

Note:

- Where definitions have been sign-posted in clause 1.06 of the Draft Variation (Dictionary), we have included the definition from the body of the Draft Variation in order to show the fulsome comparison with the Current Code and provide context.
- Definitions highlighted in grey do not appear at all in clause 1.06 (Dictionary). To ensure the completeness of the Dictionary and minimise risk of mistake, confusion or omission, it is recommended that these definitions be at least sign-posted in the Dictionary.
- In some cases a term has multiple meanings, depending on its use in particular clauses within the Code. If all definitions are moved to or signposted in the Dictionary, drafting changes would need to be made to ensure all particular contextual meanings are expressly set out.
- Definitions highlighted in yellow particularly require technical feedback.

Definition	Current Code	Draft Variation	Comments
acute care hospital	<p>Standard 1.2.1</p> <p>Acute care hospitals</p> <p>Establishments which provide at least minimal medical, surgical or obstetric services for inpatient treatment or care, and which provide round-the-clock comprehensive qualified nursing services as well as other necessary professional services. Most patients have acute conditions or temporary ailments and the average stay per admission is relatively short. Acute care hospitals include:</p> <p>(a) Hospitals specialising in dental, ophthalmic aids and other specialised medical or surgical care;</p> <p>(b) Public acute care hospitals;</p> <p>(c) Private acute care hospitals;</p> <p>(d) Veterans' Affairs hospitals.</p>	<p>Clause 1.08 [In this Code]</p> <p>acute care hospital:</p> <p>(a) means an establishment that provides:</p> <p>(i) at least minimal medical, surgical or obstetric services for inpatient treatment or care; and</p> <p>(ii) round-the-clock comprehensive qualified nursing services as well as other necessary professional services;</p> <p>to patients most of whom have acute conditions or temporary ailments, and have a relatively short average stay; and</p> <p>(b) includes:</p> <p>(i) a hospital specialising in dental, ophthalmic aids and other specialised medical or surgical care; and</p> <p>(ii) a public acute care hospital; and</p> <p>(iii) a private acute care hospital.</p>	<p>Definition is not included in clause 1.06.</p> <p>“Veterans’ Affairs hospitals” has been removed from the definition, presumably because special arrangements the Government has in place mean that treatment of veterans takes place in existing hospitals which include public and private acute care hospitals, which are already covered in the definition. However, query the need for the stylistic change to the definition which unnecessarily breaks up the flow of the definition.</p>

Definition	Current Code	Draft Variation	Comments
agvet chemical	<p>See Standard 1.4.2.</p> <p>This Standard lists the maximum permissible limits for agricultural and veterinary chemical residues present in food.</p> <p>chemical means an agricultural or veterinary chemical, whether or not listed in bold type in the shaded boxes in Schedules 1 or 2, but excludes –</p> <p>(a) a substance naturally present in food, for example, water or salt, before the food is processed; and</p> <p>(b) a substance in the food when naturally formed during processing, for example, heat treating, of the food; and</p> <p>(c) ingredients, food additives and processing aids that are permitted in this Code to be present in food.</p>	<p>see section 1.144</p> <p>agvet chemical means an agricultural chemical product or a veterinary chemical product, within the meaning of the Agvet Code.</p> <p>Note: The Agvet Code is the Code set out in the Schedule to the Agricultural and Veterinary Chemicals Code Act 1994 (Cth). See subsection 4(1) of the FSANZ Act.</p>	<p>It is recommended that the “Note” material be included within the definition itself, so that the definition states:</p> <p>“agvet chemical means an agricultural chemical product or a veterinary chemical product, within the meaning of the Agvet Code set out in the Schedule to the Agricultural and Veterinary Chemicals Code Act 1994 (Cth).”</p>
additive permitted at GMP		<p>Clause 1.122 [In this Code]</p> <p>additive permitted at GMP means a substance that is listed in section S16.01 of Schedule 16.</p> <p>Note: See subsection 1.124(1).</p>	<p>This definition is not included in clause 1.06.</p> <p>A new term but no substantive change.</p>
altered characteristics	<p>from 1.5.2 cl 4</p> <p>altered characteristics means any of the matters specified in paragraphs 7(a), (b), (c) or (d) of this Standard.</p> <p>7 Additional labelling/information requirements Notwithstanding the provisions of this Division, Column 4 of the Schedule may specify labelling or other information requirements in relation to food produced using gene technology listed in Column 3 of the Schedule where –</p>	<p>see section 1.154</p> <p>altered characteristics: a food produced using gene technology is taken to have altered characteristics if:</p> <p>(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; or</p> <p>(b) the level of anti-nutritional factors or natural toxicants are significantly different in comparison to the existing counterpart food not produced using gene</p>	<p>No substantive change</p>

Definition	Current Code	Draft Variation	Comments
	<p>(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;</p> <p>(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;</p> <p>(c) the food produced using gene technology contains a new factor known to cause an allergic response in particular sections of the population;</p> <p>(d) the intended use of the food produced using gene technology is different to the existing counterpart food not produced using gene technology;</p>	<p>technology; or</p> <p>(c) the food produced using gene technology contains a new factor known to cause an allergic response in particular sections of the population; or</p> <p>(d) the intended use of the food produced using gene technology is different to the existing counterpart food not produced using gene technology.</p>	
amino acid modified food	<p>from 1.1A.6 cl 1</p> <p>amino acid modified food means a special purpose food that in the preparation of which there has been a restriction in the use of ingredients containing one or more particular amino acids or a reduction of the content of one or more particular amino acids in any of the ingredients.</p>	<p>see section 2.153</p> <p>amino acid modified food means a special purpose food if, in the preparation of the food:</p> <p>(a) there is a restriction in the use of ingredients containing one or more particular amino acids; or</p> <p>(b) there is a reduction of the content of one or more particular amino acids in any of the ingredients of the food.</p>	No change
ANZS	<p>from 1.1.1 cl 1</p> <p>ANZS means a joint Australia New Zealand Standard published by Standards Australia.</p>	AS/NZS means a joint Australia New Zealand Standard published by Standards Australia.	A minor change to the abbreviation used which reflects the current official naming convention.
application Act		application Act means an Ordinance of a jurisdiction under which the requirements of this Code are applied in the jurisdiction	Recommendation that for simplicity and to avoid unnecessary cross-references for Code users, “Ordinance” be replaced by “act” or “law” and that the meaning of “jurisdiction” be included in this definition rather than a separate definition.

Definition	Current Code	Draft Variation	Comments
AS	from 1.1.1 cl 1 AS means an Australian Standard published by Standards Australia.	AS means an Australian Standard published by Standards Australia	No change.
assisted service display cabinet	from 1.2.1 cl 1 assisted service display cabinet means an enclosed or semi-enclosed display cabinet which requires a person to serve the food as requested by the purchaser.	assisted service display cabinet means an enclosed or semi-enclosed display cabinet which requires a person to serve the food as requested by the purchaser.	No change.
authorised officer	from 3.1.1 cl 1 (applied to entire Code), amended authorised officer means a person authorised or appointed under the Act or other legislation for the purposes of enforcement of the Act, or similar purposes, such as an 'authorised officer', 'environmental health officer' or 'inspector'.	authorised officer in relation to a jurisdiction, means a person authorised or appointed under an application Act or other legislation of the relevant jurisdiction for the purposes of enforcement of a provision of the relevant application Act, or for purposes that include that purpose	No substantive change. It is sensible to remove specific officer titles from the definition as has been done, just in case these change.
available carbohydrate		see section 1.71 available carbohydrate means available carbohydrate calculated in accordance with section S11.02 in Schedule 11	New term but no substantive change
average energy content	Standard 1.2.8 average energy content means the figure calculated in accordance with subclause (3) Average energy content is to be calculated by – (a) multiplying the average amount of each food component per 100 g of the food by the energy factor for that food component; then (b) adding the amounts calculated for each food component using the following formula –	see section 1.71 average energy content means the average energy content calculated in accordance with section S11.01 of Schedule 11 For section 1.71, the average energy content of a food means the energy content AE , in kJ/100 g, calculated using the following formula: $AE = \sum_{i=1}^N W_i \times ME_i$ where: W_i is the average amount of a component of the food measured in g/100 g of the food. ME_i is the energy factor:	Technical input/subject matter expertise needed.

Definition	Current Code	Draft Variation	Comments
	$\frac{\sum W_i E_w}{N}$ <p>Where E_w is the average energy content expressed in kilojoules per 100 g, W_i is the average weight of the food component expressed in grams per 100 g and N means the energy factor assigned to that food component expressed in kilojoules per gram.</p>	<p>(a) for a specific component listed in the table to subsection (2)— indicated in the corresponding row of that table; and (b) for a component listed in the table to subsection (3)—indicated in the corresponding row of that table. N is the number of components in the food.</p>	
average quantity	<p>from 1.1.1 cl 2</p> <p>average quantity in relation to a substance in a food is the quantity determined from one or more of the following –</p> <ul style="list-style-type: none"> (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; <p>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.</p> <p>Editorial note:</p> <p>The substances referred to in the definition of ‘average quantity’ are, for example, sodium, potassium, fatty acids, amino acids and vitamins and minerals.</p>	<p>see section 1.11</p> <p>(1) The average quantity of a substance in a serving or other quantity of a food is arrived at using the method mentioned in subsection (2) that best represents the quantity of the substance the food contains after taking into account:</p> <ul style="list-style-type: none"> (a) seasonal variability that would cause the quantity of the substance in foods from that manufacturer or producer to vary from lot to lot; and (b) any other factors that would reasonably cause actual quantities of the substance in foods from that manufacturer or producer to vary from lot to lot. <p>(2) The methods are:</p> <ul style="list-style-type: none"> (a) the quantity that the manufacturer or producer of the food determines, based on an analysis, to be the average quantity of the substance in the serving or other quantity of the food; or (b) the calculation of the substance, or the calculation of the average quantity of the substance, in the ingredients used for the food; or (c) the calculation from generally accepted data relevant to that producer and the food. <p>(3) A reference in this Code to the average quantity of a substance where no quantity is specified is a reference to the average quantity of the substance in the whole quantity of the relevant food product, expressed as a percentage.</p> <p>Note: The Code requires the ‘average quantity’ of a variety of substances to be listed in the nutrition information about a food product, for example, sodium, potassium, fatty acids, amino acids and vitamins and minerals.</p>	<p>The revised definition would require manufacturers and regulators to assess a food according to each one of the three methods set out in subclause (2), and then make a separate determination as to which of the three “best represents” the values in the food as conceived in subclause (1). There seems to be no technical justification for this approach as any of the three methods in subclause (2) should suffice – to do otherwise would add an additional regulatory obligation on stakeholders to actually calculate all three possibilities which is a substantive change. It would be better for subclause (1) to refer to “... using any of the methods in subsection (2) taking into account: ...”.</p>

