument is the *Australia New Zealand Food Standards Code – Transitional Variation 2015 (Proposal P1037 – Amendments associated with Nutrition Content & Health Claims)*.

2 Commencement

This instrument commences on 1 March 2016 immediately after the commencement of Standard 5.1.1 – Revocation and transitional provisions — 2014 Revision.

3 Variation to Standards in the *Australia New Zealand Food Standards Code*

The Schedule varies Standards in the *Australia New Zealand Food Standards Code*.

4 Effect of prescribed variations

(1) In this section:

the Code means the *Australia New Zealand Food Standards Code*.

prescribed variations means the variations to the Code made by this instrument other than the variations made by items 1, 2 and 3.1 of the Schedule.

transitional period means the period of time that commences on 1 March 2016 and ends on 18 January 2017.

(2) Section 1.1.1—9 of the Code does not apply to the prescribed variations.

(3) During the transition period, a food may comply with either:

- (a) the Code as in force without the prescribed amendments; or
- (b) the Code as amended by the prescribed variations.

but not a combination of both.

(4) A food is taken to comply with the Code as amended by the prescribed variations for a period of 12 months commencing on 18 January 2017 if the food otherwise complied with the Code before that date.

SCHEDULE

[1] **Standard 1.1.2** is varied by

[1.1] inserting after section 1.1.2—14

“1.1.2—15 Definition of Permitted Health Star Rating symbol

- (1) In this Code, **Permitted Health Star Rating symbol** means an image subject to any of the following:
 - (a) an Australian Trade Mark numbered 1641445, 1641446 or 1641447;
 - (b) a New Zealand Trade Mark numbered 1018807, 1018808 or 1018809.
- (2) To avoid doubt, an image mentioned in subsection (1) does not cease to be a Permitted Health Star Rating symbol by reason only of the image indicating:
 - (a) energy or nutrient content on a per 100 g, per 100 ml or per pack basis; or
 - (b) energy or nutrient content on a per serving or per reference portion basis; or
 - (c) energy or nutrient content at zero or amounts greater than zero; or
 - (d) energy content on a percentage daily intake basis in addition to an amount shown in kilojoules.”

[2] **Standard 1.2.7** is varied by

[2.1] inserting after section 1.2.7—3

Note Standard 1.2.8 may prescribe additional labelling requirements for claims regulated by this Standard.”

[2.2] omitting paragraph 1.2.7—6(c) and substituting

“(c) a declaration that is required by an application Act; or

(d) a permitted Health Star Rating symbol.”

[3] Standard 1.2.8 is varied by

[3.1] omitting “infant formula products” from section 1.2.8—3 and substituting “infant formula products or a Permitted Health Star Rating symbol.”

[3.2] inserting after subsection 1.2.8—6(10)

“Claims about lactose

- (11) If a *claim requiring nutrition information is made in relation to lactose, a nutrition information panel must include a declaration of the average quantity of galactose in accordance with section S12—3.

Claims about salt or sodium

- (12) If a *claim requiring nutrition information is made in relation to salt or sodium, the nutrition information panel must include a declaration of the average quantity of potassium in accordance with section S12—3.

Claims about omega-3 fatty acids

- (13) If a *claim requiring nutrition information is made in relation to omega-3 fatty acids, the nutrition information panel must include declarations of each of the following in accordance with section S12—3:

(a) the average quantity of each type of omega-3 fatty acids (that is, alpha-linolenic acid, docosahexaenoic acid, eicosapentaenoic acid or a combination of these); and

(b) the average quantity of the total of omega-3 fatty acids.”

[3.3] omitting from paragraph 1.2.8—14(1)(c) “a declaration of unavailable carbohydrate (not including dietary fibre)” and substituting “a declaration of the average quantity of unavailable carbohydrate (not including dietary fibre) per serving of the food”

[3.4] omitting from paragraph 1.2.8—14(1)(c) “the presence in the food” and substituting “the average quantity per serving of the food”

[3.5] omitting “metric cup,” from subsection 1.2.8—14(2)

[4] Schedule 4 is varied by

[4.1] omitting from the entry for Lactose in the table to section S4—3 “The nutrition information panel indicates the lactose and galactose content.”

[4.2] omitting from the entry for Salt or sodium in the table to section S4—3 “The nutrition information panel indicates the potassium content.”

[4.3] omitting from the table to section S4—3

Omega-3 fatty acids	(a) The food meets the conditions for a nutrition content claim about omega fatty acids; and	Good Source	(a) The food contains no less than 60 mg total eicosapentaenoic acid and docosahexaenoic acid/serving; and
	(b) the food contains no less than: <ul style="list-style-type: none"> (i) 200 mg alpha-linolenic acid per serving; or (ii) 30 mg total eicosapentaenoic acid and docosahexaenoic acid per serving; and 		(b) the food may contain less than 200 mg alpha-linolenic acid/serving.
	(c) other than for fish or fish products with no added *saturated fatty acids, the food contains: <ul style="list-style-type: none"> (i) as a proportion of the total fatty acid content, no more than 28% saturated fatty acids and trans fatty acids; or (ii) no more saturated fatty acids and *trans fatty acids than 5 g per 100 g; and 	Increased	(a) The food contains at least 25% more omega-3 fatty acids than in the same amount of *reference food; and
	(d) the nutrition information panel indicates the type and amount of omega-3 fatty acids, that is, alpha-linolenic acid, docosahexaenoic acid or eicosapentaenoic acid, or a combination of the above.		(b) the reference food meets the general claim conditions for a nutrition content claim about omega-3 fatty acids.

