



**Commonwealth
of Australia**

Gazette

No. P 28, Thursday, 7 December 2000

Produced by the Commonwealth of Australia

PERIODIC

**Australia New Zealand Food
Authority**

**Amendment No. 52
to the
*Food Standards Code***

36539 Cat. No. 00 1837 4

ISSN 1032-2337

© Commonwealth of Australia, 2000

AUSTRALIA NEW ZEALAND FOOD AUTHORITY

VARIATIONS TO THE *FOOD STANDARDS CODE*

(AMENDMENT No. 52)

1. Preamble

The variations set forth in the Schedule below are variations to the *Food Standards Code* (hereinafter called 'the Code') which was published by the National Health and Medical Research Council in the *Commonwealth of Australia Gazette*, No. P 27, on 27 August 1987, and which has been varied from time to time.

The Schedule contains variations adopted by the Australia New Zealand Food Standards Council in July, October and November 2000.

These variations are published pursuant to section 32 of the *Australia New Zealand Food Authority Act 1991*.

2. Citation

These variations may be collectively known as *Amendment No. 52* to the Code.

3. Commencement

These variations commence on the date of gazettal with the exception of:

1. [1.2] - which commences six months from the date of publication of this Gazette;
and
2. [3] - Division 2 of Standard A18 which commences twelve months from the date of publication of this Gazette.

4. Correction of Typographical Error

Amendment 51 published on 24 August 2000 contained a typographical error on page 2 in the section relating to commencement dates. The reference to '3.2.1' should read '3.2.2'.

5. Exceptions

In relation to Applications A364, A398, A401 and A407 which are included in this gazettal notice, new maximum residue limits, variations to existing maximum residue limits and a changed commodity entry for lasalocid, lincomycin, neomycin and oxytetracycline have not been included.

SCHEDULE

[1] *Standard A1 is varied by -*

[1.1] *inserting immediately following clause 1 -*

(1A) (a) In this clause,

‘appropriate designation’ means a name or description or a name and description sufficiently specific in each case to indicate the true nature of the food to which it is applied

(b) Every package of food intended for sale must bear a label containing the following particulars—

- (i) where there is a standard prescribed for the food and a name has been prescribed to be used in relation to that food – the prescribed name, and in any other case, an appropriate designation;
- (ii) the name and business address in Australia or New Zealand of the vendor, manufacturer or packer or in the case of imported food – the name and business address of the importer; and
- (iii) such other particulars as are prescribed in this Code.

[1.2] *inserting immediately following clause (33) -*

(34) The label on a package of food, other than a food standardised in Part K or Part P, which contains more than 11.5 mL/L of ethanol, must include a statement of the percentage by volume of alcohol in the food, in standard type in the form –

‘CONTAINS X% ALCOHOL’

or words having the same or similar effect, inserting the proportion of ethanol that may be present at 20° C.

[2] *Standard A14 is varied by -*

[2.1] *inserting in columns 1 and 2 respectively of Schedule 1 each chemical shown in bold type below and its associated food and maximum residue limit for that food, listed below -*

Chemical	MRL
Food	
Benzocaine	
Abalone	0.5
Finfish	0.5
Buprofezin	
Citrus fruits	3
Edible offal (mammalian)	0.05
Meat (mammalian)	0.05
Milks	0.01

CGA 27902	
Banana	0.1
Grapes	3
Pome fruit	0.5
Fenhexamid	
Strawberry	5
Imazapyr	
Edible offal (mammalian)	0.05
Meat (mammalian)(in the fat)	0.05
Milks	0.01
Rape seed	0.05
Indoxacarb	
Brassica (cole or cabbage) vegetables	1
Cotton seed	3
Edible offal (mammalian)	0.01
Meat (mammalian)(in the fat)	0.2
Milk (in the fat)	0.5
Pome fruit	2
Methoxyfenozide	
Cotton seed	0.05
Tomato	2
Novaluron	
Cotton seed	0.1
Tolyfluanid	
Strawberry	3

[2.2] *omitting from columns 1 and 2 respectively of Schedule 1, in relation to each chemical shown in bold type below, the food and the maximum residue limit for that food listed below -*

Chemical	
Food	MRL
Carbendazim	
Chick-pea (dry)	1
Vegetables [except chick-pea; fruiting vegetables, cucurbits; fruiting vegetables, other than cucurbits; mushrooms]	3

