

Supporting document 11

Summary of amendments to Standard 1.2.7 and other standards since the Final Assessment Report –

Proposal P293 – Nutrition, Health & Related Claims

During the review of draft Standard 1.2.7, FSANZ made some changes to Standard 1.2.7 and other related Standards, in order to improve workability and enforceability, including some minor changes in intent. Other amendments were made to improve readability and clarity and to improve formatting. The following tables summarise the main amendments made to Standard 1.2.7 and other standards since final assessment.

Table 1: Summary of amendments to Standard 1.2.7 – Nutrition, Health and Related Claims, since final assessment, further to structural and minor technical changes

Topic	Draft Standard 1.2.7 in Final Assessment Report	Standard 1.2.7 at review
Purpose	Included at start of the Standard.	Included as clause 1, wording generally revised and updated and reference to other Standards in the Code deleted.
Transitional provisions	Clause 2 provided that subclause 1(2) of Standard 1.1.1 did not apply to Standard 1.2.7 and that a food product was taken to comply with Standard 1.2.7 for a period of 24 months after commencement of that Standard, if the claim complied with the Code before Standard 1.2.7 commenced.	The provisions relating to the transition period are provided in item 15 of the consequential variations, not clauses in the Standard. Transition period extended to three years. Editorial note added under Part 1 to clarify the transitional provisions for Standard 1.2.7.
'Food group' definition	Nuts and seeds were not included in the 'meat' food group. Some of the food groups within the definition included the words 'that is one ingredient or more than one ingredient of that class'. This was to indicate that foods comprised of a mixture of foods from that food group were still considered as part of that food group.	Nuts and seeds have been added into the meat food group to enable comparisons of these foods as dietary substitutes for meat etc. The wording 'that is one ingredient or more than one ingredient of that class' has been removed. Without this additional wording, mixtures of foods from within the one food group are still considered as a food from that food group.
Fruit definition	Referred to 'dried pulses'.	'dried pulses' amended to 'legumes' for consistency with existing terminology in the Code.

Topic	Draft Standard 1.2.7 in Final Assessment Report	Standard 1.2.7 at review
General level health claim and high level health claim definitions	Referred to a health claim that 'directly or indirectly...'. 	The words 'directly or indirectly' have been removed from the definition. These were considered unnecessary as the definition of 'claim' captures express and implied statements. The definition of general level health claim has been amended so that it clearly captures all other health claims that are not high level health claims.
Gluten definition	Defined in Standard 1.2.8	As the term will no longer be used in Standard 1.2.8 but is used in Standard 1.2.7, the definition has been moved into Standard 1.2.7.
Glycaemic index definition	'Glycemic index means the property of the carbohydrates in different foods, specifically the blood glucose raising ability of the digestible carbohydrates in a given food.'	The words 'the property of the carbohydrates in different foods, specifically' have been removed to simplify the definition. Inserted 'a measure' of the blood glucose raising ability... to clarify that glycaemic index is a measure. Inserted 'as determined by a recognised scientific method'. Although the actual method is not prescribed, this provides a link to the preferred method for determining GI as described in the Editorial note following the definition.
Health claim definition	'Health claim means a claim that directly or indirectly refers to a relationship between – (a) a food or a property of food; and (b) a health effect.'	Definition reworded to 'a claim which states, suggests or implies that a food or property of food has, or may have, a health effect.' This simplifies the definition and clarifies the meaning of 'directly or indirectly'.
Health effect definition	'Health effect means an effect on the functioning of the human body including a disease state or physical or mental performance or maintenance of a healthy functioning body.'	Definition reworded. The reference to 'functioning' is not considered necessary as the intent is to capture any effect on the human body, not necessarily just that relating to the functioning of the body. The definition now more clearly identifies examples of the aspects of the human body that, when affected, can be considered health effects.

