STANDARD 1.1.1

PRELIMINARY PROVISIONS – APPLICATION, INTERPRETATION AND GENERAL PROHIBITIONS

Purpose

This Standard sets out preliminary provisions which apply generally to the *Australia New Zealand Food Standards Code*. General application and interpretation provisions are contained in this Standard. Application and interpretation provisions specific to individual food standards are to be found in those specific standards.

This Standard should always be consulted as a starting point in the use of the Code because it regulates the general operation of the Code in its entirety. Many definitions which have general application to the Code are contained in this Standard.

Editorial note:

This Code is adopted as the required standards for food produced in New Zealand and the States, Territories and Commonwealth of Australia in relation to food sold and/or imported into both countries under the following Acts –

Food Act 1981 (New Zealand)
Food Act 1984 (Victoria)
Food Act 2001 (Australian Capital Territory)
Food Act 2001 (South Australia)
Food Act 2003 (New South Wales)
Food Act 2003 (Tasmania)
Food Act 2004 (Northern Territory)
Food Act 2006 (Queensland)
Food Act 2008 (Western Australia)
Imported Food Control Act 1992 (Commonwealth)

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Clauses

1 Application of this Code

(1) Unless expressly provided elsewhere in this Code, the provisions of this Code apply to food products –

(a) sold or prepared for sale in Australia or New Zealand; and
(b) imported into Australia or New Zealand.

(2) Unless expressly provided elsewhere in this Code, a food product is taken to comply with any variation to this Code made from time to time, for a period of 12 months after the commencement of the variation, if the food product otherwise complied with this Code before the variation commenced.

(3) Deleted

(4) Deleted

(5) Subclause (1) does not apply to wine with a shelf life of more than 12 months –

(a) bottled before 20 December 2002; and
(b) that complies with all food standards in the case of Australia and all food standards in the case of New Zealand, that would have applied on the date of bottling; and
(c) which is labelled with a 2002 vintage date or earlier.

(6) For the purposes of a Standard in this Code for which a corresponding transitional Standard in Part 1.1A applies, the reference to 'commencement of the variation' in subclause 2 is a reference to the date when that corresponding Standard in Part 1.1A ceases to have effect.

(7) Deleted

2 Interpretation

Unless expressly defined elsewhere in this Code –

Act means the Act, as amended or, as the case may be, Ordinance of a State, Territory, External Territory, Commonwealth or New Zealand, under the authority of which this Code is enforced.

ANZS means a joint Australia New Zealand Standard published by Standards Australia.

AOAC means the publication entitled *Official methods of Analysis of AOAC International* published by AOAC International, Maryland USA and includes earlier editions of this publication under its previous name.

AS means an Australian Standard published by Standards Australia.

average quantity in relation to a substance in a food is the quantity determined from one or more of the following –

(a) the manufacturer's analysis of the food; or
(b) calculation from the actual or average quantity of nutrients in the ingredients used; or
(c) calculation from generally accepted data;

which best represents the quantity of the substance that the food contains, allowing for seasonal variability and other known factors that could cause actual values to vary.

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Editorial note:

The substances referred to in the definition of 'average quantity' are, for example, sodium, potassium, fatty acids, amino acids and vitamins and minerals.

bulk cargo container means an article of transport equipment, being a lift van, movable tank, or other similar structure –

(a) of a permanent character and accordingly strong enough to be suitable for repeated use; and
(b) specifically designed to facilitate the carriage of goods by one or more modes of transport, without immediate repacking; and
(c) fitted with devices permitting its ready handling and its transfer from one mode of transport to another; and
(d) so designed as to be easy to fill and empty; and
(e) having an internal volume of one cubic metre or more; and
(f) includes the normal accessories and equipment of the container, when imported with the container and used exclusively with it; and
(g) shipping container or aircraft cargo container;

but does not include –

(h) any vehicle, or any ordinary packing case, crate, box, or other similar article used for packing.

business address means a description of the location of the premises from which the business in question is being operated, but does not include a postal address.

category of ingredients means ingredients declared in the statement of ingredients using a generic name set out in the Table to Clause 4 of Standard 1.2.4.

claim means any statement, representation, information, design, words or reference in relation to a food which is not mandatory in this Code.