and substituting

Omega-3 fatty acids	(a) The food meets the conditions for a nutrition content claim about omega fatty acids; and	Good Source	(a) The food contains no less than 60 mg total eicosapentaenoic acid and docosahexaenoic acid/serving; and
	(b) the food contains no less than: <ul style="list-style-type: none"> (i) 200 mg alpha-linolenic acid per serving; or (ii) 30 mg total eicosapentaenoic acid and docosahexaenoic acid per serving; and 		(b) the food may contain less than 200 mg alpha-linolenic acid/serving.
	(c) other than for fish or fish products with no added *saturated fatty acids, the food contains: <ul style="list-style-type: none"> (i) as a proportion of the total fatty acid content, no more than 28% saturated fatty acids and trans fatty acids; or (ii) no more saturated fatty acids and *trans fatty acids than 5 g per 100 g 	Increased	(a) The food contains at least 25% more omega-3 fatty acids than in the same amount of *reference food; and (b) the reference food meets the general claim conditions for a nutrition content claim about omega-3 fatty acids.

[5] Schedule 5 is varied by

[5.1] omitting “the content of energy and each nutrient” from section S5—3 and substituting “the average energy content and the average quantity of each nutrient”

[5.2] omitting “**AEC** is the number of points for average energy content” from section S5—3 and substituting “**AEC** is the number of points for the average energy content in the unit quantity of the food”

[5.3] omitting “**ASFA** is the number of points for average saturated fatty acids” from section S5—3 and substituting “**ASFA** is the number of points for the average quantity of saturated fatty acids in the unit quantity of the food”

[5.4] omitting “**ATS** is the number of points for average total sugars” from section S5—3 and substituting “**ATS** is the number of points for the average quantity of sugars in the unit quantity of the food.”

[5.5] omitting “**AS** is the number of points for average sodium” from section S5—3 and substituting “**AS** is the number of points for the average quantity of sodium in the unit quantity of the food”

[5.6] omitting “total” from Table 1 to S5—3

[5.7] omitting “total” from Table 2 to S5—3

[5.8] omitting “sources” wherever occurring in section S5—4

[5.9] omitting subsection S5—5(1) and substituting

“(1) Use Table 4 to determine the ‘P points’ scored, depending on the average quantity of protein in 100 g or 100 mL of the food product (based on the units used in the nutrition information panel). A maximum of five points can be awarded.”

[5.10] omitting subsection S5—6(1) and substituting

“(1) Use Table 5 to determine the ‘F points’ scored, depending on the average quantity of *dietary fibre in 100 g or 100 mL of the food product (based on the units used in the nutrition information panel). A maximum of five points can be awarded.”

[6] Schedule 12 is varied by omitting “1.2.8—6(3) and 1.2.8—6(5)” from section S12—3 and substituting “1.2.8—6(3), 1.2.8—6(5), 1.2.8—6(11), 1.2.8—6(12) and 1.2.8—6(13)”

[7] Schedule 13 is varied by omitting the table to section S13—2, and substituting

Nutrition information for food in small packages

<i>Column 1</i>	<i>Column 2</i>
<i>Claim is about</i>	<i>Label must include</i>
Any nutrient or biologically active substance (other than a vitamin or mineral with a RDI)	Average quantity of the nutrient or biologically active substance present per serving of the food
Any vitamin or mineral with a RDI	(a) *Average quantity of the vitamin or mineral present per serving of the food; and (b) Percentage of the RDI for the vitamin or mineral contributed by one serving of the food, and calculated in accordance with section 1.2.8—9.
Polyunsaturated fatty acids or monounsaturated fatty acids in a food standardised in Standard 2.4.1 or 2.4.2	Saturated fatty acids, trans fatty acids, *polyunsaturated fatty acids and monounsaturated fatty acids content per serving of the food
Polyunsaturated fatty acids or monounsaturated fatty acids in a food that is not a food standardised in Standard 2.4.1 or 2.4.2	Average quantity of saturated fatty acids, trans fatty acids, *polyunsaturated fatty acids and monounsaturated fatty acids content per serving of the food
Cholesterol, saturated fatty acids, trans fatty acids, omega-6 or omega-9 fatty acids	Average quantity of saturated fatty acids, trans fatty acids, *polyunsaturated fatty acids and monounsaturated fatty acids content per serving of the food
Dietary fibre, sugars or any other *carbohydrate	Average energy content per serving of the food and average quantity of carbohydrate, sugars and dietary (calculated in accordance with section S11—4) present per serving of the food
Energy	Average energy content per serving of the food
Fat-free	Average energy content per serving of the food
Omega-3 fatty acids	(a) Average quantity of *saturated fatty acids, *trans fatty acids, *polyunsaturated fatty acids and *monounsaturated fatty acids content per serving of the food; and (b) Average quantity of each type of omega-3 fatty acids per serving of the food (that is, alpha-linolenic acid, docosahexaenoic acid, eicosapentaenoic acid or a combination of these); and (c) Average quantity of the total of omega-3 fatty acids per serving of the food
Lactose	Average quantity of galactose content per serving of the food
Potassium	Average quantity of sodium content per serving of the food
Sodium or salt	Average quantity of sodium and potassium content per serving of the food