Topic	Draft Standard 1.2.7 in Final Assessment Report	Standard 1.2.7 at review
Nutrition content claim definition	'Nutrition content claim means a claim about the presence or absence of a property of the food, other than a claim about alcohol content.'	<p>Due to the broad nature of the 'property of food' definition, the definition in the draft Standard in the Final Assessment Report could be incorrectly interpreted to capture claims about substances not intended to be regulated as nutrition content claims, such as food additives. The definition has therefore been clarified to only include (i.e. list) properties intended to be captured. This makes it clear that claims about the presence or absence of properties listed in the definition only, are nutrition content claims.</p> <p>The words 'and is not a health claim' have been added to the definition to clearly distinguish nutrition content claims from health claims.</p>
Property of food definition	'Property of the food means any of the following, that is associated with a nutrition or health purpose – (a) energy, a nutrient or a biologically active substance; or (b) a component, ingredient or any other feature or constituent of the food; or (c) glycaemic index.'	This definition has been simplified to 'a component, ingredient, constituent or other feature of food'. It is intended that the substances specifically mentioned in the definition at final assessment are still captured by this revised definition.
Reference value definition	Defined	Definition removed as the term is no longer referred to in the Standard.
Serious disease definition	'Serious disease means a disease, ailment, defect or condition for which it is not appropriate to diagnose, treat or manage without consultation with or supervision by a health care professional, and includes obesity, but does not include being overweight.'	<p>References to overweight and obesity have been removed because it was considered to be generally understood that obesity is a serious disease whereas overweight is not.</p> <p>Amended 'disease, ailment, defect or condition' to 'disease, disorder or condition' for consistency with terminology elsewhere in the Standard (see therapeutic claim prohibition below).</p>
Vegetable definition	Referred to 'dried pulses'.	<p>'dried pulses' amended to 'dried legumes' for consistency with existing terminology in the Code.</p> <p>Reference to dried legumes that have been cooked and rehydrated has been added to clarify that these foods are not considered a vegetable in the Standard.</p>

Topic	Draft Standard 1.2.7 in Final Assessment Report	Standard 1.2.7 at review
Prohibition of claims	Clause 3 specifically prohibited nutrition content claims, health claims, endorsements, dietary information and cause-related marketing unless specifically permitted.	<p>The explicit prohibition of nutrition content claims, health claims and endorsements has been removed. These claims must meet the conditions specified in the Standard.</p> <p>Regulation of dietary information and cause-related marketing have been removed from the Standard (refer to explanation below).</p>
Definitions in other Standards	Not defined in Standard 1.2.7. A statement that the definitions in Standard 1.2.8 applied to Standard 1.2.7 was included in subclause 1(2).	A cross reference has been provided in Standard 1.2.7, to alert users to the definitions elsewhere in the Code (e.g. small package definition in Standard 1.2.1 and definitions in Standard 1.2.8).
Therapeutic claim prohibition	Clause 3: '(1) A claim must not refer to the prevention, diagnosis, cure, alleviation or symptom of a disease, ailment, defect or condition; or (2) A claim must not compare a food and a therapeutic good.'	<p>Clause 7: Removed reference to symptom and replaced 'disease, ailment, defect or condition' with 'disease, disorder or condition', for consistency with therapeutic goods legislation.</p> <p>Replaced the term 'therapeutic good' with a description of what was intended to be a therapeutic good, as this term is not defined in New Zealand legislation.</p>
Permission for claims on infant formula products	The draft Standard included a clause stating that the Standard did not apply to infant formula products standardised under Standard 2.9.1.	The paragraph stating that the Standard did not apply to infant formula products has been removed. Instead, infant formula products have been added to the list of foods that nutrition content claims or health claims cannot be made about (clause 3). This clarifies that nutrition content claims and health claims are not permitted on infant formula products. (Refer to Table 2 below for relevant consequential amendments to Standard 2.9.1.)
Standard applies to certain foods	Subclause 2(1) stated the foods that the Standard applied to, including food prior to retail sale that is manufactured or otherwise prepared, distributed, transported or stored and is not intended for further processing, packaging or labelling.	Now paragraph 4(a), the paragraph now states that the Standard does not apply to food intended for further processing, packaging or labelling prior to retail sale.