Editorial note:

A claim may be made for example, on the label on a package of food or in an advertisement.

Code has the same meaning as *Australia New Zealand Food Standards Code* as defined in section 4 of the *Food Standards Australia New Zealand Act 1991*.

code number, used in relation to a food additive, means either –

(a) the number set out in the Schedules to Standard 1.2.4 in relation to that food additive; or
(b) the number referred to in (a) preceded by the letter 'E'.

Commonwealth means the Commonwealth of Australia.

component means any substance including a food additive used in the preparation of an ingredient and present in the final food in a primary or modified form.

egg product means the contents of an egg in any form including egg pulp, dried egg, liquid egg white and liquid egg yolk.

ESADDI means, for a vitamin or mineral in column 1 of the Schedule, the Estimated Safe and Adequate Daily Dietary Intake, specified for that vitamin or mineral –

(a) in column 3; and

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(b) in column 4 for children aged one to three years;

calculated and expressed in the form specified in column 2.

To commence on 28 June 2014
food for special medical purposes has the meaning given by Standard 2.9.5.

fund raising event means an event that raises funds solely for a community or charitable cause and not for personal financial gain.

galacto-oligosaccharides means a mixture of those substances produced from lactose by enzymatic action, comprised of between two and eight saccharide units, with one of these units being a terminal glucose and the remaining saccharide units being galactose, and disaccharides comprised of two units of galactose.

Good Manufacturing Practice (GMP), with respect to the addition of additives and processing aids to food, means –

(a) the quantity of additive or processing aid added to food shall be limited to the lowest possible level necessary to accomplish its desired effect; and
(b) the quantity of the additive or processing aid that becomes a component of food as a result of its use in the manufacture, processing or packaging of a food, and which is not intended to accomplish any physical or other technical effect in the finished food itself, is reduced to the extent reasonably possible; and
(c) the additive or processing aid is prepared and handled in the same way as a food ingredient.

hamper means a decorative basket, box or receptacle containing any number of separately identifiable food items.

Editorial note:

A hamper may also contain non-food items such as decorative cloths, glasses and dishes.

handling of food includes the making, manufacturing, producing, collecting, extracting, processing, storing, transporting, delivering, preparing, treating, preserving, packing, cooking, thawing, serving or displaying of food.

inulin-derived substances means mixtures of polymers of fructose with predominantly β (2→1) fructosyl-fructose linkages, with or without a terminal glucose molecule and includes inulin, but does not include those polymers of fructose produced from sucrose by enzymatic action.

label means any tag, brand, mark or statement in writing or any representation or design or descriptive matter on or attached to or used in connection with or accompanying any food or package.

lot means a quantity of food which is prepared or packed under essentially the same conditions usually –

(a) from a particular preparation or packing unit; and
(b) during a particular time ordinarily not exceeding 24 hours.

lot identification means information which indicates, in a clearly identifiable form, the –

(a) premises where the food was packed or prepared; and
(b) lot of the food in question.

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nutrition information panel or **panel** means a panel which complies with the requirements of Division 2 of Standard 1.2.8.

nutritive substance means a substance not normally consumed as a food in itself and not normally used as an ingredient of food, but which, after extraction and/or refinement, or synthesis, is intentionally added to a food to achieve a nutritional purpose, and includes vitamins, minerals, amino acids, electrolytes and nucleotides.