Definition	Current Code	Draft Variation	Comments
baked-for date	from 1.2.5 cl 1 baked-for date , in relation to bread, means a date not later than 12 hours after the time the bread was baked.	see section 1.65 baked-for date , in relation to bread, means: (a) if the time at which the bread was baked is more than 12 hours before the commencement of the following day—the baked-on date; (b) if the time at which the bread was baked is less than 12 hours before the commencement of the following day—the day after the baked-on date. Note: For example, bread that is baked after midday on one day may have a 'baked-for date' of the following day.	No substantive change as the end result is the same under both definitions. However, there seems to be no value in the additional length and complexity of the definition. The need for "baked on" and "baked for" dates might be explored with the baking industry to see if these remain in current practice.
baked-on date	from 1.2.5 cl 1 baked-on date , in relation to bread, means the date on which the bread was baked.	see section 1.65 baked-on date , in relation to bread, means the date on which the bread was baked	No change, however, the need for "baked on" and "baked for" dates might be explored with the baking industry to see if these remain in current practice.
bear a label		see section 1.27 (2) For this Code: (a) a food product is taken to bear a label of a specified kind or with specified content if either of the following are part of or attached to the packaging of the food product: (i) a label of that kind or with that content; or (ii) labels that together are of that kind or have that content; and (b) a requirement for the labelling of a food product to include specified content is a requirement for at least one of the labels to have that content.	Query whether this definition adds any value. The term 'bear' can be given its ordinary meaning with little risk of controversy. 'Label' is already defined.
beer	from 2.7.2 cl 1 (1) beer means the product, characterised by the presence of hops or preparations of hops, prepared by the yeast fermentation of an aqueous extract of malted or unmalted cereals, or	beer means a food that may be sold as beer under section 2.68 (1) A food that is sold on the basis of a representation that it is 'beer', 'ale', 'lager', 'pilsener', 'porter' or 'stout' must consist of: (a) beer; or	The drafting appears to have been made unnecessarily complex, including the nonsensical statement "beer with the addition of any of the

Definition	Current Code	Draft Variation	Comments
	<p>both.</p> <p>a reference to beer includes a reference to 'ale', 'lager', 'pilsener', 'porter' and 'stout'.</p> <p>(2) Addition of other foods during production The following foods may be added to beer during production -</p> <p>(a) cereal products or other sources of carbohydrate; and</p> <p>(b) sugar; and</p> <p>(c) salt; and</p> <p>(d) herbs and spices.</p>	<p>(b) beer with the addition of any of the following if added during production:</p> <p>(i) cereal products or other sources of carbohydrate;</p> <p>(ii) sugar;</p> <p>(iii) salt;</p> <p>(iv) herbs and spices.</p> <p>(2) In this section:</p> <p>beer means the product, characterised by the presence of hops or preparations of hops, prepared by the yeast fermentation of an aqueous extract of malted or unmalted cereals, or both.</p> <p>Note: Under section 1.06, beer is defined for the rest of this Code as a food that may be sold as beer under this section.</p>	<p>following if added during production" rather than, for example, "beer and any of the following added during production...".</p>
best-before date	<p>from 1.2.5 cl 1</p> <p>best-before date, in relation to a package of food, means the date which signifies the end of the period during which the intact package of food, if stored in accordance with any stated storage conditions, will remain fully marketable and will retain any specific qualities for which express or implied claims have been made.</p>	<p>see section 1.65</p> <p>best-before date, for a food product, means the date up to which the food product will remain fully marketable and will retain any specific qualities for which express or implied claims have been made, if the food product:</p> <p>(a) remains in an intact package during its storage; and</p> <p>(b) is stored in accordance with any storage conditions applicable under section 1.69.</p>	<p>Involves a substantive change, particularly as it expands the application to foods that are unpackaged by virtue of use of the newly defined term 'food product'.</p>
biologically active substance	<p>from 1.2.8 cl 1</p> <p>biologically active substance means a substance, other than a nutrient, with which health effects are associated.</p>	<p>see section 1.71</p> <p>biologically active substance means a substance, other than a nutrient, with which health effects are associated</p>	<p>No change. Query whether the term "nutrient" should be defined.</p>
biomarker	<p>Standard 1.2.7</p> <p>biomarker means a measurable biological parameter that is predictive of the risk of a serious disease when present at an abnormal level in the human body.</p>	<p>Clause 1.71 [applies to Division 7 & 8]</p> <p>biomarker means a measurable biological parameter that is predictive of the risk of a serious disease when present at an abnormal level in the human body.</p>	<p>This definition does not appear in clause 1.06.</p> <p>No change.</p>
bivalve molluscs	<p>see 4.2.1, clause 15</p> <p>bivalve molluscs include cockles, clams, mussels, oysters, pipis and scallops intended for human consumption, but excludes scallops and pearl oysters, where the only part of the product consumed</p>	<p>see Standard 4.2.1, clause 15</p>	<p>Not defined in the Draft Variation. Presumably the Draft Variation should adopt the definition in the existing Code, but it will</p>

Definition	Current Code	Draft Variation	Comments
	is the adductor muscle, and spat.		need to do so by including this in clause 1.06.
brandy	from 4.5.1 cl 1 and 2.7.5 cl 1 brandy means the spirit obtained by the distillation of wine in such a manner as to ensure that the spirit possesses the taste, aroma and other characteristics generally attributed to brandy, in accordance with the requirements set out in the Schedule to this Standard.	brandy means: (a) for Standard 4.5.1—see clause 1 of Standard 4.5.1. (b) elsewhere—a food that may be sold as brandy under section 2.73. brandy means a spirit obtained from the distillation of wine, or fermented preparations of grapes or grape product Note: Under section 1.06, brandy , liqueur and spirit are defined for the rest of this Code as a food that may be sold as brandy, liqueur or spirit under this section.	What does the reference to Standard 4.5.1 mean? Should text from the existing Code be replicated in the Draft Variation definition? Otherwise appears a substantive change. Does it potentially widen what may be classed as brandy? Could it mean more inferior products can be labelled as brandy?
bread	from 2.1.1 cl 1 bread means the product made by baking a yeast-leavened dough prepared from one or more cereal flours or meals and water To commence on 13 September 2009: (1A) Definition of bread for certain purposes: The definition of bread for the purposes of the mandatory addition of folic acid, thiamin and iodised salt to bread or wheat flour for making bread, does not include – (a) pizza bases; (b) breadcrumbs; (c) pastries; (d) cakes, including but not limited to brioche, panettone and stollen; (e) biscuits; or (f) crackers.	bread means a food that may be sold as bread under section 2.01 (1) A food that is sold on the basis of a representation that it is 'bread', must consist of: (a) bread; or (b) bread with the addition of other ingredients. (2) In this section: bread means a food made by baking a yeast-leavened dough prepared from one or more cereal flours or meals and water. Note: Under section 1.06, bread is defined for the rest of this Code as a food that may be sold as bread under this section.	The change from "product" to "food" does not appear appropriate. If there is concern in using 'product' because it is undefined, then would not 'food product' be the more appropriate reference? Note that the exclusions for adding folic acid, thiamine and iodised salt to pizza bases etc is included in a separate section (section 2.03) so there is no substantive change in this respect.
brewed soft drink	from 2.6.2 cl 1 brewed soft drink means the product prepared by a fermentation process from water with sugar and one	brewed soft drink means the product prepared by a fermentation process from water with sugar and one or more of:	No change.

Definition	Current Code	Draft Variation	Comments
	or more of – (a) fruit extractives or infusions; or (b) vegetable extractives or infusions	(a) fruit extractives or infusions; or (b) vegetable extractives or infusions.	
bulk cargo container	<p>from 1.1.1 cl 1</p> <p>bulk cargo container means an article of transport equipment, being a lift van, movable tank, or other similar structure –</p> <ul style="list-style-type: none"> (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; <p>but does not include –</p> <ul style="list-style-type: none"> (h) any vehicle, or any ordinary packing case, crate, box, or other similar article used for packing. 	<p>bulk cargo container:</p> <p>(a) means an article of transport equipment, being a lift van, movable tank, shipping container, aircraft cargo container or other similar structure:</p> <ul style="list-style-type: none"> (i) of a permanent character and accordingly strong enough to be suitable for repeated use; and (ii) specifically designed to facilitate the carriage of goods by one or more modes of transport, without immediate repacking; and (iii) fitted with devices permitting its ready handling and its transfer from one mode of transport to another; and (iv) so designed as to be easy to fill and empty; and (v) having an internal volume of one cubic metre or more; and (vi) includes the normal accessories and equipment of the container, when imported with the container and used exclusively with it; and <p>(b) does not include any vehicle, or any ordinary packing case, crate, box, or other similar article used for packing.</p>	No substantive change. Though “shipping container” and “aircraft cargo container” have been moved so as to appear at the start of the definition this makes sense as these are similar structures.
business address	<p>from 1.1.1 cl 1</p> <p>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.</p>	business address means the street address, or a description of the location, of the premises from which a business is being operated	No substantive change.
butter	<p>from 2.5.5 cl 1</p> <p>(1) Interpretation</p>	butter means a food that may be sold as butter under section 2.36	No substantive change.

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	<p>In this Code –</p> <p>Butter means a product derived exclusively from milk and products obtained from milk, principally in the form of an emulsion of the type water-in-oil.</p> <p>(2) Composition of butter</p> <p>Butter must contain no less than 80.0% m/m milk fat.</p> <p>(3) Addition of other foods during production</p> <p>Butter may contain –</p> <p>(a) water; and</p> <p>(b) salt; and</p> <p>(c) lactic acid producing microorganisms; and</p> <p>(d) flavour producing microorganisms.</p>	<p>(1) A food that is sold on the basis of a representation that it is ‘butter’ must:</p> <p>(a) consist of butter, or of butter with any of the following additional ingredients:</p> <p>(i) water;</p> <p>(ii) salt;</p> <p>(iii) lactic acid producing microorganisms;</p> <p>(iv) flavour producing microorganisms; and</p> <p>(b) contain no less than 80.0% m/m milkfat.</p> <p>(2) In this section:</p> <p>butter means a product derived exclusively from milk and products obtained from milk, principally in the form of an emulsion of the type water-in-oil.</p> <p>Note: Under section 1.06, butter is defined for the rest of this Code as a food that may be sold as butter under this section.</p>																													
carbohydrate by difference	<p>from 1.2.8 cl 1</p> <p>‘carbohydrate by difference’: calculated by subtracting from 100, the average quantity expressed as a percentage of water, protein, fat, dietary fibre, ash, alcohol, and if quantified or added to the food, any other unavailable carbohydrate and the substances listed in column 1 of Table 2 to sub-clause 2(2)</p> <table><tr><td colspan="2">Table 2 to subclause 2(2)</td></tr><tr><td>Column 1</td><td></td></tr><tr><td>Food Component</td><td></td></tr><tr><td>Erythritol</td><td></td></tr><tr><td>Glycerol</td><td></td></tr><tr><td>Isomalt</td><td></td></tr><tr><td>Lactitol</td><td></td></tr><tr><td>Maltitol</td><td></td></tr><tr><td>Mannitol</td><td></td></tr><tr><td>Organic acids</td><td></td></tr><tr><td>Polydextrose</td><td></td></tr><tr><td>Sorbitol*</td><td></td></tr><tr><td>D-Tagatose</td><td></td></tr></table>	Table 2 to subclause 2(2)		Column 1		Food Component		Erythritol		Glycerol		Isomalt		Lactitol		Maltitol		Mannitol		Organic acids		Polydextrose		Sorbitol*		D-Tagatose		<p>carbohydrate by difference - see section 1.71</p> <p>carbohydrate by difference means carbohydrate by difference calculated in accordance with section S11.02 in Schedule 11</p> <p>For section 1.71, carbohydrate by difference, for a food, is calculated by subtracting from 100 the average quantity in the food, expressed as a percentage, of the following substances:</p> <p>(a) water;</p> <p>(b) protein;</p> <p>(c) fat;</p> <p>(d) dietary fibre;</p> <p>(e) ash;</p> <p>(f) alcohol;</p> <p>(g) if quantified or added to the food—any other unavailable carbohydrate;</p> <p>(h) a substance listed in subsection S11.01(3).</p> <p>(3) For subsection (1), particular energy factors, in kJ/g, for specific components are listed below:</p> <table><tr><td>Component</td><td>Energy factor</td></tr></table>	Component	Energy factor	<p>The editorial note from the original Standard regarding “sorbitol” has not been included in the new definition. Further consultation and consideration is necessary.</p>
Table 2 to subclause 2(2)																															
Column 1																															
Food Component																															
Erythritol																															
Glycerol																															
Isomalt																															
Lactitol																															
Maltitol																															
Mannitol																															
Organic acids																															
Polydextrose																															
Sorbitol*																															
D-Tagatose																															
Component	Energy factor																														