Topic	Draft Standard 1.2.7 in Final Assessment Report	Standard 1.2.7 at review
Standard does not apply to certain foods	<p>Clause 2 referred to 'a meal provided to a client of a delivered meal organisation'.</p> <p>Schedule 3 in the drafting listed and defined different types of hospitals and similar institutions. Its relevance related to paragraph 2(2)(b) which stated that the Standard does not apply to food, other than in a package, provided to a patient in any of the facilities listed in Schedule 3.</p>	<p>Now clause 4, paragraph (b) has been reworded to food that is 'delivered to a vulnerable person by a delivered meal organisation' (e.g. meals on wheels).</p> <p>The schedule is not included because the facilities, with the exception of child care centres, are listed in the Table to clause 8 of Standard 1.2.1. The intent has not been changed; the clause has simply been re-worded to avoid repetition in the Code by reference to the Table to clause 8 in Standard 1.2.1. Childcare centres are not included as it was not the intent that food provided in these facilities be exempt from Standard 1.2.7.</p>
Standard does not apply to certain claims or declarations	<p>It was not intended that the Standard applied to claims permitted under other Standards of the Code, e.g. Standard 2.9.4 – Formulated Supplementary Sports Foods, however this was not explicit in the Standard, except for claims about electrolyte drinks permitted under subclause 8(3) of Standard 2.6.2, as specified by paragraph 2(2)(d).</p> <p>Claims about the risks or dangers of alcohol consumption or moderating alcohol intake were not specially excluded from regulation by the Standard.</p> <p>Declarations required by the Act (as defined in Standard 1.1.1) not specifically excluded from the Standard.</p>	<p>A new paragraph (5(a)) has been included that exempts claims permitted in other Standards of the Code from complying with Standard 1.2.7. This provides clarity in terms of what conditions apply when there is a potential inconsistency between the conditions in Standard 1.2.7 and another Standard in the Code. Paragraph 2(2)(d) has therefore been deleted.</p> <p>The Standard (paragraph 5(b)) now specially excludes claims about the risks or dangers of alcohol consumption or moderating alcohol intake, to clarify that voluntary advisory statements regarding alcohol consumption can be provided without needing to meet requirements of the Standard.</p> <p>A provision that the Standard does not apply to a declaration required by the Act (as defined in Standard 1.1.1) has also been added to clause 5. This means that any declarations required by the Act (such as the requirement to declare kilojoule content of certain foods) do not need to comply with Standard 1.2.7.</p>
NIPs on alcohol	Subclause 4(3) specified that a NIP (NIP) may be included on food containing more than 1.15% alcohol by volume and this was not taken to constitute a nutrition content claim.	This provision has been moved into Standard 1.2.8 (subclause 19(4)).

Topic	Draft Standard 1.2.7 in Final Assessment Report	Standard 1.2.7 at review
Records substantiating nutrition content claims	Paragraph 5(1)(a) specified that the supplier of the food had records that substantiate the nutrition content claim.	This requirement has been removed as it is considered that there are no applicable records required.
Claims about properties naturally present or absent	Paragraph 5(1)(c) required that claims about a property of food naturally present or absent in other similar foods must refer to the food and not the brand of food.	This requirement has been removed from the Standard. The risk that this requirement was managing is considered to be regulated by fair trade legislation, which requires that representations are not misleading.
Form of the food to which provisions of the Standard apply	Through a number of separate sub-clauses in clauses 5 and 6 (including subclauses 5(2) and 6(3), the form of the food to which certain conditions applied was prescribed.	<p>The new drafting provides greater clarity and certainty by capturing the intent under one clause (6). It also clarifies that the requirements apply to the whole standard rather than specifying certain clauses only.</p> <p>The conditions that the declarations in the NIP reflect the form of the food have been moved to Standard 1.2.8 as these relate to requirements for NIP declarations rather than conditions for making a claim per se.</p> <p>The provision that the information on the label and in advertising for the food be taken into account when determining the form of the food has been removed from the Standard as it is considered that this is implicit within the conditions applying to the form of the food.</p>
Standard does not prescribe wording		A new clause (9) has been added to clarify that the actual wording to be used in nutrition content claims and health claims is not prescribed by the Standard.
Nutrition content claims about trans fatty acids	Claims about low and percentage free trans fatty acids were prohibited.	The use of any descriptor in relation to trans fatty acids (including 'low' and 'x per cent free') apart from 'free' and 'reduced' or 'light' or similar, is prohibited, as there is no reference value upon which to base conditions for such claims.
Nutrition content claims about gluten		Permission for 'high gluten' and 'contains gluten' claims added (existing provisions in Standard 1.2.8 moved into Standard 1.2.7).