Chlorothalonil	
Vegetables [except carrot, celery, fruiting vegetables, leafy vegetables, cucurbits, leeks, onion bulb, potato, spring onion, tomato]	7
Fipronil	
Milk (in the fat)	0.01
Imidacloprid	
Cereal grains	0.05
Oxyfluorfen	
Cotton seed	0.05
Oxytetracycline	
Edible offal (mammalian)	0.25
Eggs	0.3
Permethrin	
Chervil	5
Rucola (rocket)	5
Spinosad	
Lettuce, head	2
Lettuce, leaf	2
Spinach	3
Streptomycin and Dihydrostreptomycin	
Eggs	0.2
Poultry, edible offal of	0.3
Poultry meat	0.3
Tebuconazole	
Broad bean (green and immature seeds)	0.5
Peas	0.5

[2.3] *inserting in columns 1 and 2 respectively of Schedule 1, in relation to each chemical shown in bold type below, the food and the maximum residue limit for that food listed below -*

Chemical	
Food	MRL
Abamectin	
Blackcurrants	0.02
Bentazone	
Garden pea, shelled	0.05
Bifenthrin	
Avocado	0.1
Stone fruit	0.5

Bitertanol	
Strawberry	0.1
Carbaryl	
Chervil	10
Galangal, rhizomes	5
Herbs	10
Rucola (rocket)	10
Turmeric, root	5
Carbendazim	
Broad beans (dry)	0.5
Chick pea (dry)	0.5
Lentils (dry)	0.5
Vegetables [except broad beans (dry); chick-pea (dry); fruiting vegetables, cucurbits; fruiting vegetables, other and cucurbits; lentils (dry); mushrooms]	3
Chlorfenvinphos	
Deer meat (in the fat)	0.2
Chlorothalonil	
Persimmons, Japanese	10
Pulses	7
Vegetables [except carrot, celery, fruiting vegetables, leafy vegetables, cucurbits, leeks, onion bulb, potato, spring onion, tomato, wasabi]	7
Wasabi	7
Chlorpyrifos	
Sweet potato	0.05
Clomazone	
Beans [except broad beans and soya beans]	0.05
Common beans (pod and/or immature seeds)	0.05
Fruiting vegetables, cucurbits	0.05
Poppy seed	0.05
Potato	0.05
Cyfluthrin	
Avocado	0.05
Rape seed	0.05
Cypermethrin	
Avocado	0.2
Chick-pea (dry)	0.2
Deer meat (in the fat)	0.5

Cyromazine	
Cattle, edible offal of	0.05
Cattle meat	0.05
Eggs	0.2
Pig, edible offal of	0.05
Pig meat	0.05
Poultry, edible offal of	0.1
Poultry meat	0.05
Difenoconazole	
Avocado	0.5
Dimethoate	
Chervil	2
Galangal, rhizomes	2
Herbs	2
Rucola (rocket)	2
Turmeric, root	2
Dimethomorph	
Edible offal (mammalian)	0.01
Meat (mammalian)	0.01
Milks	0.01
Diquat	
Sesame seed	2
Dithiocarbamates	
Herbs (except parsley)	5
Doramectin	
Pig kidney	0.03
Pig liver	0.05
Pig meat (in the fat)	0.1
Sheep, edible offal of	0.05
Sheep meat	0.02
Sheep fat	0.1
Fipronil	
Edible offal (mammalian)	0.02
Eggs	0.02
Maize	0.005
Milks	0.01
Peanut	0.01
Peanut oil, crude	0.01
Poultry, edible offal of	0.01
Poultry meat (in the fat)	0.02
Rape seed	0.01
Stone fruit	0.1
Sunflower seed	0.01
Sweet potato	0.01
Fluazifop-butyl	
Rhubarb	0.05

Fluazinam	
Wine grapes	0.05
Fluquinconazole	
Edible offal (mammalian)	0.2
Eggs	0.02
Meat (mammalian)(in the fat)	0.5
Milks	0.1
Poultry, edible offal of	0.02
Poultry meat (in the fat)	0.02
Wheat	0.02
Fluroxypyr	
Eggs	0.01
Poultry, edible offal of	0.05
Poultry meat	0.05
Glufosinate ammonium	
Tomato	0.05
Imazapic	
Rape seed	0.05
Imidacloprid	
Brassica (cole or cabbage) vegetables	0.5
Cereal grains [except maize and sorghum]	0.05
Ioxynil	
Garlic	0.02
Iprodione	
Brussels sprouts	0.05
Ivermectin	
Deer kidney	0.01
Deer liver	0.01
Deer meat (in the fat)	0.01
Metalaxyl	
Herbs	0.3
Methamidophos	
Leafy vegetables [except lettuce head and lettuce leaf]	1
Methidathion	
Coffee beans	0.1
Methomyl	
Avocado	0.1
Coffee beans	1
Guava	0.1

