

Food Standards (Proposal P1063 – Code Revision (2024) - Added Sugar(s) Claims) 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 variation commences on the date specified in clause 3 of this variation.

Dated 23 October 2024



Luci Henson, General Manager, Corporate Services
Delegate of the Board of Food Standards Australia New Zealand

Note:

This variation will be published in the Commonwealth of Australia Gazette No. FSC 173 on 29 October 2024. 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 P1063 – Code Revision (2024) – Added Sugar(s) Claims) 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.

4 Effect of the variations made by this instrument

- (1) Section 1.1.1—9 of Standard 1.1.1 does not apply to the variations made by this instrument.
- (2) During the transition period, a food product may be sold if the product complies with one of the following:
 - (a) the Code as in force without the variations made by the instruments; or
 - (b) the Code as amended by the variations made by the instruments.
- (3) A food product that was packaged and labelled before the end of the transition period may be sold during the post-transition period if the product complies with one of the following:
 - (a) the Code as in force without the variations made by the instruments; or
 - (b) the Code as amended by the variations made by the instruments.
- (4) For the purposes of this clause:
 - (a) **the instruments** means:
 - (a) this instrument; and
 - (b) the *Food Standards (Proposal P1062 – Defining added sugars for claims) Variation*;
 - (b) **transition period** means the period commencing on the date of commencement of this instrument and ending 48 months after the date of commencement of the *Food Standards (Proposal P1062 – Defining added sugars for claims) Variation*; and
 - (c) **post-transition period** means the 24 month period commencing on the day after the transition period ends.

Schedule

Standard 1.1.2 – Definitions used throughout the Code

[1] Subsection 1.1.2—2(3) (paragraph (a) of the definition of *sugars*)

Repeal the paragraph, substitute:

- (a) in Standard 1.2.7, Standard 1.2.8 and Schedule 4—means monosaccharides and disaccharides; and

Standard 1.2.7 – Nutrition, health and related claims

[2] Section 1.2.7—2 (Note 1, the definition of *sugars*)

Repeal the definition, substitute:

sugars, in Standard 1.2.7, Standard 1.2.8 and Schedule 4—means monosaccharides and disaccharides. (Elsewhere in the Code it has a different definition).

Standard 1.2.8 – Nutrition information requirements

[3] Section 1.2.8—4 (Note 1, the definition of *sugars*)

Repeal the definition, substitute:

sugars, in Standard 1.2.7, Standard 1.2.8 and Schedule 4—means monosaccharides and disaccharides. (Elsewhere in the Code it has a different definition).

Standard 2.6.2 – Non-alcoholic beverages and brewed soft drinks

[4] Section 2.6.2—2 (Note 1, paragraph (a) of the definition of *sugars*)

Repeal the paragraph, substitute:

- (a) in Standard 1.2.7, Standard 1.2.8 and Schedule 4—means monosaccharides and disaccharides; and

Schedule 4 – Nutrition, health and related claims

[5] Section S4—2 (Note, the definition of *sugars*)

Repeal the Note, substitute:

Note In this Code (see section 1.1.2—2):

sugars:

- (a) in Standard 1.2.7, Standard 1.2.8 and Schedule 4—means monosaccharides and disaccharides; and
- (b) otherwise—means any of the following products, derived from any source:
- (i) hexose monosaccharides and disaccharides, including dextrose, fructose, sucrose and lactose;
 - (ii) starch hydrolysate;
 - (iii) glucose syrups, maltodextrin and similar products;
 - (iv) products derived at a sugar refinery, including brown sugar and molasses;
 - (v) icing sugar;
 - (vi) invert sugar;
 - (vii) fruit sugar syrup;
- but does not include:
- (i) malt or malt extracts; or
 - (ii) sorbitol, mannitol, glycerol, xylitol, polydextrose, isomalt, maltitol, maltitol syrup, erythritol or lactitol.

Note **Sugar** is defined differently—see section 1.1.2—3.

[6] Section S4—3 (table entry dealing with “Sugar or sugars”, descriptor of ‘No added’ in column 3, conditions (a) to (g) in column 4)

Repeal the conditions, substitute:

- (a) The food for sale is not an added sugar.
- (b) The food for sale does not contain an added sugar as an added ingredient.
- (c) The food for sale does not contain more sugars than:
 - (i) 10 g/100 g for solid food; or
 - (ii) 7.5 g/100 mL for liquid food.
- (d) The food for sale has not had the concentration of hexose monosaccharides and disaccharides in that food increased by hydrolysis of carbohydrates during the production of that food.

- (e) Condition (d) does not apply if the concentration of hexose monosaccharides and disaccharides in that food is not > 1.5%.
- (f) For the purposes of conditions (a) and (b), an **added sugar** means any of the following derived from any source:
 - (i) hexose monosaccharides and disaccharides;
 - (ii) low energy hexose monosaccharide D-tagatose;
 - (iii) starch hydrolysate;
 - (iv) glucose syrup;
 - (v) maltodextrin and similar products;
 - (vi) a product derived at a sugar refinery (including brown sugar, molasses, raw sugar, golden syrup, treacle);
 - (vii) icing sugar;
 - (viii) invert sugar;
 - (ix) sugar and sugar syrup derived from plants;
 - (x) honey;
 - (xi) malt;
 - (xii) malt extracts;
 - (xiii) any of the following unless the food for sale is a prescribed beverage:
 - (A) concentrated fruit juice;
 - (B) concentrated vegetable juice;
 - (C) deionised fruit juice;
 - (D) deionised vegetable juice.
- (g) For the purposes of condition (b), an **ingredient** includes an ingredient of a *compound ingredient.
- (h) For the purposes of condition (f), a **prescribed beverage** means any of the following:
 - (i) a brewed soft drink;
 - (ii) a formulated beverage;
 - (iii) a juice blend;
 - (iv) a fruit drink;
 - (v) a fruit juice;
 - (vi) a vegetable juice;
 - (vii) a water-based beverage.