Topic	Draft Standard 1.2.7 in Final Assessment Report	Standard 1.2.7 at review
Specific conditions for making nutrition content claims	Clause 5 and clause 11 included various conditions for making nutrition content claims. The meaning of the 'blank boxes' in the Table to clause 11 caused some confusion.	Conditions for making nutrition content claims have been consolidated into clauses 11 and 12. The layout of the table has been changed significantly to improve clarity. The table has been moved into a schedule (1). Further explanation regarding application of the specific conditions in the Schedule has been included in clause 11. The general intent remains the same.
General conditions for use of descriptors when making nutrition content claims	The conditions in paragraph 5(1)(e) for the use of 'descriptors' and what was meant by 'descriptors' was not clear.	<p>'Descriptors' are now listed in Schedule 1. The clause (now clause 12) limiting the use of descriptors for properties of foods not mentioned in Schedule 1 has been reworded to clarify the intent, i.e. claims such as 'source of', 'contains' and 'free', may be used, but claims that describe a level of the property in the food, such as 'good source' or 'increased', cannot be used.</p> <p>The permission to use a numerical value has been redrafted for clarity (amended to give permission to state that the food contains a specified amount of the property in a specified amount of the food, eg 'contains 10 g of x per serve').</p>
Nutrition content claims where there is a reference value	Subparagraph 5(1)(e)(i) gave permission for nutrition content claims about properties of food that had a reference value (RDI, ESADDI or value under the Table to subclause 7(8) of Standard 1.2.8).	This has been removed. It is not necessary as all properties of food with reference values are listed in Schedule 1 and therefore nutrition content claims about these properties are already permitted.
Nutrition content claims about choline, fluoride and folic acid	No explicit permission provided for claims about these vitamins/minerals.	Clause 13 permits a nutrition content claim about these vitamins/minerals if a health claim is made about that same vitamin/mineral (as such claims were prohibited by the conditions for making claims about vitamins and minerals), in accordance with the conditions specified in clause 13. This new drafting will ensure that, for example, a nutrition content claim such as 'contains folic acid' can be made in conjunction with a health claim about folic acid.

Topic	Draft Standard 1.2.7 in Final Assessment Report	Standard 1.2.7 at review
Comparative claims (including about carbohydrate)	The conditions applied only to certain properties listed in the table to clause 11. As carbohydrate was not listed in the table to clause 11, the conditions for comparative claims did not apply to carbohydrate.	To avoid repetition in the Standard, the conditions for wording of comparative claims have been relocated in one general clause (15) that applies to all 'comparative claims' (as defined in the clause). As a result, the conditions have broader application, i.e. they will apply to comparative claims about carbohydrate in addition to the properties of the food they previously applied to. To provide consistency with other comparative claims, conditions for a 25% increase/reduction have been included for 'increased' and 'reduced' carbohydrate claims respectively.
Clauses relating specifically to general level health claims	The Standard included general conditions for making general level health claims in clause 6 and specific general level health claims in clause 12. The Standard required self-substantiation of general level health claims according to the Scientific Substantiation Framework (Schedule 2).	As outlined in section 5.1 of the Review Report, the Standard has been amended to permit two pathways for the substantiation of food-health relationships underpinning general level health claims: either FSANZ pre-approval or industry self-substantiation (now in clauses 17 and 18 and Schedules 3 and 6).
Conditions for certain general level health claims	<p>Pre-approved food-health relationships were not included in the Standard but the Table to clause 12 included wording and compositional conditions for claims about biologically active substances, maternal folic acid for normal foetal development, weight loss or maintenance and whole grain.</p> <p>Paragraph 6(1)(d) required food carrying the general level health claim to meet the applicable conditions for making a nutrition content claim about the property that was the subject of the health claim (if any).</p>	<p>A list of pre-approved food-health relationships to derive general level health claims from, and associated conditions for use, are included in Schedule 3. This includes the maternal folic acid claim.</p> <p>For the energy/weight loss or weight maintenance claim (previously included in the table to clause 12), conditions for claims on formulated meal replacements, with an upper limit on energy (kJ), have been added.</p> <p>Conditions for making claims about biologically active substances have not been included – refer to section 5.1 of the Review Report.</p> <p>The requirement for meeting the applicable conditions for making a nutrition content claim has been removed, as following reconsideration, the conditions were deemed to be too prescriptive and inflexible. Instead, this aspect will be addressed in guidance.</p>