NZS means a New Zealand Standard published by Standards New Zealand.

package means any container or wrapper in or by which food intended for sale is wholly or partly encased, covered, enclosed, contained or packaged and, in the case of food carried or sold or intended to be carried and sold in more than one package, includes every such package, but does not include –

(a) bulk cargo containers; or
(b) pallet overwraps; or
(c) crates and packages which do not obscure labels on the food; or
(d) transportation vehicles; or
(e) a vending machine; or
(f) a hamper; or
(g) food served on a covered plate, cup, tray or other food container in prisons, hospitals or other similar institutions listed in the Table to clause 8 of Standard 1.2.1.

permitted form means a form of a vitamin or mineral specified in column 2 of the Schedule.

prescribed name means a name by which a food is defined or described in a Standard, and is declared in this Code to be a prescribed name.

RDI means, for a vitamin or mineral in column 1 of the Schedule, the Recommended Dietary Intake, specified for that vitamin or mineral –

(a) in column 3; and
(b) in column 4 for children aged one to three years;

calculated and expressed in the form specified in column 2.

relevant authority means the authority responsible for the enforcement of this Code.

To commence on 28 June 2014
small package means a package with a surface area of less than 100 cm^2.

State means a State of the Commonwealth of Australia.

statement of ingredients means a statement as required in Standard 1.2.4 in this Code.

supplier means the packer, manufacturer, vendor or importer of the food in question.

Territory means a Territory of the Commonwealth of Australia.

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transportation outer means a container or wrapper which –

(a) encases packaged or unpackaged foods for the purpose of transportation and distribution; and
(b) is removed before the food is used or offered for retail sale, or is not taken away by the purchaser of the food.

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warning statement means a statement required to be expressed in the text as so prescribed in this Code, in –

(a) clause 3 of Standard 1.2.3; and
(b) clause 3 of Standard 2.6.3; and
(c) subclauses 14(1), 14(3) and 26(1) of Standard 2.9.1; and
(d) paragraph 5(3)(c) and subclause 6(2) of Standard 2.9.2; and
(e) subclauses 3(3) and 3(4) of Standard 2.9.4.

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(e) sub clauses 3(3) and 3(4) of Standard 2.9.4; and
(f) subclause 10(4) of Standard 2.9.5.

3 Prescribed standards for food

A reference in this Code to the nature, substance, composition, strength, weight, volume, quantity, purity or quality of any food, article, ingredient or component is the prescribed standard for that food, article, ingredient or component.

Editorial note:

It is an offence under State and Territory and Commonwealth legislation for food not to comply with a prescribed standard where a prescribed standard has been established for that food. This Code establishes that 'prescribed standard'.

It is an offence under the New Zealand *Food Act 1981* for food not to comply with applicable food standards issued under that Act.

4 Reference to Acts

In this Code, a reference to an Act includes any regulations made under that Act.

5 Guidelines and editorial notes

(1) In this Code, guidelines as developed by Food Standards Australia New Zealand pursuant to section 13(1)(c) of the *Food Standards Australia New Zealand Act 1991* are to assist in the interpretation of the Code and are not legally binding.

(2) In this Code, the editorial notes are for information only and are not legally binding.

6 Units of measurement

(1) A symbol of measurement used in this Code –

(a) has the meaning assigned to it under the Australian *National Measurement Act 1960* as amended, or the New Zealand *Weights and Measures Act 1987*; or
(b) if there is no meaning assigned under the Australian *National Measurement Act 1960* as amended, or the New Zealand *Weights and Measures Act 1987* as amended, has the meaning assigned to it in the Systeme Internationale d'Unites; or
(c) if there is no meaning assigned in the Australian *National Measurement Act 1960* or the New Zealand *Weights and Measures Act 1987* as amended or the Systeme Internationale d'Unites, has the same meaning assigned to it in the Glossary of Units in this Standard.

(2) Where a unit of measurement is referred to in the heading of a table in this Code, the amounts specified in the table are to be measured according to those units unless a different unit of measurement is specified in relation to a particular item in the table.

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7 Interpretation of compositional provisions

A reference to a compositional permission or requirement in this Code is a reference to the composition of the final food, unless expressly stated otherwise.