Metolachlor	
Eggs	0.01
Poultry, edible offal of	0.01
Poultry meat	0.01
Myclobutanil	
Strawberries	1
Permethrin	
Leafy vegetables [except lettuce head and lettuce leaf]	5
Phosphorous acid	
Chervil	5
Galangal, rhizomes	5
Herbs	5
Rucola (rocket)	5
Strawberry	50
Turmeric, root	5
Procymidone	
Snow peas	5
Spinach	2
Propachlor	
Radish	0.05
Swede	0.05
Propiconazole	
Persimmon, American	0.2
Spinosad	
Leafy vegetables	5
Tebuconazole	
Legume vegetables	0.5
Tebufenozide	
Custard apple	0.2
Litchi	1
Longan	1
Macadamia nuts	0.05
Tebuthiuron	
Sugar cane	0.2
Trifluralin	
Prawns	0.001
Shrimps	0.001

[2.4] omitting from column 2 of Schedule 1 the maximum residue limit in relation to each chemical shown in bold type and each food shown below, and substituting the maximum residue limit shown below -

Chemical Food	MRL
Benzofenap	
Rice	0.01
Captan	
Stone fruits	15
Strawberry	10
Chlorpyrifos	
Ginger, root	0.05
Cypermethrin	
Wheat	0.2
2,4-D	
Cereal grains	2
Difenoconazole	
Banana	0.02
Dimethoate	
Fruiting vegetables, cucurbits	5
Fruits [except strawberry, litchi, peach and quandong]	5
Pepper, sweet	2
Tomato	2
Dithiocarbamates	
Cotton seed	10
Fenthion	
Fruiting vegetables, cucurbits	3
Fruiting vegetables, other than cucurbits	5
Tropical and sub-tropical fruits (inedible peel)	5
Fipronil	
Meat (mammalian)(in the fat)	0.1
Sorghum	0.01
Imidacloprid	
Edible offal (mammalian)	0.2
Maize	0.05
Meat (mammalian)	0.05
Milks	0.05
Ivermectin	
Sheep liver	0.015
Metolachlor	
Edible offal (mammalian)	0.05

Phosphorous acid	
Fruiting vegetables, cucurbits	100
Spinosad	
Brassica (cole or cabbage) vegetables	0.5
Peppers	0.2
Tomato	0.2
Tebufenozide	
Avocado	0.5

[3] *The Food Standards Code is amended by omitting Standard A18 and inserting -*

STANDARD A18

FOOD PRODUCED USING GENE TECHNOLOGY

Purpose

Division 1 of this Standard addresses health and safety requirements, regulating the sale of food produced using gene technology, other than additives and processing aids. The Standard prohibits the sale and use of these foods unless they are included in the Table to clause 2 and comply with any special conditions in that Table.

The Authority will assess the safety for human consumption of each food produced using gene technology or such class of food prior to its inclusion in the Table. The safety assessment will be performed according to the Authority's approved safety assessment criteria.

Additives and processing aids which are produced using gene technology are not regulated in Division 1 of this Standard. Other Standards in this Code regulate additives and processing aids and require pre-market approval for these substances.

Division 2 of this Standard specifies labelling and other information requirements for foods, including food additives and processing aids, produced using gene technology.

Table of Provisions

Division 1 – Sale and use of food produced using gene technology

- 1 Interpretation
- 2 General prohibition on the sale and use of food produced using gene technology
- 3 Exemption to general prohibition on sale and use

Division 2 – Labelling etc of food produced using gene technology

- 4 Interpretation and Application
- 5 Labelling of genetically modified food
- 6 Labelling of food which is not genetically modified
- 7 Additional labelling/information requirements

Clauses

Division 1 – Sale and use of food produced using gene technology

1 Interpretation

For the purposes of this Standard -

a food produced using gene technology means a food which has been derived or developed from an organism which has been modified by gene technology.

Editorial note:

This definition does not include a food derived from an animal or other organism which has been fed food produced using gene technology, unless the animal or organism itself is a product of gene technology.

gene technology means recombinant DNA techniques that alter the heritable genetic material of living cells or organisms.

2 General prohibition on the sale and use of food produced using gene technology

A food produced using gene technology, other than a substance regulated as a food additive or processing aid, must not be sold or used as an ingredient or component of any food unless it is listed in Column 1 of the Table to this clause and complies with the conditions, if any, specified in Column 2.