Topic	Draft Standard 1.2.7 in Final Assessment Report	Standard 1.2.7 at review
Applications and proposals for general level health claims		A new clause (16) has been added for the purpose of determining whether a new general level health claim should be added to Schedule 3. This provides that an application or proposal to assess the addition of the claim to Schedule 3 is to be done following the provision for a high level health claims variation outlined in the <i>Food Standards Australia New Zealand Act 1991</i> . See section 5.1 of the Review Report for detail.
'Split' health claims	It was not clear that if a split claim (ie the property of the food and the health effect) was made, the split claim and the complete claim were required to be placed on the same label or advertisement, as intended.	Clause 20 has been redrafted so that the separate statement about the property of food and health effect (the split claim) and the complete statement (as required by clauses 19) must be located on the same label or on the same advertisement as the split claim.
Cause-related marketing statements	Clause 8 required a disclaimer be provided with a cause-related marketing statement to prevent consumers from being misled about the food. Cause related marketing statements that did not meet the definition of a nutrition content claim or health claim were not captured in the scope of the Standard and therefore not regulated by the Standard.	This condition (and corresponding definition) has been removed from the Standard. If the cause-related marketing statement is by definition also a nutrition content claim or health claim, the statement must meet the requirements of the Standard. Cause-related marketing statements that are considered to be misleading could potentially be addressed by Australian and New Zealand consumer law.
Dietary information	Clause 9 provided conditions for dietary information. Dietary information was defined and did not include information that related to a health effect (i.e. educational information that was captured by the definition of a health claim).	These conditions and associated definition have been removed from the Standard. Dietary information type statements referring to a health effect will continue to be regulated as a health claim. Other educational statements such as 'eat more fruit and vegetables' will not be regulated by the Standard. Australian and New Zealand consumer law could potentially deal with dietary information that is considered to be misleading. Clarifying the terminology relating to the definition of dietary information in the Standard proved difficult. This approach is consistent with regulations in the EU, USA and Canada.
Endorsements	Clause 10A provided that the requirements of the Standard did not apply to endorsements.	The original intent has been clarified in Division 3. Who must hold records and the period of time for which they must be held has also been clarified, to assist with enforcement.

Topic	Draft Standard 1.2.7 in Final Assessment Report	Standard 1.2.7 at review
	<p>Endorsement definition described the types of claims that were and were not endorsements, without referring to nutrition content claims or health claims. The definition also excluded designs that referred to a serious disease (unless as part of the name of the endorsing organisation).</p> <p>'Endorsing organisation' defined.</p>	<p>The definition of endorsement has been simplified, in particular by capturing only endorsements that are nutrition content claims or health claims. The conditions (rather than the definition) for making an endorsement do not allow the endorsement to refer to a serious disease (unless referred to as part of the name of the endorsing body).</p> <p>The term 'endorsing organisation' has been amended to 'endorsing body'. The concept that the endorsing body is a not for profit entity has been added, and that the endorsing body permits the supplier to make an endorsement also added (see definition in clause 2). Other conditions around the endorsing body, including independence from the supplier of the food have been moved into Division 3 and strengthened.</p>
<p>Declaration of calcium, dietary fibre and fvnl for food scoring points under NPSC</p>	<p>Subclause 6(4) required the dietary fibre content and the percentage of all fvnl (fruits, vegetables, nuts and legumes etc) to be declared on the label of a food that must meet the NPSC to make a claim.</p>	<p>This requirement has been amended to require any property (other than fvnl) not already in the nutrition information panel to be declared, when it is relied upon for the food to meet the NPSC (Division 4). Likewise, only the fvnl that are relied upon for the food to meet the NPSC need to be declared, eg if a food contains 35% fruit, 6% nuts and 2% spice, and relies on the fruit and nut component but doesn't need the spice component to pass the NPSC, only the percentage of fruit and nuts need to be declared, not the percentage of the spice.</p> <p>A subclause has been added to allow this information to be displayed on or in connection with the display of the food or be provided upon request for foods exempt from bearing a label. Subclause 2(2) of Standard 1.2.1 has also been amended to refer to this new subclause.</p>

Topic	Draft Standard 1.2.7 in Final Assessment Report	Standard 1.2.7 following review
Specific conditions for nutrition content claims		
Glycaemic index claim conditions	Low – GI 55 and below Medium – GI between 56 and 69 High – GI 70 and above	The cut-offs for low, medium and high GI measures have been clarified: Low – GI 55 or below Medium – GI at least 56 and not exceeding 69 High – GI 70 or above.
Glycaemic load claims	No specific conditions. The claim could not use descriptors such as ‘low’.	Food carrying a glycaemic load nutrition content claim must meet the NPSC. This new requirement has been added for consistency with GI claims, where foods carrying such claims must also meet the NPSC. The prohibition on the use of descriptors has been retained.
Conditions for claims about vitamins and minerals in relation to foods standardised in Standard 2.9.2 - Foods for Infants and Standard 2.9.3 – Formulated Meal Replacements and Formulated Supplementary Foods	The conditions in paragraph 6(1)(d) for health claims about vitamins and minerals required the food to meet the general conditions for making a nutrition content claim about the vitamin or mineral in the Table to clause 11. However the conditions in the Table to clause 11 did not apply to foods standardised in Standards 2.9.2 and 2.9.3, hence the conditions for making a health claim about these foods was not clear.	The intent was that for Special Purpose Foods, the conditions in the applicable Special Purpose Food Standard for making vitamin and mineral claims apply, not the conditions in Standard 1.2.7. Therefore specific conditions have been inserted into Schedule 1 to specify the conditions that must be met when making a health claim about these foods. (Note that if making a nutrition content claim that is expressly permitted in a Special Purpose Food Standard, the conditions for making that claim specified in that Standard must be met.)
Claims on formulated caffeinated beverages	Standard 2.6.4 includes a prohibition on claims about the presence or absence of vitamins and minerals.	This prohibition has been moved into Standard 1.2.7 ((d) in the conditions for making claims about vitamins and minerals in column 2 of Schedule 1). The prohibition applies to both nutrition content claims and health claims about vitamin and minerals. This retains the current approach in the Code.
Vitamin and mineral claims		The conditions for claims about sodium and potassium have been clarified by stating in Column 1 that the general conditions for vitamin and mineral claims do not apply to claims about potassium and sodium.