8 Glossary of symbols and units

Symbols and units used in this Code have the following meanings –

Symbol/Unit	Meaning
%	per cent
Bq	becquerel
°C	degrees Celsius
cfu/g	colony forming units per gram
Cal or kcal	kilocalorie
cm^2	square centimetre
cm	centimetre
dm^2	square decimetre
g	gram
gN/kg	gram of nitrogen/kilogram
Gy	Gray
J	joule
kg	kilogram
kGy	kiloGray
kJ	kilojoule
kPa	kilopascal
L or l	litre
M	Molar concentration
mg	milligram
mg/kg	milligram/kilogram
milliequiv	milliequivalent
To commence on 28 June 2014	
MJ	Megajoule
mL or ml	millilitre
m/m	mass per mass
mm	millimetre
mmol	millimole
mOsm	milliosmoles
nm	nanometre
Osm	osmoles
Pa	pascal
ppm	parts per million
μg or mcg	microgram
μg/kg	microgram/kilogram
μL or μl	microlitre
μm	micrometre

9 Prohibition on addition of nutritive substances to food

Nutritive substances must not be added to food unless expressly permitted in this Code.

9A Certain substances not nutritive substances

Inulin-derived substances are taken not to be nutritive substances.

10 Addition of 'other foods'

(1) A reference to the addition or use of 'other foods' in the composition of a food for which a standard is prescribed is not a permission for the addition or use of a nutritive substance, vitamin, mineral, processing aid or food additive in the food.

(2) A reference to the addition or use of 'foods' in Part 1.3 of this Code, is not a permission for the addition of a nutritive substance, vitamin, mineral, processing aid or food additive to a food.

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(3) In cases where no specific foods are authorised for addition in a standard, any other food or anything that may be lawfully added to that food may be added.

(4) Compositional requirements for a food apply to the final food irrespective of any presence or permission to add other foods.

11 Prohibition on altering labels

(1) Subject to subclause (2), the label on package of food must not be altered, removed, erased, obliterated or obscured except with the permission of the relevant authority.

(2) A package of food may be relabelled by placing a new label over the incorrect one provided that the new label is not able to be removed so that the incorrect information is visible.

12 Modification of prescribed statements

A statement or information which is required by this Code or the relevant Act to be included in a label or advertisement for food, may include words which modify that statement or information provided that those words do not contradict, or detract from the intended effect of, the required statement or information.

13 Application of labelling provisions to advertising

Advertisements for food must not contain any statement, information, designs or representations which are prohibited by this Code from being included in a label for that food.

14 Interpretation of definitions

Where a definition for a food in this Code contains a reference to the composition of the food, the definition is to be taken as a –

(a) substantive requirement for the composition of the food; and
(b) standard for the composition of the food.

15 Phytosterols, phytostanols and their esters

(1) A reference in this Code to phytosterols, phytostanols and their esters is a reference to a substance which meets a specification for phytosterols, phytostanols and their esters in Standard 1.3.4.

(2) In this Code, **total plant sterol equivalents content** means the sum of –

(a) phytosterols; and
(b) phytostanols; and
(c) phytosterols and phytostanols following hydrolysis of any phytosterol esters and phytostanol esters.

16 Citation of the United States Code of Federal Regulations (CFR)

(1) In this Code, a reference to the Code of Federal Regulations, or CFR, is a reference to the 2012 compilation of the United States Code of Federal Regulations.