TABLE TO CLAUSE 2

Column 1 Food produced using gene technology	Column 2 Special conditions
Oil derived from glyphosate-tolerant canola line GT73 Food derived from glyphosate-tolerant corn line GA21 Food derived from insect-protected corn line MON 810 Oil and linters derived from glyphosate-tolerant cotton line 1445 Oil and linters derived from insect-protected cotton lines 531, 757 and 1076 Food derived from glyphosate-tolerant soybean line 40-3-2 Food derived from high oleic acid soybean lines G94-1, G94-19 and G168	The label on or attached to a package of a food derived from high oleic acid soy bean lines G94-1, G94-19 and G168 must include a statement to the effect that the food has been genetically modified to contain high levels of oleic acid

3 Exemption to general prohibition on sale and use

- (1) For the purposes of this clause -
- (a) the Act means the Australia New Zealand Food Authority Act 1991;
 - (b) the Authority means the Australia New Zealand Food Authority established under the Act;
 - (c) the Council means the Australia New Zealand Food Standards Council.
- (2) The prohibition in clause 2 does not apply to a food produced using gene technology where -
- (a) that food is the subject of an application under section 12 of the Act to vary the Table to that clause;
 - (b) the application has been accepted in accordance with section 13 of the Act by the Authority on or before 30 April 1999;
 - (c) the Authority has evidence that that food, in one or more countries, other than Australia or New Zealand, is lawfully permitted to be sold or used as an ingredient or component, by a national food regulatory agency; and
 - (d) the Council has not become aware of evidence that that food poses a significant risk to public health and safety.

Division 2 - Labelling etc of food produced using gene technology

4 Interpretation and Application

- (1) For the purposes of this Division -

genetically modified food means food which is, or contains as an ingredient, including a processing aid, a food produced using gene technology which -

- (a) contains novel DNA and/or novel protein; or
- (b) has altered characteristics;

but does not include -

- (c) highly refined food, other than that with altered characteristics, where the effect of the refining process is to remove novel DNA and/or novel protein;
- (d) a processing aid or food additive, except where novel DNA and/or novel protein from the processing aid or food additive remains present in the food to which it has been added;
- (e) flavours present in the food in a concentration no more than 1g/kg; or
- (f) a food, ingredient, or processing aid in which genetically modified food is unintentionally present in a quantity no more than 10g/kg per ingredient.

altered characteristics means any of the matters specified in paragraphs 7(a), (b), (c) or (d) of this Standard.

novel DNA and/or novel protein means DNA or a protein which, as a result of the use of gene technology, is different in chemical sequence or structure from DNA or protein present in counterpart food which has not been produced using gene technology.

(2) Any statement required by clause 5 may be contained in the statement of ingredients where the genetically modified food is an ingredient or processing aid.

(3) Where genetically modified food is displayed for retail sale other than in a package, any information that would have been required under clause 5 of this Standard on the label on or attached to the food if it was packaged, must be displayed on or in connection with the display of the food.

(4) This Division does not apply to food intended for immediate consumption which is prepared and sold from food premises and vending vehicles, including restaurants, take away outlets, caterers, or self-catering institutions.

5 Labelling of genetically modified food

The label on or attached to a package of genetically modified food must include the statement 'genetically modified' in conjunction with the name of that food or ingredient or processing aid.

Example for single ingredient genetically modified foods:

Soy Flour
Genetically Modified

Soy Flour
From genetically modified soya beans

Example for genetically modified food ingredients:

Ingredients: Soy Protein Isolate (genetically modified), Maltodextrin, Vegetable Oil; Food Acid (332), Emulsifier (471), Vegetable Gum (407), Water Added.

6 Labelling of food which is not genetically modified

The label on or attached to a package of food which is not defined as 'genetically modified food' in clause 4 of this Standard is not required to include any statement about the genetic status of the food.

7 Additional labelling/information requirements

Notwithstanding the provisions of this Division, Column 2 of the Table to clause 2 may specify labelling or other information requirements in relation to food produced using gene technology listed in Column 1 of the Table where -

- (a) the genetic modification has resulted in one or more significant composition or nutritional parameters having values outside the normal range of values for existing counterpart food not produced using gene technology;

- (b) the level of anti-nutritional factors or natural toxicants are significantly different in comparison to the existing counterpart food not produced using gene technology;
- (c) the food produced using gene technology contains a new factor known to cause an allergic response in particular sections of the population;
- (d) the intended use of the food produced using gene technology is different to the existing counterpart food not produced using gene technology; or
- (e) the genetic modification raises significant ethical, cultural and religious concerns regarding the origin of the genetic material used in the genetic modification.