Definition	Current Code	Draft Variation	Comments
	<div>Xylitol</div> <p>Editorial note: * Energy factor for sorbitol taken as an average of calculated range determined with or without ingestion of other foods.</p>	erythritol 1 glycerol 18 isomalt 11 lactitol 11 maltitol 13 mannitol 9 organic acids 13 polydextrose 5 sorbitol 14 D-Tagatose 11 Xylitol 14	
catering sale	from 1.2.1 cl 1 food for catering purposes food for catering purposes includes food supplied to catering establishments, restaurants, canteens, schools, hospitals, and institutions where food is prepared or offered for immediate consumption.	catering sale —see section 1.28 In this Code: catering sale , in relation to a food product, means a sale of a food product to: (a) a catering establishment; or (b) a restaurant; or (c) a canteen; or (d) a school; or (e) a hospital; or (f) any other institution where food is prepared or offered for immediate consumption.	Query why the defined term has been changed. The new term 'catering sale' is not as obvious or as readily apparent as 'food for catering purposes'. The new definition seems unnecessarily long (e.g. double reference to 'food product'). The new definition also seems narrower, being premised on a 'sale' rather than relating to being 'supplied'.
cereal-based food	from 2.9.2 cl 1 cereal-based food means a food for infants that is based on cereal	cereal-based food —see section 2.105 cereal-based food means food for infants that is based on cereal	No change
characterising component	from 1.2.10 cl 1 characterising component means a component of a food that – (a) is mentioned in the name of a food; or (b) is usually associated with the name of a food by the consumer; or (c) is emphasised on the label of a food in words,	characterising component —see section 1.110 characterising component means a component of the food that: (a) is mentioned in the name of the food; or (b) is likely to be associated with the name of the food by a consumer; or (c) is emphasised on the label of the food product in	No change.

Definition	Current Code	Draft Variation	Comments
	pictures or graphics.	words, pictures or graphics.	
characterising ingredient	<p>from 1.2.10 cl 1</p> <p>characterising ingredient means an ingredient or category of ingredients that –</p> <p>(a) is mentioned in the name of a food; or</p> <p>(b) is usually associated with the name of a food by the consumer; or</p> <p>(c) is emphasised on the label of a food in words, pictures or graphics;</p> <p>but does not include –</p> <p>(d) an ingredient or a category of ingredients which is used in small quantities for the purposes of a flavouring; or</p> <p>(e) an ingredient that is the sole ingredient of a food; or</p> <p>(f) a category of ingredients that comprises the whole of the food; or</p> <p>(g) an ingredient or category of ingredients which, while mentioned in the name of the food, is not such as to govern the choice of the consumer, because the variation in the quantity is not essential to characterise the food, or does not distinguish the food from similar foods.</p>	<p>characterising ingredient—see section 1.110</p> <p>characterising ingredient means an ingredient or a category of ingredients of the food that:</p> <p>(a) is mentioned in the name of the food; or</p> <p>(b) is likely to be associated with the name of the food by a consumer; or</p> <p>(c) is emphasised on the label of the food product in words, pictures or graphics</p>	<p>There are substantive changes in the redrafting.</p> <p>For example, the change from “usually” to “likely” in (b) is an increase in requisite criteria.</p> <p>The removal of the “does not include section” reduces clarity, and in particular, means that some things that currently are not considered a characterising ingredient, may be under the Draft variation (e.g. ingredients/categories of ingredients used in small quantities for the purpose of flavourings).</p>
cheese	<p>from 2.5.4 cl 1</p> <p>cheese means the ripened or unripened solid or semi-solid milk product which may be coated and is obtained by one or both of the following processes –</p> <p>(a) wholly or partially coagulating milk, or materials obtained from milk, or both, through the action of rennet or other suitable coagulating agents, partially draining the whey which results from such coagulation; or</p> <p>(b) processing techniques involving concentration or coagulation of milk, or materials obtained from milk, or both, which give an end-product with similar physical, chemical and organoleptic characteristics as the product described in paragraph (a).</p>	<p>cheese means a food that may be sold as cheese under section 2.34</p> <p>cheese means the ripened or unripened solid or semi-solid milk product which may be coated and is obtained by one or both of the following processes:</p> <p>(a) wholly or partly coagulating milk, or materials obtained from milk, or both, through the action of rennet or other suitable coagulating agents, partially draining the whey which results from such coagulation; or</p> <p>(b) processing techniques involving concentration or coagulation of milk, or materials obtained from milk, or both, which give an end-product with similar physical, chemical and organoleptic characteristics as the product described in paragraph (a).</p>	No substantive change.

Definition	Current Code	Draft Variation	Comments
		Note: Under section 1.06, cheese and processed cheese are defined for the rest of this Code as a food that may be sold as cheese or processed cheese under this section.	
chocolate	from 1.1.2 cl 1 chocolate means the confectionery product characterised by the presence of cocoa bean derivatives - (a) prepared from a minimum of 200 g/kg of cocoa bean derivatives; and (b) which contains no more than 50 g/kg of edible oils, other than cocoa butter or dairy fats.	chocolate means a confectionery product that: (a) is characterised by the presence of cocoa bean derivatives; and (b) is prepared from a minimum of 200 g/kg of cocoa bean derivatives; and (c) contains no more than 50 g/kg of edible oils, other than cocoa butter or dairy fats.	No change.
cider	from 2.7.3. cl 1 cider means the fruit wine prepared from the juice or must of apples and no more than 25% of the juice or must of pears.	cider —see section 2.70 cider means the fruit wine prepared from the juice or must of apples and no more than 25% of the juice or must of pears Note: Under section 1.06, cider , fruit wine , mead , perry and vegetable wine are defined for the rest of this Code as a food that may be sold as cider, fruit wine, mead, perry or vegetable wine under this section.	No substantive change.
claim	from 1.2.8 cl 1 [KWM Note : reference wrong – definition in 1.1.1] claim means an express or implied statement, representation, design or information in relation to a food or property of food which is not mandatory in this Code	claim means an express or implied statement, representation, design or information in relation to a food or a property of food which is not mandatory in this Code	No change.
claim requiring nutrition information		Clause 1.71 [applies to Division 7 & 8] claim requiring nutrition information: (a) means: (i) a nutrition content claim; or (ii) a health claim; and (b) does not include: (i) a declaration that is required by an application Act; or (ii) an endorsement.	This definition is not included in clause 1.06. Is an efficient way to refer collectively to a nutrition content claim or a health claim.
claimable food	from 1.3.2 cl 1		Omitted as part of review of nutrition and health

Definition	Current Code	Draft Variation	Comments
claimable vitamin or mineral	<p>Standard 2.9.3</p> <p>Labelling of formulated supplementary foods</p> <p>In this clause, claimable vitamin or mineral means a vitamin or mineral that is listed in –</p> <p>(a) the Schedule to Standard 1.1.1; or</p> <p>(b) Column 1 of Table 3 in the Schedule to this Standard.</p> <p>Labelling of formulated supplementary foods for young children</p> <p>In this clause, claimable vitamin or mineral means a vitamin or mineral that is listed in –</p> <p>(a) the Schedule to Standard 1.1.1; or</p> <p>(b) Column 1 of Table 3 in the Schedule to this Standard.</p>	<p>Clause 2.123 (Labelling of formulated supplementary foods) [for this section]</p> <p>claimable vitamin or mineral means a vitamin or mineral that is listed in:</p> <p>(a) section S17.01 or S17.02 of Schedule 17; or</p> <p>(b) section S30.13 of Schedule 30.</p> <p>Clause 2.126 (Labelling of formulated supplementary foods for young children) [for this section]</p> <p>claimable vitamin or mineral means a vitamin or mineral that is listed in:</p> <p>(a) section S17.01 or S17.02 of Schedule 17; or</p> <p>(b) section S30.14 of Schedule 30.</p>	<p>claims.</p> <p>This definition is not included in clause 1.06.</p> <p>The definitions in clauses 2.123 and 2.126 are different in (b) despite using the same defined terms. We suggest that these terms are signposted in clause 1.06.</p>
cocoa	<p>from 1.1.2 cl 1</p> <p>cocoa means the powdered product prepared from cocoa beans from which a portion of the fat may have been removed, with or without the addition of salt or spices.</p>	<p>cocoa means the powdered product prepared from cocoa beans from which a portion of the fat may have been removed, with or without the addition of salt or spices</p>	No change.
cocoa bush		<p>Clause 1.147 [In this Code]</p> <p>coca bush means:</p> <p>(a) eurythroxylum coca; or</p> <p>(b) a substance derived from eurythroxylum coca.</p>	<p>This definition is not included in clause 1.06.</p> <p>This is a new definition. Further consultation and consideration is necessary.</p>

Definition	Current Code	Draft Variation	Comments
code number	from 1.1.1 cl 1 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'.	code number , used in relation to a substance used as a food additive, means either: (a) the number set out in the table to Schedule 8 in relation to that substance; or (b) that number preceded by the letter 'E'.	Change to “substance used as a food additive” means the definition is much wider.
coffee	from 1.1.2 cl 1 coffee means the product prepared by roasting or grinding, or both the roasting and grinding, of coffee beans.	coffee means the product prepared by roasting and grinding coffee beans	The new definition is narrower, requiring coffee beans to be both roasted and grinded. Technical feedback required as to whether this will have consequences for existing products (are any current coffee products only roasted or only ground)? Further consultation and consideration is necessary.
colouring permitted at GMP		Clause 1.122 [In this Code] colouring permitted at GMP means a substance that is listed in section S16.02 of Schedule 16. Note: See subsection 1.124(1).	This definition is not included in clause 1.06. New.
colouring permitted to a maximum level		Clause 1.122 [In this Code] colouring permitted to a maximum level means a substance that is listed in section S16.03 of Schedule 16. Note: See subsection 1.124(3).	This definition is not included in clause 1.06. New.
comminuted	from 1.6.2 cl 8 (applied to entire Code) comminuted means chopped, diced or minced.	comminuted means chopped, diced or minced	No change.

