

1991—No. 116

FOOD ACT 1989—REGULATION

(Adopting amendments to the National Food Standards Code)

NEW SOUTH WALES



[Published in Gazette No, 41 of 8 March 1991]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Food Act 1989 and on the recommendation of the Food Advisory Committee, has been pleased to make the Regulation set forth hereunder.

PETER COLLINS
Minister for Health.

The Food Standards Code set out in Schedule 1 to the Food Standards Code (Adoption) Regulation 1989 is amended as follows:

1. Standard A1 is amended:

- (a) by inserting in appropriate alphabetical order in the list of names set out in clause (5) (f) the following generic names:
 - caseinates
 - cheese
 - cocoa butter
 - crystallised fruit
 - fish
 - gum base
 - nuts
 - poultry meat
- (b) by inserting after clause (5) (g) the following subparagraph:
 - (v) If a food contains monosodium L-glutamate as an additive, it may be described in the statement of ingredients as "MSG" in place of the prescribed name for that additive.

1991 - No. 116

(c) by inserting at the end of the definition of "nutrition claim" in clause (13) (a) the following subparagraph:

(xi) a claim that a food has a low gluten content;

(d) by inserting after clause (14) the following clause:

(14A) A food may be labelled as a low gluten food only if the food contains farinaceous material and contains less than 3 g/kg gluten.

(e) by inserting in clause (29) after the word "polydextrose" the words "or isomalt";

(f) by inserting in appropriate alphabetical order in Part 1 of the Schedule the following matter:

Chlorophyll-copper complex	141
Chlorophyllin copper complex, sodium and potassium salts	141
Magnesium phosphate, monobasic	343
Sodium ferrocyanide	535

(g) by inserting in appropriate numerical order in Part 2 of the Schedule the following matter:

Chlorophyll-copper complex	141
Chlorophyllin copper complex, sodium and potassium salts	141
Sodium ferrocyanide	535

(h) by inserting in Part 2 of the Schedule after the matter relating to Magnesium phosphate, dibasic the following matter:

Magnesium phosphate, monobasic	343
-----------------------------------	-----

2. Standard A3 is amended by inserting in the Schedule after the matter relating to Canned soups the following matter:

Chilli pastes	Benzoic acid in proportion not exceeding 3 g/kg
---------------	---

3. Standard A5 is amended by inserting in clause (2) (d) (iii) before the matter "CI 44090 green S" the following matter:

CI 75810 chlorophyll-copper complex and sodium and potassium salts of chlorophyllin copper complex

4. **Standard A7** is amended by inserting in appropriate alphabetical order in the Table to clause (4) in Columns 2 and 3 respectively of the matter relating to Ascorbic acid, erythorbic acid, their sodium salts or a mixture of these the following matter:

Wine and wine products	No limit imposed
------------------------	------------------

5. **Standard A8** is amended:

- (a) by omitting from clause (5) the matter "columns 2, 3, 4 and 5" and by inserting instead the words "another column";
- (b) by inserting after the words "chewing gum" in the heading to Column 3 of the Table to clause (5) the words "or prepared jelly";
- (c) by inserting after Column 6 of the Table to clause (5) the following column:

Column 7
Low joule prepared jelly
- (d) by inserting in Column 7 of the Table to clause (5) opposite the matter relating to Aspartame in Column 1 the matter "100 mg/kg";
- (e) by inserting in clause (5A) after the words "or drink mixes" where thirdly occurring the words ", confectionery or carbohydrate modified confectionery other than carbohydrate modified chewing gum".

6. **Standard A11** is amended:

- (a) by inserting after clause (1) (y) the following paragraph:
 - (z) CFR means the 'Code of Federal Regulations' of the United States of America in force as at 1 April 1989.
- (b) by omitting clause (2) and by inserting instead the following clause:
 - (2) (a) Where this Code contains no specifications for identity and purity of a food additive or a food processing aid or a vitamin, mineral or other added nutrient, the food additive, food processing aid, vitamin, mineral or nutrient must not contain more than -
 - (i) 10 mg/kg of lead calculated as the metal; or
 - (ii) 1 mg/kg of arsenic calculated as the metal; or
 - (iii) 40 mg/kg in total of heavy metals other than lead, calculated as the respective metals,on a dry weight basis.