(2) In this Code, the Code of Federal Regulations is cited in the following format –

[title number] CFR § [section number]

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SCHEDULE

Permitted Forms of Recommended Dietary Intakes (RDIs) and Estimated Safe and Adequate Daily Dietary Intakes (ESADDIs) for Vitamins and Minerals

Column 1	Column 2	Column 3	Column 4
Vitamin or Mineral	**Permitted Forms**	**RDI (unless stated otherwise)**	**RDI (unless stated otherwise) for children aged 1 – 3 years**
Vitamins			
Vitamin A	*Retinol Forms* Vitamin A (retinol) Vitamin A acetate (retinyl acetate) Vitamin A palmitate (retinyl palmitate) Vitamin A propionate (retinyl propionate) *Carotenoid Forms* beta-apo-8'-carotenal beta -carotene-synthetic carotenes-natural beta -apo-8'-carotenoic acid ethyl ester	750 µg retinol equivalents[1]	300 µg retinol equivalents1
Thiamin (Vitamin B_1)	Thiamin hydrochloride Thiamin mononitrate Thiamin monophosphate	1.1 mg thiamin	0.5 mg thiamin
Riboflavin (Vitamin B_2)	Riboflavin Riboflavin 5'-phosphate sodium	1.7 mg riboflavin	0.8 mg riboflavin
Niacin	Niacinamide (nicotinamide) Nicotinic acid	10 mg niacin[2]	5 mg niacin[2]
Folate	Folic acid L-methyltetrahydrofolate, calcium	200 µg	100 µg
Vitamin B_6	Pyridoxine hydrochloride	1.6 mg pyridoxine	0.7 mg pyridoxine
Vitamin B_{12}	Cyanocobalamin Hydroxocobalamin	2.0 µg cyanocobalamin	1.0 µg cyanocobalamin
Biotin	No permitted form specified	30 µg biotin (ESADDI)	8 µg biotin (ESADDI)
Pantothenic acid	Calcium pantothenate Dexpanthenol	5.0 mg pantothenic acid (ESADDI)	2.0 mg pantothenic acid (ESADDI)
Vitamin C	L-ascorbic acid Ascorbyl palmitate Calcium ascorbate Potassium ascorbate Sodium ascorbate	40 mg in total of L-ascorbic acid and dehydroascorbic acid	30 mg in total of L-ascorbic acid and dehydroascorbic acid
Vitamin D	Vitamin D_2 (ergocalciferol) Vitamin D_3 (cholecalciferol)	10 µg cholecalciferol[3]	5 µg cholecalciferol[3]

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SCHEDULE

Permitted Forms of Recommended Dietary Intakes (RDIs) and Estimated Safe and Adequate Daily Dietary Intakes (ESADDIs) for Vitamins and Minerals (continued)

Column 1	Column 2	Column 3	Column 4
Vitamin or Mineral	**Permitted Forms**	**RDI (unless stated otherwise)**	**RDI (unless stated otherwise) for children aged 1 – 3 years**
Vitamin E	dl-alpha-tocopherol d- alpha -tocopherol concentrate Tocopherols concentrate, mixed d- alpha -tocopheryl acetate dl- alpha -tocopheryl acetate d- alpha -tocopheryl acetate concentrate d- alpha -tocopheryl acid succinate	10 mg alpha -tocopherol equivalents[4]	5 mg alpha -tocopherol equivalents[4]
Vitamin K	No permitted form specified	80 µg phylloquinone (ESADDI)	15 µg phylloquinone (ESADDI)
Minerals			
Calcium	Calcium carbonate Calcium chloride Calcium chloride, anhydrous Calcium chloride solution Calcium citrate Calcium gluconate Calcium glycerophosphate Calcium lactate Calcium oxide Calcium phosphate, dibasic Calcium phosphate, monobasic Calcium phosphate, tribasic Calcium sodium lactate Calcium sulphate	800 mg calcium	700 mg calcium
Chromium	No permitted form specified	200 µg chromium (ESADDI)	60 µg chromium (ESADDI)
Copper	No permitted form specified	3.0 mg copper (ESADDI)	0.8 mg copper (ESADDI)

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SCHEDULE

Permitted Forms of Recommended Dietary Intakes (RDIs) and Estimated Safe and Adequate Daily Dietary Intakes (ESADDIs) for Vitamins and Minerals (continued)