Topic	Draft Standard 1.2.7 in Final Assessment Report	Standard 1.2.7 following review
Nutrient Profiling Scoring Criterion		
NPSC	Schedule 1 included the NPSC categories and the scores for foods to meet the NPSC.	<p>Definitions in clause 2 ('meets the NPSC' and 'nutrient profiling score') and Schedule 4 are now used to describe the NPSC categories and scores for foods to meet the NPSC.</p> <p>The NPSC (now Schedule 5) has been restructured.</p>
Beverages and fibre points	Beverages (category 1 products) could score points for fibre content (F points).	A clause (in Schedule 5) has been inserted to prohibit beverages from scoring fibre points (F points). This is because of fruit drinks/cordial type beverages that contain added fibre. The addition of fibre enables the beverage to score F points and hence may pass the NPSC. However in developing the NPSC it has been the intention that fruit drinks and cordials with similar sugar content as juices should not meet the NPSC and be eligible to carry a health claim. It does not appear that this amendment will impact on beverages such as fruit juice that naturally contain fibre, as these products do not rely on their fibre content to meet the NPSC.
V points for diced or cut fvnl	V points can be scored for fvnl that have been 'reduced in size'.	The reference to 'reduced in size' has been clarified and now refers to 'diced or cut (or otherwise reduced in size)'.
V points for coconut	The brand name 'cophā' was used instead of coconut oil.	Cophā has been amended to coconut oil.
V points for concentrated fruit and vegetables	Items 2.6(c) and 2.8) referred to concentrated fvnl (fruits, vegetables, nuts and legumes).	Concentrated fvnl has been replaced with 'concentrated fruit or vegetables' as only fruits and vegetables can be concentrated, not all fvnl. This reflects the approach elsewhere in Schedule 5.
Amount of saturated fatty acids, total sugars and sodium	Expressed as saturated fatty acids, total sugars and sodium (Table 3).	As it is expected that the amounts of these nutrients is the same as the amount declared in the NIP, which is an average amount, the word 'average' has been inserted before each of these nutrients (Table 2).

Table 2: Summary of amendments to other Standards, since final assessment, further to structural and minor technical changes

Standard and topic	Drafting in Final Assessment Report	New drafting
Standard 1.1A.2 – Transitional Standard for Health Claims		The Purpose statement has been converted into a editorial note. Reference to the transition period of two years amended to three years in this editorial note and subclause 1B.
Standard 1.1.1 – Preliminary Provisions – Application, Interpretation and General Prohibitions	Definition of ‘claim’ amended.	Definition of ‘claim’ simplified.
Standard 1.1.1 Transition		The reference to transitional standards generally in subclause 1(6) has been omitted and replaced with a reference to Standard 1.1A.6. This removes any application of subclause 1(6) to the transitional health claims standard, when it is repealed.
Standard 1.2.1 – Application of Labelling and Other Information Requirements Foods exempt from bearing a label		Subclause 2(2) of Standard 1.2.1 has been amended to refer to the new subclause in Standard 1.2.7 which allows declaration requirements relating to the NPSC for foods exempt from bearing a label to be displayed on or in connection with the display of the food or be provided upon request.
Standard 1.2.8 – Nutrition Information Requirements Claim requiring nutrition information		A declaration that is required by the Act (as defined in Standard 1.1.1) has been excluded from a claim requiring nutrition information in clause 4. This means that a declaration made as a requirement of an Act that could be a nutrition content claim, e.g. a declaration of the kilojoule content of a food as required by some Food Acts, will not trigger the requirements in clause 4 for NIPs. This retains the current approach in the existing definition of nutrition claim in clause 1 of Standard 1.2.8, whereby a declaration required by the Act is not a nutrition claim.