1991 - No. 116

(b) For the purpose of this clause, arsenic is taken to be a metal.

(c) by inserting in the Schedule in appropriate alphabetical order the following matter:

Chlorophyll-copper complex (CI 75810)	FNP (31/1) p59
Chlorophyllin copper complex, sodium and potassium salts (CI 75810)	FNP (25) p64
Divinylbenzene copolymer	CFR Title 21 part 173.65
Ion-exchange resins	CFR Title 21 parts 173.25 (a) (5), 173.25 (a) (7), 173.25 (a) (19)
Isomalt	FNP (34) p129
Polyester resins cross linked	CFR Title 21 part 177.2420
Sodium ferrocyanide	FCC p286

7. Standard A12 is amended by inserting in Columns 2 and 3 respectively of the Table to clause (2) opposite the metal indicated and in appropriate alphabetical order (but before the reference to "All other foods") the following matter:

Metal	Column 2	Column 3
Arsenic	Water	0.05
Cadmium	Water	0.005
Copper	Water	1.00
Lead	Water	0.05
Mercury	Water	0.001
Selenium	Water	0.01
Zinc	Water	5.00

8. Schedule 1 to Standard A14 is amended:

(a) by inserting in appropriate alphabetical order in Columns 2 and 3 respectively of the matter relating to Chlorpyrifos the following matter:

0.05 passionfruit

(b) by omitting from Columns 2 and 3 respectively of the matter relating to Cyhalothrin (all isomers) the following matter:

1991 - No. 116

0.2 cereal grains (except wheat)
0.01 oilseed rape

- (c) by inserting in appropriate alphabetical order in Columns 2 and 3 respectively of the matter relating to Cyhalothrin (all isomers) the following matter:

0.2 barley
0.01 rape seed
0.2 sorghum

- (d) by inserting in appropriate alphabetical order in Columns 2 and 3 respectively of the matter relating to Dichlofluanid the following matter:

0.5 grapes
1 tomato

- (e) by omitting from Columns 2 and 3 respectively of the matter relating to Ethepon the following matter:

0.1 meat (except poultry)
0.1 milk,

- (f) by inserting in appropriate alphabetical order in Columns 2 and 3 respectively of the matter relating to Ethepon the following matter:

0.1 meat (mammalian)
0.05 milk of cattle, goats and sheep
0.2 edible offal (mammalian)

- (g) by inserting in appropriate alphabetical order in Columns 2 and 3 respectively of the matter relating to Fenvalerate the following matter:

0.05 grapes

- (h) by inserting in appropriate alphabetical order in Columns 2 and 3 respectively of the matter relating to Fluazifop-butyl the following matter:

0.05 endive

- (i) by omitting from Columns 2 and 3 respectively of the matter relating to Fluroxypyr the following matter:

0.05 meat
0.05 milk
1 offal
0.1 sugar cane

1991 - No. 116

- (j) by inserting in appropriate alphabetical order in Columns 2 and 3 respectively of the matter relating to Fluroxypyr the following matter:

2	edible offal (mammalian)
0.1	meat
0.1	milk of cattle, goats and sheep
0.2	sugar cane juice

- (k) by inserting in appropriate alphabetical order in Columns 2 and 3 respectively of the matter relating to Flusilazole the following matter:

0.5	grapes
-----	--------

- (l) by inserting in appropriate alphabetical order in Columns 2 and 3 respectively of the matter relating to Glufosinate the following matter:

0.2	pears
-----	-------

- (m) by inserting in appropriate alphabetical order in Columns 2 and 3 respectively of the matter relating to Glyphosate the following matter:

0.05	babaco
0.05	rollinia

- (n) by inserting in appropriate alphabetical order in Columns 2 and 3 respectively of the matter relating to Iprodione the following matter:

0.05	peanuts
------	---------

- (o) by inserting in appropriate alphabetical order in Columns 2 and 3 respectively of the matter relating to Metolachlor the following matter:

0.05	sorghum
------	---------

- (p) by inserting in appropriate alphabetical order in Columns 2 and 3 respectively of the matter relating to Oxytetracycline the following matter:

0.2	salmon
-----	--------

- (q) by inserting in appropriate alphabetical order in Columns 1, 2 and 3 respectively the following matter:
Propamocarb

0.1	rice
-----	------

1991 - No. 116

- (r) by omitting from Columns 2 and 3 respectively of the matter relating to Quizalofop-ethyl the following matter:

0.05	cattle, edible offal of
0.05	cattle meat
0.05	cattle milk
0.02	field pea (dry)
0.1	lupin (dry)

- (s) by inserting in appropriate alphabetical order in Columns 2 and 3 respectively of the matter relating to Quizalofop-ethyl the following matter:

0.2	edible offal of cattle, goats and sheep
0.2	meat of cattle, goats and sheep
0.2	milk of cattle, goats and sheep
0.1	pulses

- (t) by inserting in appropriate alphabetical order in Columns 2 and 3 respectively of the matter relating to Sethoxydim the following matter:

1	asparagus
0.05	endive

- (u) by inserting in appropriate alphabetical order in Columns 2 and 3 respectively of the matter relating to Thiodicarb the following matter:

0.1	maize
2	sorghum
1	sunflower seed

- 9. Standard B3** is amended by inserting after clause (4) (b) the following paragraph:

- (c) The word "butter" must not be used as an adjective -

- (i) in a label on or attached to a package containing cake, cake mix, pastry, pastry mix, biscuits or biscuit mix; or

- (ii) in an advertisement for such a food,

in conjunction with the appropriate designation of that food unless at least one half of the total fat in the food or, in the case of a mix, at least one half of the fat in the mix when made up as directed is butter fat.

10. Standard F1 is amended:

- (a) by omitting from clause (2) the word "Raw" and by inserting instead the words "Subject to clause (2A) (b), raw";
- (b) by inserting after clause (2) the following clause:
 - (2A) (a) Raw peeled potatoes, whether whole or sliced, may be dipped in an aqueous solution consisting of two or more of the following -
 - (i) citric acid;
 - (ii) ascorbic acid;
 - (iii) L-cysteine monohydrochloride;
 - (iv) sodium acid pyrophosphate.
 - (b) If raw peeled potatoes are dipped in a solution as mentioned in paragraph (a), they must not contain any sulphur dioxide.

11. Standard H9 is amended:

- (a) by omitting from clause (3) (b) (i) the words "not less than 75 and";
- (b) by inserting after clause (20) (c) (ii) (F) the following sub-subparagraph:
 - (G) not more than 300 mg/kg of sulphur dioxide;

12. Standard 12 is amended:

- (a) by omitting from the heading to the Standard the words "AND JELLY MIX" and by inserting instead the words ", JELLY MIX AND PREPARED JELLY";
- (b) by inserting after clause (3) the following clause:
 - (3A) (a) Prepared jelly is the product prepared by mixing -
 - (i) jelly crystals or jelly tablets, jelly cubes or jelly mix; or
 - (ii) the required ingredients or additives, and any permitted ingredients or additives, prescribed for the preparation of any one of the foods referred to in subparagraph (i),
and water.
 - (b) "Prepared jelly" is not a prescribed name.
- (c) by omitting from clause (5) the words "or jelly mix" and by inserting instead the words ", jelly mix or prepared jelly".

13. Standard J2 is amended by omitting clause (1) (b) and by inserting instead the following paragraph:

(b) Salt, other than table salt, may contain:

- (i) potassium ferrocyanide; and
- (ii) sodium ferrocyanide,

but the total quantity of potassium ferrocyanide or sodium ferrocyanide or both potassium ferrocyanide and sodium ferrocyanide in that salt must not exceed 50 mg/kg.

14. Standard J3 is amended:

- (a) by omitting from clause (2) (ba) (vi) the matter "and III" and by inserting instead the matter ", III and VI";
- (b) by inserting after clause (3) (ca) the following paragraph:
 - (cb) Pickled onions may contain not more than 500 mg/kg of sorbic acid.

