

**Food Standards (Proposal P1045 – Code Revision (2017)) Variation**

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*. The Standard commences on the date specified in clause 3 of this variation.

5 September 2017



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 114 on 7 September 2017. This means that this date is the gazettal date for the purposes of clause 3 of the variation.

1 Name

This instrument is the *Food Standards (Proposal P1045 – Code Revision (2017)) Variation*.

2 Variation to standards in the *Australia New Zealand Food Standards Code*

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

3 Commencement

The variation commences on the date of gazettal.

SCHEDULE

Standard 1.1.1 – Structure of the Code and general provisions

[1] Subsection 1.1.1—6(1)

 Omit ‘***average quantity’***, substitute ‘\*average quantity’

[2] Subsection 1.1.1—6(2)

 Omit ‘average quantity’ (first appearing), substitute ‘\*average quantity’

[3] Section 1.1.1—11

 Omit ‘lot’, substitute ‘\*lot’

**Standard 1.1.2 – Definitions used throughout the Code**

[4] Subsection 1.1.2—9(1)

 Omit the subsection, substitute

 (1) In this Code:

***nutrition content claim*** means a claim that:

 (a) is about:

 (i) the presence or absence of any of the following:

 (A) \*biologically active substance;

 (B) \*dietary fibre;

 (C) energy;

 (D) minerals;

 (E) potassium;

 (F) protein;

 (G) \*carbohydrate;

 (H) \*fat;

 (I) the components of any one of protein, carbohydrate or fat;

 (J) \*salt;

 (K) sodium;

 (L) vitamins; or

 (ii) \*glycaemic index or glycaemic load; and

 (b) does not refer to the presence or absence of alcohol; and

 (c) is not a \*health claim.

[5] Paragraph 1.1.2—11(2)(a) Note

 Omit ‘foods’

Standard 1.2.1 – Requirements to have labels or otherwise provide information

[6] Subsection 1.2.1—9(6) (heading)

Omit ‘either accompany or’

Standard 1.2.7 – Nutrition, health and related claims

[7] Section 1.2.7—17 (heading)

 Omit the heading, substitute

1.2.7—17 Application or proposal to vary the table to section S4—5 taken to be a high level health claims variation

[8] Subparagraph 1.2.7—18(1)(b)(i)

 Omit ‘high level health claim’, substitute ‘\*high level health claim’

[9] Subparagraph 1.2.7—18(1)(b)(ii)

 Omit ‘general level health claim’, substitute ‘\*general level health claim’

[10] Subsection 1.2.7—18(2)

 Omit ‘high level health claims table’, substitute ‘\*high level health claims table’

[11] Subsection 1.2.7—18(4)

 Omit ‘special purpose food’, substitute ‘\*special purpose food’

[12] Paragraph 1.2.7—19(1)(d)

 Omit ‘if requested by a relevant authority, provide records to the \*relevant authority’, substitute ‘if requested by a \*relevant authority, provide records to the relevant authority’

Standard 2.6.2 – Non-alcoholic beverages and brewed soft drinks

[13] Paragraph 2.6.2—3(3)(a)

 Omit ‘*4th edition, 2011*’, substitute ‘*4th edition incorporating the first addendum, 2017*’

Schedule 3 Identity and purity

[14] Paragraph S3—2(1)(b)

 Omit

 (x) FAO JECFA Monographs 17 (2015); or

 substitute

 (x) FAO JECFA Monographs 17 (2015);

 (xi) FAO JECFA Monographs 19 (2016); or

[15] Paragraph S3—3(j)

 Omit ‘(2016)’, substitute ‘(2017)’

Schedule 4 – Nutrition, health and related claims

[16] Section S4—3 (table)

Insert, after the entry for ‘Mono-unsaturated fatty acids’

|  |  |  |  |
| --- | --- | --- | --- |
| Omega fatty acids (any) | The type of omega fatty acid is specified immediately after the word ‘omega’. |  |  |

Schedule 5 – Nutrient profile scoring method

[17] Section S5—3

 Omit ‘(based on the units used in the nutrition information panel)’

[18] Section S5—5

 Omit the section, substitute

S5—5 Protein points (P points)

 (1) Use Table 4 to determine the ‘P points’ scored, depending on the \*average quantity of protein in a \*unit quantity of the food. A maximum of five points can be awarded.

 (2) Foods that score ≥ 13 baseline points are not permitted to score points for protein unless they score five or more V points.

Table 4—P Points

|  |  |
| --- | --- |
| Points | Protein (g) per \*unit quantity |
| 0 | ≤ 1.6 |
| 1 | > 1.6 |
| 2 | ≥ 3.2 |
| 3 | > 4.8 |
| 4 | > 6.4 |
| 5 | > 8.0 |

[19] Section S5—6

 Omit the section, substitute

S5—6 Fibre points (F points)

 (1) Use Table 5 to determine the ‘F points’ scored, depending on the \*average quantity of \*dietary fibre in a \*unit quantity of the food. A maximum of five points can be awarded.

 (2) The prescribed method of analysis to determine total \*dietary fibre is outlined in S11—4.

Table 5—F Points

|  |  |
| --- | --- |
| Points | Dietary fibre (g) per \*unit quantity |
| 0 | ≤0.9 |
| 1 | >0.9 |
| 2 | >1.9 |
| 3 | >2.8 |
| 4 | >3.7 |
| 5 | >4.7 |

 (3) Category 1 foods do not score F points.

Schedule 29 – Special purpose foods

[20] Section S29—7 (table)

 Omit ‘phytylmenoquinone’