Standard and topic	Drafting in Final Assessment Report	New drafting
Application of Standard 1.2.8 to infant formula products	The Purpose (in the Code currently) states that Standard 1.2.8 does not apply to infant formula products however the Purpose has no legal effect.	An additional clause (1A) has been added, that Standard 1.2.8 doesn't apply to infant formula products.
Standard 1.2.8 Declaration of properties in the nutrition information panel		Paragraph 5(1)(h) has been added to require 'any other matter which this Code requires to be included' in the nutrition information panel, to capture requirements for declarations in the nutrition information panel in Standard 1.2.87.
Standard 1.2.8 %RDI declarations on infant foods	Currently the intent under the Code is that %RDI declarations are not mandatory on infant foods, but are voluntary. By moving the requirement for %RDI declarations from Standard 1.3.2 into Standard 1.2.8 under P293, the %RDI requirements applied to infant foods. This was unintentional.	An exemption for infant foods from the requirement to declare %RDI when a claim about vitamin or mineral content is made has been included (paragraph 7A(1)(c)). Per cent RDI declarations on infant foods remain voluntary (subclause 7A(4)). This retains the status quo in the Code and reflects the original intent.
Standard 1.2.8 Declaration on small packages	Paragraph 8(1)(j) – it was not specified whether the declarations of fatty acids should be a minimum, maximum or average quantity.	The requirement (now subclause 8(4)) has been amended for all nutrients, so that the quantities can be declared as a minimum, maximum or average quantity, unless it is specified that the average quantity must be declared. This maintains consistency with the permissions for these declarations on other packages.
Standard 1.2.8 Requirements for nutrient declarations on small packages when claims are made	On small packages, declarations of sugar alcohols, polydextrose and D-tagatose were required when they constitute 5 g per 100 g or more of the food, either singly or in combination and have been subtracted in the calculation of 'carbohydrate by difference' or included in 'available carbohydrate' (paragraphs 8(1)(f)-(g)). It was not clear that these substances need only be declared when carbohydrate is declared on the label.	A change has been made (new clause 8A) to clarify that sugar alcohols, polydextrose and D-tagatose present need only be declared when carbohydrate is declared (carbohydrate content is only required to be declared on a small package when a claim about carbohydrate, fibre or sugar is made). In this way, the label of foods such as chewing gum must declare the sugar alternatives used when claims such as 'sugar free' are made.

Standard and topic	Drafting in Final Assessment Report	New drafting
<p>Standard 1.2.8</p> <p>Provision of information in third column of NIP when claims are based on the food after preparation by the consumer</p>	<p>The requirement in paragraph 6(3)(a) for when the third column should be included in the NIP, and what to include in the third column when claims are based on the food prepared and consumed with other foods, was not clear.</p>	<p>Clause 11A has been included, to specify when the third column in the NIP must be used, and what must be declared. A requirement has been added, that if the claim is based on the food 'as prepared', the NIP must include the weight or volume of a serving of the food 'as prepared'.</p>
<p>Standard 1.2.8</p> <p>Voluntary declaration of dietary fibre in NIP</p>	<p>Specified that voluntary declaration of less than 2 g of dietary fibre in the NIP was not a nutrition content claim.</p>	<p>Amended to clarify that this applied to foods containing less than 2g dietary fibre per serving (subparagraph 19(3)(b)(i)).</p>
<p>Standard 1.2.8</p> <p>Voluntary declaration of lactose and trans fatty acids in the NIP</p>	<p>No explicit permission for voluntary declaration of lactose or trans fatty acids in the NIP provided.</p>	<p>Added that voluntary declaration of lactose or trans fatty acids in the NIP is not a nutrition content claim, to clarify that lactose or trans fatty acids can be declared in the panel without having to meet claim conditions (subparagraph 19(3)(b)(iii)). Such a declaration is not currently prohibited by the Code.</p>
<p>Standard 1.3.1 – Food Additives</p>	<p>The editorial note following clause 4 was amended to remove reference to the Code of Practice on Nutrient Claims (CoPoNC).</p>	<p>This amendment has been omitted as the editorial note has been amended through another process.</p>
<p>Standard 1.3.2 – Vitamins and Minerals</p>	<p>Amendments were made to the calculation of maximum quantity of a vitamin or mineral that can be claimed for clarity.</p>	<p>Further amendments to the calculation were made for clarity and consistency with presentation of calculations elsewhere in the Code.</p>
<p>Standard 2.6.2 – Non-alcoholic Beverages and Brewed Soft Drinks subclause 2B(4)</p>	<p>Refers to 'a nutrition claim for the purposes of Standard 1.2.8'.</p>	<p>Amended to 'a nutrition content claim for the purposes of Standard 1.2.7'.</p>
<p>Standard 2.6.2</p>	<p>A clause was added stating that a claim that an electrolyte drink is isotonic is not a nutrition content claim. This clause was added to replace an editorial note (stating the same information) which was removed during Proposal P1001 – Omnibus VII because the editorial note was not considered legally binding.</p>	<p>The new clause is no longer recommended. The editorial note was originally intended (when Standard 2.6.2 was gazetted) to ensure that claims about the tonicity of electrolyte drinks did not trigger the need for an NIP, as NIPs were only required on foods carrying nutrition claims. The editorial note/clause no longer has relevance as NIPs are now mandated on most foods, including electrolyte drinks, even if a nutrition claim is not made.</p>