Column 1	Column 2	Column 3	Column 4
Vitamin or Mineral	**Permitted Forms**	**RDI (unless stated otherwise)**	**RDI (unless stated otherwise) for children aged 1 – 3 years**
Iron	Ferric ammonium citrate, brown or green Ferric ammonium phosphate Ferric citrate Ferric hydroxide Ferric phosphate Ferric pyrophosphate Ferric sodium edetate (This form of iron is not permitted to be added to breakfast cereals, as purchased under Standard 1.3.2 and to formulated supplementary foods for young children as regulated in Standard 2.9.3.) Ferric sulphate (iron III sulphate) Ferrous carbonate Ferrous citrate Ferrous fumarate Ferrous gluconate Ferrous lactate Ferrous succinate Ferrous sulphate (iron II sulphate) Ferrous sulphate, dried Iron, reduced (ferrum reductum)	12 mg iron	6 mg iron
Iodine	Potassium iodate Potassium iodide Sodium iodate Sodium iodide	150 µg iodine	70 µg iodine
Magnesium	Magnesium carbonate Magnesium chloride Magnesium gluconate Magnesium oxide Magnesium phosphate, dibasic Magnesium phosphate, tribasic Magnesium sulphate	320 mg magnesium	80 mg magnesium
Manganese	No permitted form specified	5.0 mg manganese (ESADDI)	1.5 mg manganese (ESADDI)
Molybdenum	No permitted form specified	250 µg molybdenum (ESADDI)	50 µg molybdenum (ESADDI)

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SCHEDULE

Permitted Forms of Recommended Dietary Intakes (RDIs) and Estimated Safe and Adequate Daily Dietary Intakes (ESADDIs) for Vitamins and Minerals (continued)

Column 1	Column 2	Column 3	Column 4
Vitamin or Mineral	**Permitted Forms**	**RDI (unless stated otherwise)**	**RDI (unless stated otherwise) for children aged 1 – 3 years**
Phosphorus	Calcium phosphate, dibasic Calcium phosphate, monobasic Calcium phosphate, tribasic Bone phosphate Magnesium phosphate, dibasic Magnesium phosphate, tribasic Calcium glycerophosphate Potassium glycerophosphate Phosphoric acid Potassium phosphate, dibasic Potassium phosphate, monobasic Sodium phosphate, dibasic	1000 mg phosphorus	500 mg phosphorus
Selenium	Seleno methionine Sodium selenate Sodium selenite	70 µg selenium	25 µg selenium
Zinc	Zinc acetate Zinc chloride Zinc gluconate Zinc lactate Zinc oxide Zinc sulphate	12 mg zinc	4.5 mg zinc

FOOTNOTES TO SCHEDULE

1 Calculation of retinol equivalents for carotenoid form of vitamin A.

Carotenoid Form	Conversion Factor (µg/1 µg retinol equivalents)
beta-apo-8'-carotenal	12
beta-carotene-synthetic	6
Carotenes-natural	12
beta-apo-8'-carotenoic acid ethyl ester	12

2 This figure represents the proportion of the RDI provided by pre-formed niacin in foods and excludes the niacin provided from the conversion of the amino acid tryptophan.

3 Recommended daily oral intake as a supplement, for those Australians not exposed to sunlight. Because of the major role of sunlight in determining vitamin D status, a RDI for vitamin D was not developed for the Australian population.

4 Calculation of alpha-tocopherol equivalents for vitamin E.

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Vitamin E Form	Conversion Factor (µg/1 µg alpha-tocopherol equivalents)
dl-alpha-tocopherol	1.36
d-alpha-tocopherol concentrate	*
Tocopherols concentrate, mixed	*
d-alpha-tocopherol acetate	1.10
dl-alpha-tocopherol acetate	1.49
d-alpha-tocopherol acetate concentrate	*
d-alpha-tocopherol acid succinate	1.23

*Conversion factor determined by composition of the form of Vitamin E.

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