Definition	Current Code	Draft Variation	Comments
component	from 1.1.1 cl 1 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.	component —see section 1.18 component: a component of a food is a substance that can be identified as a constituent part of the food. Example: If sodium bicarbonate is used as an ingredient to produce a food, it will be changed by the cooking into carbon dioxide and salts, which are identifiable as components of the food.	The concept of component stated here overlaps with that of “nutrient” and “biologically active substance”. It seems that “component” is also used elsewhere the Code refers to a sub ingredient (eg see clause 1.21(3)), which is confusing. “Component” should be omitted as a concept in the Code, and the terms “sub ingredient”, “nutrient” or “biologically active substance” used as appropriate.
compound ingredient	from 1.2.4 cl 1 compound ingredient means an ingredient of a food which is itself made from two or more ingredients.	compound ingredient —see section 1.17 For this Code, an ingredient is a compound ingredient if it is an ingredient that is itself made from two or more ingredients.	No substantive difference however is much wordier. Query what value is provided by the new longer definition.
condensed milk	from 2.5.7 cl 1 condensed milks mean either, milk products obtained by the partial removal of water from milk with the addition of sugars, or milk products of the same composition obtained by any other process	condensed milk means a food that may be sold as condensed milk under section 2.38 condensed milk means: (a) a food obtained by the partial removal of water from milk with the addition of sugars; or (b) a food of the same composition obtained by any other process. Note: Under section 1.06, condensed milk is defined for the rest of this Code as a food that may be sold as condensed milk under this section.	No substantive change.
cream	from 2.5.2 cl 1 cream means a milk product comparatively rich in fat, in the form of an emulsion of fat-in-skim milk, which can be obtained by separation from milk.	cream means a food that may be sold as cream under section 2.31 cream means a milk product comparatively rich in fat, in the form of an emulsion of fat-in-skim milk, which can be obtained by separation from milk. Note: Under section 1.06, cream is defined for the rest of this Code as a food that may be sold as cream under this section.	No change.

Definition	Current Code	Draft Variation	Comments
crocodile meat	from 1.6.2 cl 6 crocodile meat means the skeletal muscle of the family <i>Crocodylidae</i> including any attached fat, connective tissue, nerve, blood and blood vessels, but does not include head meat	crocodile meat —see section 1.168 crocodile meat means the skeletal muscle of the family <i>Crocodylidae</i> including any attached fat, connective tissue, nerve, blood and blood vessels, but does not include head meat	No change.
cured and/or dried meat flesh in whole cuts or pieces	from 2.2.1 cl 1 cured and/or dried meat flesh in whole cuts or pieces means meat flesh including any attached bone containing no less than 160 g/kg meat protein on a fat free basis.	cured and/or dried meat flesh in whole cuts or pieces —see section 2.06 cured and/or dried meat flesh in whole cuts or pieces means meat flesh including any attached bone containing no less than 160 g/kg meat protein on a fat free basis	No change.
decaffeinated coffee	from 1.1.2 cl 1 decaffeinated coffee means coffee from which most of the caffeine has been removed and which contains no more than 1g/kg of anhydrous caffeine on a dry basis.	decaffeinated coffee means coffee that contains no more than 1 g/kg of anhydrous caffeine on a dry basis	Removal of “from which most of the caffeine has been removed” which in the context appears acceptable.
decaffeinated tea	from 1.1.2 cl 1 decaffeinated tea means tea from which most of the caffeine has been removed and which contains no more than 4g/kg of anhydrous caffeine on a dry basis.	decaffeinated tea means tea that contains no more than 4 g/kg of anhydrous caffeine on a dry basis	Removal of “from which most of the caffeine has been removed” which in the context appears acceptable.
deface		Clause 1.47 [In this section] deface includes alter, remove, erase, obliterate and obscure.	This definition is not included in clause 1.06. Query whether the ordinary meaning of the word would suffice, otherwise no concerns with the definition.

Definition	Current Code	Draft Variation	Comments
dietary fibre	<p>see section 1.71 – it is in Standard 1.2.8</p> <p>dietary fibre means that fraction of the edible part of plants or their extracts, or synthetic analogues that – (a) are resistant to the digestion and absorption in the small intestine, usually with complete or partial fermentation in the large intestine; and (b) promote one or more of the following beneficial physiological effects – (i) laxation; (ii) reduction in blood cholesterol; (iii) modulation of blood glucose; and includes polysaccharides, oligosaccharides (degree of polymerisation > 2) and lignins.</p>	<p>dietary fibre—see section 1.71</p> <p>dietary fibre means that fraction of the edible part of plants or their extracts, or synthetic analogues that: (a) are resistant to digestion and absorption in the small intestine, usually with complete or partial fermentation in the large intestine; and (b) promote one or more of the following beneficial physiological effects: (i) laxation; (ii) reduction in blood cholesterol; (iii) modulation of blood glucose; and includes: (c) polysaccharides or oligosaccharides that have a degree of polymerisation greater than 2; and (d) lignins.</p>	No change.
dried milk	<p>from 2.5.7 cl 1</p> <p>dried milks mean powdered milk products obtained by the partial removal of water from milk.</p>	<p>dried milk means a food that may be sold as dried milk under section 2.39.</p> <p>dried milk means a powdered milk product obtained by the partial removal of water from milk.</p> <p>Note: Under section 1.06, dried milk is defined for the rest of this Code as a food that may be sold as dried milk under this section.</p>	No change.
edible oil	<p>from 2.4.1 cl 1</p> <p>edible oils means the triglycerides, diglycerides, or both the triglycerides and diglycerides of fatty acids of plant or animal origin, including aquatic plants and aquatic animals.</p>	<p>edible oil means a food that may be sold as edible oil under section 2.24</p> <p>edible oil means the triglycerides, diglycerides, or both the triglycerides and diglycerides of fatty acids of plant or animal origin, including aquatic plants and aquatic animals.</p> <p>Note: Under section 1.06, edible oil is defined for the rest of this Code as a food that may be sold as edible oil under this section.</p>	No change.
edible oil spread	<p>from 2.4.2 cl 1</p> <p>edible oil spreads means a spreadable food composed of edible oils and water in the form of an emulsion of the type water-in-oil.</p>	<p>edible oil spread means a food that may be sold as edible oil spread under section 2.26</p> <p>edible oil spread means a spreadable food composed of edible oils and water in the form of an emulsion of the type water-in-oil.</p> <p>Note: Under section 1.06, edible oil spread is defined for the rest of this Code as a food that may be sold as edible oil spread under this section.</p>	No change.

Definition	Current Code	Draft Variation	Comments
electrolyte drink base	from 2.6.2 cl 1 electrolyte drink base means a solid or liquid which when made up, makes an electrolyte drink.	electrolyte drink base means a food that may be sold as an electrolyte drink base under section 2.51 electrolyte drink base means a solid or liquid which, when made up, makes an electrolyte drink. Note: Under section 1.06, electrolyte drink and electrolyte drink base are defined for the rest of this Code as a food that may be sold as electrolyte drink or electrolyte drink base under this section.	No change.
electrolyte drink	from 2.6.1 cl 1 electrolyte drink means a drink formulated and represented as suitable for the rapid replacement of fluid, carbohydrates, electrolytes and minerals.	electrolyte drink means a food that may be sold as an electrolyte drink under section 2.51 electrolyte drink means a drink formulated and suitable for the rapid replacement of fluid, carbohydrates, electrolytes and minerals. Note: Under section 1.06, electrolyte drink and electrolyte drink base are defined for the rest of this Code as a food that may be sold as electrolyte drink or electrolyte drink base under this section.	No change.
endorsement	Standard 1.2.7 endorsement means a nutrition content claim or a health claim that is made with the permission of an endorsing body.	Clause 1.71 [applies to Division 7 & 8] endorsement means a nutrition content claim or a health claim that is made with the permission of an endorsing body.	This definition is not included in clause 1.06. No change.
endorsing body	Standard 1.2.7 endorsing body is a not-for-profit entity which has a nutrition- or health-related purpose or function that permits a supplier to make an endorsement.	Clause 1.71 endorsing body means a not-for profit entity that: (a) has a nutrition- or health-related purpose or function; and (b) permits a supplier to make an endorsement.	This definition is not included in clause 1.06. No change.
energy supplement	Standard 2.9.4 An energy supplement is a formulated supplementary sports food for which not more than 20 % of the energy yield of the product is derived from protein.	Clause 2.135 [In this section] energy supplement means a formulated supplementary sports food for which not more than 20% of the average energy content of the food is derived from protein.	This definition is not included in clause 1.06. No substantive change – now in the form of a definition.
ESADDI	from 1.1.1 cl 1 ESADDI means, for a vitamin or mineral in column 1 of the Schedule, the Estimated Safe and Adequate	ESADDI —see section 1.07. Note: ‘ESADDI’ is an abbreviation of ‘estimated safe and adequate daily dietary intake’. (1) For a vitamin or mineral listed in column 1 of the	Subclause (2)(a) and (d) may be better simply stating that vitamin A be calculated as retinol

Definition	Current Code	Draft Variation	Comments
	<p>Daily Dietary Intake, specified for that vitamin or mineral –</p> <p>(a) in column 3; and</p> <p>(b) in column 4 for children aged one to three years;</p> <p>calculated and expressed in the form specified in column 2.</p>	<p>table to section S1.01 or S1.02 of Schedule 1, the RDI or ESADDI, as indicated in column 2, is the amount specified in:</p> <p>(a) for Division 2 of Part 9 of Chapter 2—column 5; and</p> <p>(b) for Subdivision D of Division 3 of Part 9 of Chapter 2—column 4; and</p> <p>(c) otherwise—column 3.</p> <p>(2) For this Code, when calculating the amount of a vitamin or mineral for the purpose of comparing that amount to the RDI or ESADDI:</p> <p>(a) for vitamin A:</p> <p>(i) calculate the amount in terms of retinol equivalents; and</p> <p>(ii) for carotene forms of vitamin A, calculate retinol equivalents using the conversion factors in section S1.03 of Schedule 1; and</p> <p>(b) for niacin:</p> <p>(i) calculate only the proportion of niacin provided by pre-formed niacin in foods; and</p> <p>(ii) exclude the niacin provided from the conversion of the amino acid tryptophan; and</p> <p>(c) for vitamin C, calculate only the amount of L-ascorbic acid and dehydroascorbic acid; and</p> <p>(d) for vitamin E, calculate the amount in terms of alpha-tocopherol equivalents using the conversion factors in section S1.04 of Schedule 1.</p>	<p>equivalents, and vitamin E be calculated as alpha-tocopheryl equivalents. Conversion factors are matters of scientific fact that do not require regulation. The problem otherwise is highlighted in Schedule S1.04 which, as a regulation, directs the reader to “see the Note” where notes are intended NOT to be legislative in character.</p> <p>Subclause 2(b) should exclude niacin provided by the conversion of tryptophan. This avoids the undefined concept of “pre-formed” niacin.</p> <p>Subclause 2(c) is incorrect. It should state that vitamin C be calculated as the sum of L-ascorbic acid and dehydroascorbic acid equivalents. As currently drafted, the provision might exclude vitamin C added in other permitted forms.</p>
evaporated milk	<p>from 2.5.7 cl 1</p> <p>evaporated milks mean either, milk products obtained by the partial removal of water from milk by heat or milk products of the same composition obtained by any other process.</p>	<p>evaporated milk means a food that may be sold as evaporated milk under section 2.40</p> <p>evaporated milk means:</p> <p>(a) a milk product obtained by the partial removal of water from milk by heat; or</p> <p>(b) a milk product of the same composition obtained by any other process.</p> <p>Note: Under section 1.06, evaporated milk is defined for the rest of</p>	No change.