15. Standard K3 is amended:

- (a) by omitting clause (1) and by inserting instead the following clause:
 - (1) Confectionery is the product prepared from sugars or from sugars and one or more of the following
 - (a) hydrogenated glucose syrups;
 - (b) polydextrose;
 - (c) isomalt.
- (b) by omitting clause (2) (h) and (i);
- (c) by omitting clause (2) (j) and by inserting instead the following paragraphs:
 - (i) not more than -
 - (i) 80 g/kg of glycerin;
 - (ii) 35 g/kg of sorbitol;
 - (k) aspartame as specified in Standard A8.

16. Standard N1 is amended by inserting after clause (7) the following clauses:

- (8) (a) Subject to paragraph (b), fruit may be coated with a mixture of -
 - (i) sucrose esters of edible fatty acids; and
 - (ii) sodium carboxymethylcellulose; and
 - (iii) mono- and di-glycerides of fatty acids.

(b) The coating referred to in paragraph (a) when applied to fruit must not exceed 100 mg/kg of the fruit.

(9) The label on or attached to a package containing fruit coated as prescribed in clause (8) must include, in standard type of 3 mm, the statement -

"TREATED WITH EDIBLE COATING".

(10) A person who exposes for sale fruit coated as prescribed in clause (8) otherwise than in a package must display on or in connection with the fruit for sale a label bearing, in letters of not less than 9 mm, the statement -

"TREATED WITH EDIBLE COATING".

17. Standard N2 is amended by inserting after clause (3) (b) the following paragraph:

(c) Colourings may be added to fruit jelly prepared from strawberries, raspberries, loganberries, cherries or plums or to fruit jelly prepared from two or more of these fruits.

18. Standard O2 is amended:

(a) by inserting after clause (1) (b) the following paragraph:

(ba) Freshly squeezed fruit juice is fruit juice expressed in the presence of the purchaser.

(b) by inserting after clause (4) (b) the following paragraph:

(c) The word "fresh" must not be used in association with the prescribed name in the label on or attached to a package containing fruit juice or sweetened fruit juice unless the juice -

(i) does not contain preservatives; and

(ii) has not been subjected to a concentration process and does not contain juice that has been so subjected; and

(iii) has a durable life of not more than 21 days.

(c) by omitting from clause (6) (a) the word "expressed" and by inserting instead the word "squeezed";

(d) by inserting after clause (7) the following clause:

(8) the manufacture of lemon and grapefruit juices -

(a) divinylbenzene copolymer and the polyester resins cross linked, specified in the Schedule to Standard A1 1, may be used as resins for debittering; and

- (b) the ion-exchange resins specified in the Schedule to Standard A11 may be used as resins for deacidification.

19. Standard O6 is amended:

- (a) by inserting in clause (1) (d) after the word "glycerin" the following words "hydrogenated coconut oil";
- (b) by inserting in clause (1) (d) before the words "propylene glycol" the words "potassium caseinate".

20. Standard O7 is amended:

- (a) by omitting from clause (1) (a) (ii) the word "Fresh" and by inserting instead the words "Freshly squeezed";
- (b) by inserting after clause (6) (b) the following paragraph:
 - (c) The word "fresh" must not be used in association with the prescribed name in the label on or attached to a package containing orange juice or sweetened orange juice unless the juice -
 - (i) does not contain preservatives; and
 - (ii) has not been subjected to a concentration process and does not contain juice that has been so subjected; and
 - (iii) has a durable life of not more than 21 days.
- (c) by inserting after clause (6) the following clause:
 - (7) In the manufacture of orange juice -
 - (a) divinylbenzene copolymer and the polyester resins cross linked, specified in the Schedule to Standard A11, may be used as resins for debittering; and
 - (b) the ion-exchange resins specified in the Schedule to Standard A11 may be used as resins for deacidification.

21. Standard P1 is amended by inserting after clause (1) (c) (ii) the following subparagraph:

- (iii) may contain nisin.

22. Standard Q2 is amended:

- (a) by omitting from clause (1) (e) (iv.) the word "countries" and by inserting instead the word "locations";
- (b) by omitting clause (8).

23. Standard Q3 is amended:

- (a) by inserting in clause (3) (a) after the words 'cocoa mass'," the words "'cacao mass','";
- (b) by omitting clause (9).