Editorial notes:

The Compliance Guide for Standard A18 as published by the Australia New Zealand Food Authority should be read in conjunction with this Standard.

Claims about genetic modification or its absence are subject to the Australian Trade Practices Act 1974 and State and Territory Food Acts, and the Western Australian Health Act, and the New Zealand Fair Trading Act 1986 and Food Act.

Division 2 of this Standard is to be reviewed 3 years from its date of gazettal.

[4][a] *The Food Standards Code is varied by inserting immediately after Standard 3.1.1 -*

[4][b] *The following is inserted into Chapter 3 of the Australia New Zealand Food Standards Code immediately after Standard 3.1.1 -*

STANDARD 3.2.1

FOOD SAFETY PROGRAMS

(Australia only)

Purpose

This Standard is based upon the principle that food safety is best ensured through the identification and control of hazards in the production, manufacturing and handling of food as described in the Hazard Analysis and Critical Control Point (HACCP) system, adopted by the joint WHO/FAO Codex Alimentarius Commission, rather than relying on end product standards alone. This Standard enables States and Territories to require food businesses to implement a food safety program based upon the HACCP concepts. The food safety program is to be implemented and reviewed by the food business, and is subject to periodic audit by a suitably qualified food safety auditor.

Contents

Division 1 — Interpretation and application

- 1 Interpretation
- 2 Application

Division 2 — Food safety programs

- 3 General food safety program requirements
- 4 Auditing of food safety programs
- 5 Content of food safety programs
- 6 Fund raising events

Division 1 — Interpretation and application

1 Interpretation

In this Standard -

auditing frequency means the most recently determined frequency of auditing determined by the appropriate enforcement agency, or a food safety auditor, in accordance with the Act.

food safety program means a food safety program that satisfies the requirements of clause 5.

food safety auditor means a person approved as a food safety auditor under the Act as a person competent to audit the relevant class of food business.

Editorial note:

Jurisdictions may approve environmental health officers, private contractors, or a mixture of the two as food safety auditors.

monitoring includes checking, observing or supervising in order to maintain control.

2 Application of this Standard

(1) This Standard applies to food businesses in Australia in accordance with Standard 3.1.1 (Interpretation and Application) and subclause (2).

(2) This Standard applies to all food businesses that are determined by the appropriate enforcement agency under the Act to be within a priority classification of food business from the commencement date for that priority classification of food business.

Editorial note:

Under the Act, the appropriate enforcement agency must determine the priority classification of individual food businesses.

Jurisdictions may determine the mechanism by which a priority classification system and date of commencement is established, i.e. by regulation or declaration.

Division 2 — Food safety programs

3 General food safety program requirements

A food business must:

- (a) systematically examine all of its food handling operations in order to identify the potential hazards that may reasonably be expected to occur;

- (b) if one or more hazards are identified in accordance with paragraph (a), develop and implement a food safety program to control the hazard or hazards;
- (c) set out the food safety program in a written document and retain that document at the food premises;
- (d) comply with the food safety program; and
- (e) conduct a review of the food safety program at least annually to ensure its adequacy.

4 Auditing of food safety programs

A food business must:

- (a) ensure that the food safety program is audited by a food safety auditor at the auditing frequency applicable to the food business;
- (b) make the written document that sets out the food safety program, and the appropriate records referred to in paragraph 5(f), available to any food safety auditor who has been requested to conduct an audit of the food safety program; and
- (c) retain copies of all written reports of the results of all audits of the food safety program conducted by a food safety auditor within the last four years, for inspection upon request by a food safety auditor who audits the food safety program or an authorised officer.

Editorial note:

ANZFA has developed food safety auditor approval criteria for food safety auditors in conjunction with the States and Territories.

5 Content of food safety programs

A food safety program must:

- (a) systematically identify the potential hazards that may be reasonably expected to occur in all food handling operations of the food business;
- (b) identify where, in a food handling operation, each hazard identified under paragraph (a) can be controlled and the means of control;
- (c) provide for the systematic monitoring of those controls;
- (d) provide for appropriate corrective action when that hazard, or each of those hazards, is found not to be under control;
- (e) provide for the regular review of the program by the food business to ensure its adequacy; and
- (f) provide for appropriate records to be made and kept by the food business demonstrating action taken in relation to, or in compliance with, the food safety program.

6 Fund raising events

A food business does not have to prepare a food safety program in accordance with this Standard in relation to fundraising events conducted by the food business, that is, events that raise funds solely for community or charitable causes and not for personal financial gain.