Definition	Current Code	Draft Variation	Comments
		this Code as a food that may be sold as evaporated milk under this section.	
extraneous residue limit (ERL)	<p>from 1.4.2 cl 1</p> <p>3 extraneous residue limit (ERL) means the maximum level of a residue of a chemical –</p> <p>(a) permitted to be present in a food; and</p> <p>(b) which arises from environmental sources other than the use of a chemical directly or indirectly on the food.</p> <p>4 Determination of maximum and extraneous residue limits</p> <p>(1) Schedule 4 of this Standard specifies the portion of food to which the MRL or ERL applies.</p> <p>(2) Unless Schedules 1 or 2 specify a separate MRL or ERL for a processed food, the MRL or ERL applies to that food whether raw or processed.</p> <p>(3) Deleted.</p> <p>(4) Where there is no MRL or ERL specified for a chemical in a food which has ingredients, the MRL or ERL of the chemical in that food is the combined proportionate quantities of the MRL or ERL specified for the ingredients of that food.</p> <p>Editorial note:</p> <p>$MRL1 = \frac{Total\ A}{Total\ Total} \times MRL\ A + \frac{Total\ B}{Total\ Total} \times MRL\ B$</p> <p>In this calculation –</p> <p>MRL1 = the MRL which applies to the chemical in the mixed food</p> <p>MRL A = the MRL for the chemical which applies to food A</p> <p>MRL B = the MRL for the chemical which applies to food B</p> <p>Total A = total weight of food A</p> <p>Total B = total weight of food B</p>	<p>extraneous residue limit (ERL)—see section 1.146</p> <p>(1) In this Code:</p> <p>extraneous residue limit or ERL, for an agvet chemical in a food, means the amount identified in Schedule 21 for that agvet chemical in that food.</p> <p>Note: In Schedule 21:</p> <ul style="list-style-type: none"> • an asterisk (*) indicates that the ERL is set at the limit of determination; and • the symbol T indicates that the ERL is a temporary ERL; and • the symbol E indicates an ERL. <p>(2) A food listed in Schedule 21 may contain a residue of an agvet chemical that is identified in relation to that food in that Schedule.</p> <p>(3) The presence of the chemical in the food must arise from environmental sources, and must not arise from direct or indirect use of an agvet chemical.</p> <p>(4) The level of the residue of the chemical in the food must be calculated by assessing the level of</p> <p>(a) the chemical identified in Schedule 21; and</p> <p>(b) any chemical identified in the relevant residue definition for that chemical in that Schedule; that is present in the food.</p> <p>(5) The level of the residue, calculated in accordance with subsection (4), must not be greater than the extraneous residue limit.</p> <p>(6) For a food for which there is no ERL specified, and that contains 2 or more ingredients (a mixed food), 1 or more of which is listed in Schedule 21, the level of a residue of a particular agvet chemical listed in Schedule 21 in the food must not be greater than the amount ERL calculated in accordance with the following formula:</p> $ERL = \frac{Total\ A}{Total} \times ERL\ A + \frac{Total\ B}{Total} \times ERL\ B$	Further consultation and consideration is necessary in relation to the new definition.

Definition	Current Code	Draft Variation	Comments
		<p>where, for a particular residue: ERL A and ERL B are the extraneous residue limits for the residue in ingredient A and ingredient B respectively. Total is the total weight of the food. Total A and Total B are the weight of ingredient A and ingredient B respectively.</p>	
fat	from 1.2.8 cl 1 fat means total fat.	fat —see section 1.71 fat means total fat	No change.
fermented milk	from 2.5.3 cl 1 fermented milk means a milk product obtained by fermentation of milk or products derived from milk, where the fermentation involves the action of microorganisms and results in coagulation and a reduction in pH.	<p>fermented milk means a food that may be sold as fermented milk under section 2.32 fermented milk means a food obtained by fermentation of milk or products derived from milk, where the fermentation involves the action of microorganisms and results in coagulation and a reduction in pH. Note: Under section 1.06, fermented milk and yoghurt are defined for the rest of this Code as a food that may be sold as fermented milk or yoghurt under this section.</p>	Change from “milk product” to “food” unlikely to be a substantive change.
fish	<p>from 2.2.3 cl 1 fish means any of the cold-blooded aquatic vertebrates and aquatic invertebrates including shellfish, but does not include amphibians and reptiles. Editorial note: This Standard does not define specific names for fish. An Australian Fish Names Standard (AS SSA 5300) has been published which provides guidance on standard fish names to be used in Australia. 1. Hard copies of the Australian Fish Names Standard (AS-SSA 5300) are available from Seafood Services Australia at http://www.seafood.net.au/shop. 2. A searchable database of Australian Standard Fish Names is available at http://www.fishnames.com.au. 3. New Zealand common, Maori, and scientific names for fish species are available from the website</p>	<p>fish—see section 2.19 fish means a cold-blooded aquatic vertebrate or aquatic invertebrate including shellfish, but not including amphibians or reptiles. Note 1: This Division does not define specific names for fish. An Australian Fish Names Standard (AS SSA 5300) has been published which provides guidance on standard fish names to be used in Australia. 1. Hard copies of the Australian Fish Names Standard (AS SSA 5300) are available from Seafood Services Australia at http://www.seafood.net.au/shop. 2. A searchable database of Australian Standard Fish Names is available at http://www.fishnames.com.au. 3. New Zealand common, Maori, and scientific names for fish species are available from the website of the Ministry of Agriculture and Forestry at http://www.foodsafety.govt.nz/industry/sectors/seafood/fish-names/index.htm. Note 2: Section 1.142 and section S19.06 of Schedule 19 prescribes the maximum level of histamine permitted in fish and fish products.</p>	No substantive change. Query however the appropriateness of the notes – need the Code promote where copies of this Standard can be sourced, etc? Users can track down this most current information themselves, as with other instruments or legislation referenced in the Code. At most, only Note 1 (excluding sub-sections 1 to 3) should be included in this definition.

Definition	Current Code	Draft Variation	Comments
	<p>of the Ministry of Agriculture and Forestry at http://www.foodsafety.govt.nz/industry/sectors/seafood/fish-names/index.htm.</p> <p>The Table to clause 5 of Standard 1.4.1 prescribes the maximum level of histamine permitted in fish and fish products.</p>		
flavouring substance	<p>See Standard 1.3.1</p> <p>11 Permitted flavouring substances</p> <p>Permitted flavouring substances, for the purposes of this Standard, are –</p> <p>(a) Flavouring substances which are listed in at least one of the following publications –</p> <p>(i) Generally Recognised as Safe (GRAS) lists of flavouring substances published by the Flavour and Extract Manufacturers' Association of the United States from 1960 to 2011 (edition 25); or</p> <p>(ii) Chemically-defined flavouring substances, Council of Europe, November 2000; or</p> <p>(iii) 21 CFR § 172.515; or</p> <p>(b) Flavouring substances obtained by physical, microbiological, enzymatic, or chemical processes from material of vegetable or animal origin either in its raw state or after processing by traditional preparation process including drying, roasting and fermentation; or</p> <p>(c) Flavouring substances obtained by synthetic means which are identical to any of the flavouring substances described in subparagraph (b).</p>	<p>The current Code refers to flavourings. The new definition is consistent with Codex terminology.</p> <p>flavouring substance means a substance that is used as a food additive to perform the technological purpose of a flavouring in accordance with this Code</p>	<p>Appears a substantive change to the current Code. Further consultation and consideration is necessary about the appropriateness of the new definition.</p>
flour products	<p>from 2.1.1 cl 1</p> <p>flour products means the cooked or uncooked products, other than bread, of one or more flours, meals or cereals.</p>	<p>flour products means the cooked or uncooked products, other than bread, of one or more flours, meals or cereals</p>	No change.
flours or meals	<p>from 2.2.1 cl 1</p> <p>flours or meals means the products of grinding or milling of cereals, legumes or other seeds.</p>	<p>flours or meals means the products of grinding or milling of cereals, legumes or other seeds</p>	No change.

Definition	Current Code	Draft Variation	Comments
follow-on formula	from 2.9.1 cl 1 follow-on formula means an infant formula product represented as either a breast-milk substitute or replacement for infant formula and which constitutes the principal liquid source of nourishment in a progressively diversified diet for infants aged from six months.	follow-on formula —see section 2.82 follow-on formula means an infant formula product that: (a) is represented as either a breast-milk substitute or replacement for infant formula; and (b) is suitable to constitute the principal liquid source of nourishment in a progressively diversified diet for infants aged from 6 months.	The addition of the words “is suitable to constitute” does not substantively change the definition.
food		food —see section 1.15 In this Code, for the purposes of application of the Code by an application Act, food has the same meaning as in the application Act. Note 1: For Australia the various application Acts each include a definition of food . These have essentially the same effect, and give ‘food’ a very broad meaning, but the wording differs slightly. This section ensures that when the Code is applied by an application Act, there is no doubt that the meaning is the same as in that Act. The text of section 3 of the Model Food Provisions, on which the provisions in the Australian application Acts are based, is as follows: (1) In this Act, food includes: (a) any substance or thing of a kind used, or represented as being for use, for human consumption (whether it is live, raw, prepared or partly prepared), or (b) any substance or thing of a kind used, or represented as being for use, as an ingredient or additive in a substance or thing referred to in paragraph (a), or (c) any substance used in preparing a substance or thing referred to in paragraph (a) (other than a substance used in preparing a living thing) if it comes in direct contact with the substance or thing referred to in that paragraph, such as a processing aid, or (d) chewing gum or an ingredient or additive in chewing gum, or any substance used in preparing chewing gum, or (e) any substance or thing declared to be a food under a declaration in force under [section 6 of the <i>Food Standards Australia New Zealand Act 1991</i> of the Commonwealth] [and prescribed by the regulations for the purposes of this paragraph], whether or not the substance, thing or chewing gum is in a condition fit for human consumption. (2) However, food does not include a therapeutic good within the meaning of the Therapeutic Goods Act 1989 of the Commonwealth. (3) To avoid doubt, food may include live animals and plants. Note 2: For New Zealand, food is defined in section 2 of the Food Act 1981 (NZ) as follows: food means anything that is used or represented for use as food or drink for human beings; and includes— (a) any ingredient or nutrient or other constituent of any food or	This provision could be removed on the basis that the application Act definition is adopted and applies. The initial part of the Note should be retained and moved to 1.06(1) to provide a useful signpost for users of the Code. However, the text from the Model Food Provision should be removed as it adds unnecessary length and complexity and no value given the application Act meaning will apply.