24. Standard R1 is amended:

- (a) by omitting from clause (3) (d) (i) the words "immediately followed, in standard type of 3 mm, by the statement - 'FOOD FOR SPECIFIC DIETARY USE'";
- (b) by omitting clause (5) (c) and by inserting instead the following paragraph:
 - (c) beta-Galactosidase may be used in the preparation of low lactose milk and reduced lactose milk.

25. Standard R2 is amended:

- (a) by omitting from the Schedule the matter relating to Cordials and by inserting instead the following matter:

Cordials, toppings
and syrups 30 mL

or

Cordials, toppings
and syrups (when
made up as
directed in the
label)

200 mL

- (b) by inserting in appropriate alphabetical order in the Schedule the following matter:

Prepared jelly 120 g

26. Standard R3 is amended:

- (a) by inserting in clause (1) (a) after the words "the added sugars" the words ", or in the case of confectionery - the sugars,";
- (b) by omitting from clause (3) (a) the word "added";
- (c) by inserting after clause (3) (b) the following paragraph:
 - (c) Carbohydrate modified confectionery may contain aspartame as specified in Standard A8.
- (d) by inserting in clause (6A) after the word "panel" the words "or where a carbohydrate modified food, other than carbohydrate modified chewing gum, contains aspartame".

1991 - No. 116

27. Standard R7 is amended:

- (a) by inserting after clause (6) the following clause:
(6A) Notwithstanding clause (6) (e), where the iron content of infant formula is not less than 0.25 mg per 100 kJ, the label may include the words "infant formula with iron".
- (b) by inserting in appropriate alphabetical order in the Schedule the following matter:
Magnesium phosphate, dibasic
Magnesium phosphate, monobasic

28. The following new Standard is inserted after Standard S4:**S5 - PACKAGED WATER AND PACKAGED ICE****Interpretation****1.** (1) In this Standard:

"packaged ice" means ice for human consumption which has been packaged for sale;

"packaged water" means water for human consumption which has been packaged for sale.

(2) **"Bakaged water"** and **"packaged ice"** are not prescribed names.

Packaged water to be obtained from an approved source or process**2.** (1) Packaged water must be:

- (a) obtained from a source approved in writing for the purpose by the relevant authority of the State or Territory in which the water is obtained; or
- (b) prepared from water which has been distilled, boiled, filtered or otherwise treated by a process which has been approved in writing for the purpose by the relevant authority of the State or Territory in which the water is so treated.

(2) Any approval given in subclause (1) may be subject to approval of both the source and treatment of the water.

Microbiological and chemical requirements

3. (1) Packaged water and packaged ice, when tested by the current standard method in AS 1095.4.1, Microbiological

1991 - No. 116

Examination of Water, must:

- (a) not have a standard plate count exceeding 100 microorganisms per millilitre; and
 - (b) not have a coliform count exceeding 3 coliforms in 100 mL; and
 - (c) be free from *Escherichia coli* in 100 mL.
- (2) Packaged water and packaged ice may contain not more than 1.7 mg/L of fluoride.
- (3) Packaged water and packaged ice must not contain:
- (a) more than 10 mg/L of nitrate calculated as nitrogen; or
 - (b) more than 1 mg/L of nitrite calculated as nitrogen.
- (4) Packaged water and packaged ice must comply with the provisions of Standards A12 and A14.

EXPLANATORY NOTE

The object of this Regulation is to adopt modifications to the Food Standards Code of the National Health and Medical Research Council adopted by the National Food Standards Council and commenced in December 1990.

The modifications contain provisions concerning:

- (a) the labelling and advertising of food;
 - (b) food additives;
 - (c) metals, contaminants and residues in food;
 - (d) specific foods (certain flour products, potatoes, certain cheeses, prepared jelly, salt, pickled onions, confectionery, fruits and fruit jelly);
 - (e) specific liquids (fruit juices, essences, beer, coffee and cocoa products);
 - (f) certain special purpose foods (dietary foods, low joule foods and carbohydrate modified foods); and
 - (g) packaged water and packaged ice.
-