Standard and topic	Drafting in Final Assessment Report	New drafting
<p>Standard 2.9.1 – Infant Formula Products</p> <p>Permission for claims on infant formula products</p>	<p>No consequential amendments recommended.</p>	<p>The reference to ‘...claim that the infant formula product is suitable for...’ in clause 28 has been removed and replaced with ‘...an infant formula product that is specifically formulated to...’. This supports the intent that nutrition content claims and health claims are not permitted on infant formula products.</p>
<p>Standard 2.9.3 – Formulated Meal Replacements and Formulated Supplementary Foods</p> <p>‘good source’ of vitamin and mineral claims on formulated meal replacements and formulated supplementary foods.</p>	<p>The conditions for ‘good source’ claims prescribed in Standard 1.2.7 applied to formulated meal replacements and formulated supplementary foods.</p>	<p>As outlined above, a new clause has been added specifying that conditions in Standard 1.2.7 do not apply to claims permitted in other Standards in the Code.</p> <p>Clauses have therefore been added to Standard 2.9.3 to set conditions for ‘good source’ of vitamin and mineral claims on formulated meal replacements and formulated supplementary foods. These reflect the same conditions as those prescribed in Standard 1.2.7 for these claims.</p>
<p>Standard 2.9.3 Vitamin and mineral claims on formulated supplementary foods</p>	<p>The drafting currently in the Code permits vitamin and mineral content claims on formulated supplementary foods about only those vitamins and mineral listed in table 3 to the Standard. This list of vitamins and minerals is not consistent with the list of vitamins and minerals for which claims are permitted under Standard 1.2.7.</p>	<p>Standard 2.9.3 has been amended to specifically permit nutrition content claims about the vitamins and minerals listed in the Schedule to Standard 1.1.1 on Formulated Supplementary Foods. This will provide consistency with the permissions under Standard 1.2.7.</p>
<p>Standard 2.9.3 Percentage recommended dietary intake (%RDI) information and percentage dietary intake (%DI) information</p>	<p>There was an exemption under Standard 2.9.3 for Formulated Supplementary Foods for Young Children from the requirement to declare %RDI when a claim about vitamins or mineral is made.</p>	<p>This exemption from the requirement to declare %RDI has been removed. The exemption was initially intended as an exemption only from the requirement to declare %DI (in the Draft Assessment Report when it was proposed that %DI declarations be mandatory if a nutrition content or health claim was made) but inadvertently captured both %DI and %RDI declarations.</p>

Standard and topic	Drafting in Final Assessment Report	New drafting
Standard 2.9.5 – Formulated Supplementary Foods	<p>Paragraph 9(e)(iv) refers to 'nutrition claim as defined in Standard 1.2.8'.</p> <p>Conditions for claims about lactose in Standard 2.9.5 are based on those currently in Standard 1.2.8. Under P293 those conditions have been amended and moved into Standard 1.2.7.</p>	<p>A consequential amendment will be made to Standard 2.9.5 when that Standard commences, to refer to the definition of 'nutrition content claim' in Standard 1.2.7 rather than Standard 1.2.8.</p> <p>Following targeted consultation with stakeholders relevant to Food for Special Medical Purposes, it was decided to amend the conditions for making claims about lactose content in Standard 2.9.5, to be consistent with those in Standard 1.2.7.</p>
Standard 2.10.2 – Salt and Salt Products Editorial note following subclause 5(4)	Editorial note refers to Standard 1.2.8 in relation to requirements where nutrition claims are made.	Editorial note has been deleted as it is considered unnecessary.