Definition	Current Code	Draft Variation	Comments
		<p>drink, whether that ingredient or nutrient or other constituent is consumed or represented for consumption by human beings by itself or when used in the preparation of or mixed with or added to any food or drink; and</p> <p>(b) anything that is or is intended to be mixed with or added to any food or drink; and</p> <p>(c) chewing gum, and any ingredient of chewing gum, and anything that is or is intended to be mixed with or added to chewing gum.</p>	
food additive		<p>The Code currently prohibits the addition of food additives, but does not say (in an operative provision) what a food additive is. This creates uncertainty about what is prohibited. The proposed definition limits the term to the lists of permitted food additives that are currently in the schedules to Standard 1.3.1.</p> <p>food additive—see used as a food additive, section 1.122</p> <p>(1) For this Code, a substance is used as a food additive in relation to food if:</p> <p>(a) it is a substance identified in subsection (2); and</p> <p>(b) it is added to the food to perform 1 or more of the technological purposes listed in Schedule 14.</p> <p>(2) For subsection (1), the substances are:</p> <p>(a) any of the following:</p> <p>(i) a substance that is listed in Schedule 15;</p> <p>(ii) an additive permitted at GMP;</p> <p>(iii) a colouring permitted at GMP;</p> <p>(iv) a colouring permitted to a maximum level; and</p> <p>(b) any substance that:</p> <p>(i) has been extracted, refined, or synthesised; and</p> <p>(ii) is not normally sold as a food product; and</p> <p>(iii) is not normally used as an ingredient by consumers.</p>	Further consideration is required of the introduction of such a new term (including a more holistic review assessing the inter-relationship with other concepts such as 'nutrient', 'ingredient' and 'component').
food for infants	<p>from 2.9.1 cl 1 – <i>[KWM Note: incorrect reference, definition is in 2.9.2]</i></p> <p>food for infants means a food that is intended or represented for use as a source of nourishment for infants, but does not include –</p>	<p>food for infants—see section 2.105</p> <p>food for infants:</p> <p>(a) means a food that is intended or represented for use as a source of nourishment for infants; and</p> <p>(b) does not include:</p> <p>(i) infant formula products; or</p>	No substantive change.

Definition	Current Code	Draft Variation	Comments
	(a) infant formula products; and (b) formulated meal replacements; and (c) formulated supplementary foods; and (d) unprocessed fruit and vegetables.	(ii) formulated meal replacements; or (iii) formulated supplementary foods; or (iv) unprocessed fruit and vegetables.	
food for special medical purposes		<p>Clause 2.136</p> <p>food for special medical purposes means a food that is:</p> <p>(a) specially formulated for the dietary management of individuals:</p> <p>(i) by way of exclusive or partial feeding, who have special medically determined nutrient requirements or whose capacity is limited or impaired to take, digest, absorb, metabolise or excrete ordinary food or certain nutrients in ordinary food; and</p> <p>(ii) whose dietary management cannot be completely achieved without the use of the food; and</p> <p>(b) intended to be used under medical supervision; and</p> <p>(c) represented as being:</p> <p>(i) a food for special medical purposes; or</p> <p>(ii) for the dietary management of a disease, disorder or medical condition.</p> <p>(2) Despite subsection (1), a food is not food for special medical purposes if it is:</p> <p>(a) formulated and represented as being for the dietary management of obesity or overweight; or</p> <p>(b) an infant formula product.</p>	<p>This definition is not included in clause 1.06.</p> <p>The addition of this new term appears a substantive change. Further feedback required about the consequences (if any) of the term.</p>

Definition	Current Code	Draft Variation	Comments
food group	<p>Standard 1.2.7</p> <p>food group means any of the following groups –</p> <p>(a) bread (both leavened or unleavened), grains, rice, pasta and noodles;</p> <p>(b) fruit, vegetables, herbs, spices and fungi;</p> <p>(c) milk and milk products as standardised in Part 2.5 and analogues derived from legumes and cereals mentioned in Column 1 of the Table to clause 3 in Standard 1.3.2;</p> <p>(d) meat, fish, eggs, nuts, seeds and dried legumes;</p> <p>(e) fats including butter, edible oils and edible oil spreads.</p>	<p>Clause 1.71 [applies to Division 7 & 8]</p> <p>food group means any of the following groups:</p> <p>(a) bread (both leavened and unleavened), grains, rice, pasta and noodles;</p> <p>(b) fruit, vegetables, herbs, spices and fungi;</p> <p>(c) milk, skim milk, cream, fermented milk, yoghurt, cheese, processed cheese, butter, ice cream, condensed milk, dried milk, evaporated milk, and analogues derived from legumes and cereals;</p> <p>(d) meat, fish, eggs, nuts, seeds and dried legumes;</p> <p>(e) fats including butter, edible oils and edible oil spreads.</p>	<p>This definition is not included in clause 1.06.</p> <p>No substantive change.</p>
food produced using gene technology	<p>from 1.5.2 cl 1</p> <p>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.</p>	<p>food produced using gene technology—see section 1.154</p> <p>food produced using gene technology means a food which has been derived or developed from an organism which has been modified by gene technology.</p> <p>Note: This definition does not include food derived from an animal or other organism which has been fed food produced using gene technology, unless the animal or other organism is itself a product of gene technology.</p>	No change.
food product		<p>The defined term replaces the use of final food.</p> <p>food product—see section 1.16</p> <p>For this Code, a food product is a quantity of a food, whether or not in a package, that is:</p> <p>(a) sold to a consumer on the basis of a representation that it is suitable for human consumption, whether:</p> <p>(i) in the form in which it is sold; or</p> <p>(ii) after preparation by cooking or another basic or</p>	<p>This is a new provision which appears to try to clarify the difference between “food” in a generic sense and an item of food that is actually supplied. Of itself, such a distinction is appreciated. However, technical</p>

Definition	Current Code	Draft Variation	Comments
		<p>traditional process on its own or with other foods; or (b) sold to a person other than a consumer: (i) on the basis of a representation that is suitable for sale to a consumer under paragraph (a); or (ii) on the basis of a representation that it is suitable for sale to a consumer after preparation by cooking or another basic or traditional process on its own or with other foods.</p> <p>Note: The definition of sell in this Code is very broad; it includes offer for sale—see section 1.20.</p>	feedback required about whether in practice there are consequences from the change. Further consultation and consideration is necessary.
formulated beverage	<p>from 2.6.2 cl 1</p> <p>formulated beverage means a non-carbonated ready to drink, water-based flavoured beverage that contains added vitamins or minerals or both vitamins and minerals, prepared from one or more of the following – (a) water; and (b) fruit juice; and (c) fruit purée; and (d) concentrated fruit juice; and (e) concentrated fruit purée; and (f) comminuted fruit; and (g) orange peel extract; and (h) mineral water; and (i) sugars.</p>	<p>formulated beverage—see section 2.44</p> <p>formulated beverage means a non-carbonated, ready-to-drink, water-based flavoured beverage that contains added vitamins or minerals or both vitamins and minerals, prepared from one or more of the following: (a) water; (b) fruit juice; (c) fruit purée; (d) concentrated fruit juice; (e) concentrated fruit purée; (f) comminuted fruit; (g) orange peel extract; (h) mineral water; (i) sugars.</p>	No change.
formulated caffeinated beverage	<p>from 2.6.4 cl 1</p> <p>formulated caffeinated beverage means a non-alcoholic water-based flavoured beverage which contains caffeine and may contain carbohydrates, amino acids, vitamins and other substances, including other foods, for the purpose of enhancing mental performance.</p>	<p>formulated caffeinated beverage—see section 2.58</p> <p>formulated caffeinated beverage means a flavoured non-alcoholic beverage which contains caffeine and may contain carbohydrates, amino acids, vitamins and other substances, including other foods, for the purpose of enhancing mental performance</p>	No change.
formulated meal replacement	<p>from 2.9.3 cl 1</p> <p>formulated meal replacement means a single food or pre-packaged selection of foods that is sold as a replacement for one or more of the daily meals but not as a total diet replacement.</p>	<p>formulated meal replacement—see section 2.118</p> <p>formulated meal replacement means a food that: (a) has been specifically formulated as a replacement for one or more meals of the day, but not as a total diet replacement; and</p>	The requirement for a representation of a food as a formulated meal replacement adds a further criteria that makes

Definition	Current Code	Draft Variation	Comments
		(b) is represented as a formulated meal replacement.	this a substantive change.
formulated supplementary food for young children	from 2.9.3 cl 1 formulated supplementary food for young children means a formulated supplementary food for children aged one to three years.	formulated supplementary food for young children —see section 2.124 formulated supplementary food for young children means a formulated supplementary food for children aged 1 to 3 years	No change.
formulated supplementary food	from 2.9.3 cl 1 formulated supplementary food means a food specifically designed as a supplement to a normal diet to address situations where intakes of energy and nutrients may not be adequate to meet an individual's requirements.	formulated supplementary food —see section 2.121 formulated supplementary food means a food specifically formulated as, and sold on the basis that it is, a supplement to a normal diet to address situations where intakes of energy and nutrients may not be adequate to meet an individual's requirements	The addition of the requirement that the food also be “sold on the basis” that it is a formulated supplementary food changes the substantive requirement.
formulated supplementary sports food	from 2.9.4 cl 1 formulated supplementary sports food means a food or mixture of foods specifically formulated to assist sports people in achieving specific nutritional or performance goals.	formulated supplementary sports food —see section 2.127 formulated supplementary sports food means a product that is specifically formulated to assist sports people in achieving specific nutritional or performance goals	Is the change from “food or mixture of foods” to “product” appropriate, particularly as the latter is undefined (and use of “food product” may be a substantive change by narrowing the meaning).
fruit	Standard 1.2.7 fruit means the edible portion of a plant or constituents of the edible portion that are present in the typical proportion of the whole fruit (with or without the peel or water), but does not include nuts, spices, herbs, fungi, legumes and seeds.	Clause 1.71 [applies to Division 7 & 8] fruit: (a) means the edible portion of a plant or constituents of the edible portion that are present in the typical proportion of the whole fruit (with or without the peel or water); and (b) does not include nuts, spices, herbs, fungi, legumes and seeds.	This definition is not included in clause 1.06. No change.
fruit and vegetables	from 2.3.1 cl 1 fruit and vegetables means fruit, vegetables, nuts, spices, herbs, fungi, legumes and seeds.	fruit and vegetables —see section 2.21 fruit and vegetables includes nuts, spices, herbs, fungi, legumes and seeds	The Draft Variation does not include ‘fruit’ or ‘vegetable’ but it is a non-exhaustive definition. A purposive approach would likely lead to the defined

Definition	Current Code	Draft Variation	Comments
			terms 'fruit' and 'vegetables' being used however would seem more logical to retain the references.
fruit drink	from 2.6.2 cl 1 fruit drink means a product prepared from one or more of the following – (a) fruit juice; and (b) fruit purée; and (c) concentrated fruit juice; and (d) concentrated fruit puree; and (e) comminuted fruit; and (f) orange peel extract; and (g) water; and (h) mineralised water; and (i) sugars.	fruit drink means a food that may be sold as fruit drink under section 2.49 fruit drink means a product prepared from: (a) one or more of the following: (i) fruit juice; (ii) fruit purée; (iii) concentrated fruit juice; (iv) concentrated fruit puree; (v) comminuted fruit; (vi) orange peel extract; and (b) one or more of the following: (i) water; (ii) mineralised water; (iii) sugars. Note: Under section 1.06, fruit drink is defined for the rest of this Code as a food that may be sold as fruit drink under this section.	No change.
fruit juice	from 2.6.1 cl 1 fruit juice or vegetable juice means the liquid portion, with or without pulp, obtained from – (a) fruit or vegetables respectively; and (b) in the case of citrus fruit, other than lime, the endocarp only of the fruit; and includes products that have been concentrated and later reconstituted with water to a concentration consistent with that of the undiluted juice from which it was made.	fruit juice means a food that may be sold as fruit juice under section 2.42 fruit juice means the juice from a fruit Note: Under section 1.06, fruit juice and vegetable juice are defined for the rest of this Code as a food that may be sold as fruit juice or vegetable juice under this section.	It seems unnecessary to have a separate definition for 'Fruit Juice', 'Vegetable Juice' and 'Juice'. The status quo is acceptable and removes excessive unnecessary definitions.
fruit-based food	from 2.9.2 cl 1 fruit-based food means a food for infants that is based on fruit.	fruit-based food —see section 2.105 fruit-based food means food for infants that is based on fruit	No change.

Definition	Current Code	Draft Variation	Comments
fruit wine		<p>Derived from 2.7.3 cl 1(2)</p> <p>fruit wine means a food that may be sold as fruit wine under section 2.70</p> <p>fruit wine or vegetable wine:</p> <p>(a) means a food prepared from the complete or partial fermentation of fruit, vegetable, grains, cereals or any combination or preparation of those foods; and</p> <p>(b) does not include wine or wine product.</p> <p>Note: Under section 1.06, cider, fruit wine, mead, perry and vegetable wine are defined for the rest of this Code as a food that may be sold as cider, fruit wine, mead, perry or vegetable wine under this section.</p>	New term although the substance seems pre-existing.
Fruit wine product	<p>Standard 2.7.3</p> <p>Any reference to fruit wine product or vegetable wine product in the Code refers to a food containing no less than 700 mL/L of fruit wine, or vegetable wine, or both fruit and vegetable wine, which has been formulated, processed, modified or mixed with other foods such that it is not a fruit wine or vegetable wine.</p>	<p>Clause 2.69 [In this Code]</p> <p>fruit wine product or vegetable wine product means a food containing no less than 700 mL/L of fruit wine, or vegetable wine, or both fruit and vegetable wine, which has been formulated, processed, modified or mixed with other foods such that it is not a fruit wine or vegetable wine.</p>	This definition is not included in clause 1.06.
FSANZ		FSANZ means Food Standards Australia New Zealand	New although an efficient change as removes the need to set out the fulsome name in relevant sections of the Code.
FSANZ Act		<p>FSANZ Act is defined as a reference to the <i>Food Standards Australia and New Zealand Act 1999</i>.</p> <p>FSANZ Act means the <i>Food Standards Australia New Zealand Act 1991</i> (Cth)</p>	New although an efficient change as removes the need to set out the fulsome name in relevant sections of the Code.
fund raising event	<p>from 1.1.1 cl 1</p> <p>fund raising event means an event that raises funds solely for a community or charitable cause and not for personal financial gain.</p>	fund raising event means an event that raises funds solely for a community or charitable cause and not for personal financial gain	No change.

Definition	Current Code	Draft Variation	Comments
fvnl	Standard 1.2.7 fvnl is as defined in item 4 of Schedule 5 for the purpose of calculating V points.	Clause 1.71 [applies to Division 7 & 8] fvnl is as defined in section S5.03 of Schedule 5 for the purpose of calculating V points.	This definition is not included in clause 1.06. No change.
galacto-oligosaccharides	from 1.1.1 cl 1 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.	galacto-oligosaccharides means a mixture of the 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	No change.
game meat flesh	from 1.6.2 cl 7 game meat flesh means skeletal game meat muscle, including any attached fat, connective tissue, nerve, blood, blood vessels and, in the case of birds, skin.	game meat flesh —see section 1.169 game meat flesh means skeletal game meat muscle, including any attached fat, connective tissue, nerve, blood, blood vessels and, in the case of birds, skin	No change.
game meat	from 1.6.2 cl 7 game meat means the whole or part of the carcass of any bird, buffalo, camel, deer, donkey, goat, hare, horse, kangaroo, rabbit, pig, possum or wallaby that has been slaughtered in the wild state, but does not include avian eggs, fetuses, parts of fetuses or pouch young.	game meat —see section 1.169 game meat means the whole or part of the carcass of any bird, buffalo, camel, deer, donkey, goat, hare, horse, kangaroo, rabbit, pig, possum or wallaby that has been slaughtered in the wild state, but does not include avian eggs, fetuses, parts of fetuses or pouch young	No change.
game offal	from 1.6.2 cl 7 game offal means game meat other than game meat flesh.	game offal —see section 1.169 game offal means game meat other than game meat flesh	No change.
gelatine	from 1.1.2 cl 1 gelatine means a protein product prepared from animal skin, bone or other collagenous material, or any combination thereof.	gelatine means a protein product prepared from animal skin, bone or other collagenous material, or any combination of those things	No change.

Definition	Current Code	Draft Variation	Comments
gene technology	from 1.5.2 cl 1 gene technology means recombinant DNA techniques that alter the heritable genetic material of living cells or organisms.	gene technology —see section 1.154 gene technology means recombinant DNA techniques that alter the heritable genetic material of living cells or organisms	No change.
general level health claim	Standard 1.2.7 general level health claim means a health claim that is not a high level health claim.	Clause 1.71 [applies to Division 7 & 8] general level health claim means a health claim that is not a high level health claim.	This definition is not included in clause 1.06. No change.
general level health claims table		Clause 1.87 [In this subdivision] general level health claims table means the table to section S4.03 of Schedule 4.	This definition is not included in clause 1.06. New reference but no substantive change.
geographical indication	from 2.7.5 cl 1 geographical indication means an indication, whether express or implied – (a) which identifies a spirit as originating in a particular country, locality or region; and (b) where a given quality, reputation or other characteristic of the spirit is essentially attributable to its origin in that particular country, locality or region.	geographical indication —see section 2.74 geographical indication means an indication, whether express or implied: (a) which identifies a spirit as originating in a particular country, locality or region; and (b) where a given quality, reputation or other characteristic of the spirit is essentially attributable to its origin in that particular country, locality or region.	No change.
gluten	from 1.2.8 cl 1 – it is in Standard 1.2.7 gluten means the main protein in wheat, rye, oats, barley, triticale and spelt relevant to the medical conditions coeliac disease and dermatitis herpetiformis.	gluten —see section 1.71 gluten means the main protein in wheat, rye, oats, barley, triticale and spelt relevant to the medical conditions coeliac disease and dermatitis herpetiformis	No change.
GMP or Good Manufacturing Practice	from 1.1.1 cl 1 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	GMP or Good Manufacturing Practice , with respect to the addition of substances used as food additives and substances used as processing aids to food, means the practice of: (a) limiting the quantity of substance that is added to food to the lowest possible level necessary to accomplish its desired effect; and (b) to the extent reasonably possible, reducing the quantity of the substance or its derivatives that:	The changes to refer to ‘substances’ and ‘derivatives’ seems technically to have a substantive change but feedback required as to the effects in practice.

Definition	Current Code	Draft Variation	Comments
	<p>desired effect; and</p> <p>(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</p> <p>(c) the additive or processing aid is prepared and handled in the same way as a food ingredient.</p> <p>(d)</p>	<p>(i) remains as a component of the food as a result of its use in the manufacture, processing or packaging; and</p> <p>(ii) is not intended to accomplish any physical or other technical effect in the food itself;</p> <p>(c) preparing and handling the substance in the same way as a food ingredient.</p>	
hamper	<p>from 1.1.1 cl 1</p> <p>hamper means a decorative basket, box or receptacle containing any number of separately identifiable food items.</p>	<p>hamper means a decorative basket, box or receptacle that:</p> <p>(a) contains one or more separately identifiable foods; and</p> <p>(b) may contain other items, such as decorative cloths, glasses and dishes.</p>	<p>The change to permit other essentially non-food items to be included in a hamper is a technically substantive change based on the drafting but unlikely in practice and does not raise concerns.</p>
health claim	<p>Standard 1.2.7</p> <p>health claim means a claim which states, suggests or implies that a food or a property of food has, or may have, a health effect.</p>	<p>Clause 1.71 [applies to Division 7 & 8]</p> <p>health claim means a claim which states, suggests or implies that a food or a property of food has, or may have, a health effect.</p> <p>Note: See also subsection 2.163(3).</p>	<p>This definition is not included in clause 1.06.</p> <p>No change.</p>
health effect	<p>Standard 1.2.7</p> <p>health effect means an effect on the human body, including an effect on one or more of the following –</p> <p>(a) a biochemical process or outcome;</p>	<p>Clause 1.71 [applies to Division 7 & 8]</p> <p>health effect means an effect on the human body, including an effect on one or more of the following:</p> <p>(a) a biochemical process or outcome;</p> <p>(b) a physiological process or outcome;</p> <p>(c) a functional process or outcome;</p>	<p>This definition is not included in clause 1.06.</p> <p>No change.</p>

Definition	Current Code	Draft Variation	Comments
	(b) a physiological process or outcome; (c) a functional process or outcome; (d) growth and development; (e) physical performance; (f) mental performance; (g) a disease, disorder or condition.	(d) growth and development; (e) physical performance; (f) mental performance; (g) a disease, disorder or condition.	
herbal infusion	Standard 1.5.3 Herbal infusions – fresh, dried or fermented leaves, flowers and other parts of plants used to make beverages, excluding tea	Clause 1.163 [in this section] herbal infusion means fresh, dried or fermented leaves, flowers and other parts of plants used to make beverages, but does not include tea.	This definition is not included in clause 1.06. No change.
herbs and spices	Standard 1.5.3 Herbs and spices as described in Schedule 4 to Standard 1.4.2	Clause 1.162 [In this section] herbs and spices means the herbs and spices described in Schedule 22.	This definition is not included in clause 1.06 No change.
high carbohydrate supplement		Clause 2.133 [In this section] high carbohydrate supplement means a formulated supplementary sports food for which: (a) not less than 90% of the average energy content of the product is derived from carbohydrate; and (b) more than 15% of the product by weight is carbohydrate when prepared as directed.	No change.
high level health claim	Standard 1.2.7 high level health claim means a health claim that refers to a serious disease or a biomarker of a serious disease.	Clause 1.71 [applies to Division 7 & 8] high level health claim means a health claim that refers to a serious disease or a biomarker of a serious disease.	This definition is not included in clause 1.06. No change.

Definition	Current Code	Draft Variation	Comments
high level health claims table		<p>Clause 1.87 [in this subdivision]</p> <p>high-level health claims table means the table to section S4.02 of Schedule 4.</p>	<p>This definition is not included in clause 1.06.</p> <p>Term is new but concept is not.</p>
honey	<p>from 2.8.2 cl 1</p> <p>honey means the natural sweet substance produced by honey bees from the nectar of blossoms or from secretions of living parts of plants or excretions of plant sucking insects on the living parts of plants, which honey bees collect, transform and combine with specific substances of their own, store and leave in the honey comb to ripen and mature.</p>	<p>honey means a food that may be sold as honey under section 2.79</p> <p>honey means the natural sweet substance produced by honey bees from the nectar of blossoms or from secretions of living parts of plants or excretions of plant sucking insects on the living parts of plants, which honey bees collect, transform and combine with specific substances of their own, store and leave in the honey comb to ripen and mature.</p> <p>Note: Under section 1.06, honey is defined for the rest of this Code as a food that may be sold as honey under this section.</p>	No change.
hospice	<p>Standard 1.2.1</p> <p>Hospices</p> <p>Freestanding establishments providing palliative care to terminally ill patients, including any:</p> <p>(a) Public hospice;</p> <p>(c) Private hospice.</p> <p>(d)</p>	<p>Clause 1.08 [In this Code]</p> <p>hospice means a freestanding establishment (whether public or private) that provides palliative care to terminally ill patients.</p>	<p>Definition is not included in clause 1.06.</p> <p>Change from plural to singular seems a completely unnecessary change and a good example of a change for the sake of a change.</p>
ice cream	<p>from 2.5.6 cl 7</p> <p>ice cream means a sweet frozen food made from cream or milk products or both, and other foods, and is generally aerated.</p>	<p>ice cream means a food that may be sold as ice cream under section 2.37</p> <p>ice cream means a sweet frozen food made from cream or milk products or both, and other foods, and is generally aerated.</p> <p>Note: Under section 1.06, ice cream is defined for the rest of this Code as a food that may be sold as ice cream under this section.</p>	No change.
icing	<p>from 2.8.1 cl 1</p> <p>icing means a mixture of sugar and other foods for use as a coating and includes frosting, plastic icing and icing gel.</p>	<p>icing—see section 2.75</p> <p>icing means a mixture of sugar and other foods for use as a coating and includes frosting, plastic icing and icing gel</p>	No change.

Definition	Current Code	Draft Variation	Comments
imitation vinegar	from 2.10.1 cl 1 imitation vinegar means the product prepared by mixing water and acetic acid.	imitation vinegar means a food that may be sold as imitation vinegar under section 2.158 imitation vinegar means the product prepared by mixing water and acetic acid. Note: Under section 1.06, imitation vinegar and vinegar are defined for the rest of this Code as a food that may be sold as imitation vinegar or vinegar under this section.	No change.
import		The term is defined to avoid doubt about the application of the term to trans-Tasman trade. import includes: (a) in Australia—import from New Zealand; and (b) in New Zealand—import from Australia.	Substantive change as the term and concept do not exist in the current Code although the purpose raises no concerns.
individual portion pack		individual portion pack —see subsection 1.31(4) (4) However, if the food product is sold in packaging that includes individual packages for servings that are intended to be used separately (individual portion packs), but: (a) are not designed for individual sale; and (b) have a surface area of 30 cm ² or greater; then the individual portion pack is also required to bear a label. Note: See subsection 1.33(3) for the labelling requirement for individual portion packs. (3) A label that is required for an individual portion pack under subsection 1.31(4) must include any advisory and warning statements in accordance with sections 1.56 and 1.57.	Substantive change by virtue of this new term.
infant formula product	from 2.9.1 cl 1 infant formula product means a product based on milk or other edible food constituents of animal or plant origin which is nutritionally adequate to serve as the principal liquid source of nourishment for infants.	infant formula product —see section 2.82 infant formula product means a product based on milk or other edible food constituents of animal or plant origin which is nutritionally adequate to serve by itself as the sole or principal liquid source of nourishment for infants	Addition of “by itself as the sole” is technically a substantive change but raises no concerns.

Definition	Current Code	Draft Variation	Comments
infant formula	from 2.9.1 cl 1 infant formula means an infant formula product represented as a breast milk substitute for infants and which satisfies the nutritional requirements of infants aged up to four to six months.	infant formula —see section 2.82 infant formula means an infant formula product that: (a) is represented as a breast milk substitute for infants; and (b) satisfies by itself the nutritional requirements of infants aged up to 4 to 6 months.	No change.
infant	from 2.9.1 cl 1 infant means a person under the age of 12 months.	infant means a person under the age of 12 months	No change.
information period	Standard 1.2.7 information period , in relation to food, means the period – (a) during which the food is available for sale or advertised for sale; and (b) the period of 2 years after the food was last sold, or advertised or available for sale, whichever is the latest.	Clause 1.93 [In this section] information period , in relation to food, means the period: (a) during which the food is available for sale or advertised for sale; and (b) the period of 2 years after the food was last sold, or advertised or available for sale, whichever is the latest.	This definition is not included in clause 1.06. No change.
ingredient	from 1.2.4 cl 1 ingredient means any substance, including a food additive, used in the preparation, manufacture or handling of a food.	ingredient —see section 1.17 For this Code, a food is an ingredient of a second food if: (a) on its own or added to other foods, it is processed into the second food, including: (i) by coming into contact with the substance or mixture of the second food as it is being processed, if any traces are left in the second food or are likely to be consumed with it; or Example: cooking oil, flour dusted on bread dough, rice-paper wrappings, substances or foods used as processing aids. (ii) by being added into the substance or mixture of the second food, whether or not any traces are left in it; or Example: alcohol that completely evaporates during cooking; baking powder that is completely transformed into other substances. (b) it comes into contact with the second food after processing, and traces of it are left in the second food.	The definition of “ingredient” is incorrect as it includes substances that are not intentionally added to a food but which come into contact with the food as it is being processed. This includes dust, hairs and all processing aids. Processing aids are under no conception ingredients of a food even though residues may remain. This definition makes every ingredient into a compound ingredient due to incidental presence, and this is not a result that clarifies or improves the enforceability of the Code.

Definition	Current Code	Draft Variation	Comments
inner package	<p>Standard 2.9.5</p> <p>inner package, in relation to a food for special medical purposes, means an individual package of the food that –</p> <p>(a) is contained and sold within another package that is labelled in accordance with Subdivision 2 of Division 4; and</p> <p>(b) is not designed for individual sale, other than a sale by a responsible institution to a patient or resident of the responsible institution.</p>	<p>Clause 2.137 [In this division]</p> <p>inner package, in relation to a food for special medical purposes, means an individual package of the food that:</p> <p>(a) is contained and sold within another package that is labelled in accordance with section 2.144; and</p> <p>(b) is not designed for individual sale, other than a sale by a responsible institution to a patient or resident of the responsible institution.</p> <p>Example: An example of an inner package is an individual sachet (or sachets) of a powdered food contained within a box that is fully labelled, being a box available for retail sale.</p>	<p>Definition is not included in clause 1.06.</p> <p>No substantive change although query whether the 'example' should be expressed as a 'Note' to avoid being considered as legally part of the definition.</p>
instant coffee	<p>from 1.1.2 cl 1</p> <p>instant coffee or soluble coffee means the dried soluble solids prepared or extracted from the water extraction of coffee.</p>	<p>instant coffee means the dried soluble solids prepared from the water extraction of coffee</p>	No substantive change.
instant tea	<p>from 1.1.2 cl 1</p> <p>instant tea or soluble tea means dried soluble solids obtained from the water extraction of tea.</p>	<p>instant tea means dried soluble solids prepared from the water extraction of tea</p>	No substantive change.
intra company transfer	<p>from 1.2.1 cl 1</p> <p>intra company transfer means a transfer of food between elements of a single company, between subsidiaries of a parent company or between subsidiaries of a parent company and the parent company.</p>	<p>intra company transfer—see section 1.43</p> <p>intra-company transfer means a transfer of a food product between elements of a single company, between subsidiaries of a parent company or between subsidiaries of a parent company and the parent company</p>	No change.
inulin-derived substance	<p>from 1.1.1 cl 1</p> <p>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.</p>	<p>inulin-derived substance means a mixture 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</p>	Change from plural to singular appears to be another good example of a change without any real value.

Definition	Current Code	Draft Variation	Comments
iodised salt	from 2.10.2 cl 1 iodised salt means a mixture of salt and – (a) potassium iodide or potassium iodate; or (b) sodium iodide or sodium iodate.	iodised salt means a food that may be sold as iodised salt under section 2.162 iodised salt means a mixture of salt and: (a) potassium iodide or potassium iodate; or (b) sodium iodide or sodium iodate. Note: Under section 1.06, iodised salt is defined for the rest of this Code as a food that may be sold as iodised salt under this section.	No change.
irradiation	from 1.5.3 cl 1 irradiation means the processing of food by subjecting it to the action of ionising radiation, but does not include ionising radiation imparted to food by measuring or inspection instruments, and 'irradiate' and 'irradiated' have corresponding meanings.	irradiation —see section 1.160 irradiation , in relation to food, means subjecting the food to ionising radiation, other than ionising radiation imparted to food by measuring or inspection instruments, and irradiate and irradiated have corresponding meanings	The qualifying words “processing of food by” have been removed. Technical feedback required as to the effect (if any) of this, e.g. is food ever ionised outside of processing in which case the definition would be widened compared to the current meaning. Further consultation and consideration is necessary.
jam	from 2.3.2 cl 1 jam means the product prepared by processing one or more of the following – (a) fruit; and (b) sugars or honey; and (c) fruit juice; and (d) concentrated fruit juice; and (e) water extracts of fruit; and includes conserve, but excludes marmalade.	jam means a food that may be sold as jam under section 2.23 jam : (a) means the product prepared by processing fruit with one or more of the following: (i) concentrated fruit juice; (ii) fruit; (iii) fruit juice; (iv) sugars or honey; (v) water extracts of fruit; and (b) includes conserve; and (c) does not include marmalade. Note: Under section 1.06, jam is defined for the rest of this Code as a food that may be sold as jam under this section.	A substantive change, requiring that fruit first be processed with another of the listed items. This is unlike in the current Code where jam itself can be made by processing only a single item which could be fruit or any of the other listed items.

Definition	Current Code	Draft Variation	Comments
juice		<p>Clause 2.42 [In this section]</p> <p>juice:</p> <p>(a) means the liquid portion, with or without pulp, obtained from:</p> <p>(i) a fruit or a vegetable; or</p> <p>(ii) in the case of citrus fruit, other than lime—the endocarp only of the fruit; and</p> <p>(b) includes a product that results from concentrating juice and then reconstituting it with water to a concentration consistent with that of the original juice.</p>	<p>This definition is not included in clause 1.06.</p> <p>It seems unnecessary to have a separate definition for 'Fruit Juice', 'Vegetable Juice' and 'Juice'. The status quo is acceptable and removes excessive unnecessary definitions.</p>
juice blend	<p>from 2.6.1 cl</p> <p>juice blend means juice made from a blend of more than one juice.</p>	<p>juice blend—see section 2.42</p> <p>juice blend means the food made from a blend of more than one fruit juice or vegetable juice</p>	No substantive change
jurisdiction	new	<p>The definition is only relevant for the definition of application Act and the new definition of <i>relevant authority</i>.</p> <p>jurisdiction means a State or Territory of Australia, or New Zealand</p>	<p>What about the jurisdiction of the Commonwealth of Australia in relation to the <i>Imported Food Control Act 1992</i>? The definition should be amended to include this jurisdiction.</p> <p>Given this definition is only used in two other definitions query whether it is simpler and more efficient to amend those definitions themselves to include the meaning of jurisdiction.</p>
kava	<p>(Previously description was in the “purpose” section of Standard 2.6.3)</p> <p>This Standard contains restrictions on the parts of the <i>Piper methysticum</i> (kava) plant which may be sold under food legislation, and provides requirements for labelling. The Standard also prohibits the use of kava</p>	<p>Derived from 2.6.3 Purpose.</p> <p>kava—see section 2.55</p> <p>kava means plants of the species <i>Piper methysticum</i></p>	No substantive change.

Definition	Current Code	Draft Variation	Comments
	as an ingredient in food.		
kava root		<p>Clause 2.55 [In this Code]</p> <p>kava root means the peeled root or peeled rootstock of kava.</p>	<p>This definition is not included in clause 1.06.</p> <p>New. Definition appears consistent with how the term is usually defined more broadly.</p>
label	<p>from 1.1.1 cl 1</p> <p>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.</p>	<p>label—see section 1.27</p> <p>In this Code:</p> <p>label, in relation to a food product being sold, means any tag, brand, mark or statement in writing or any representation or design or descriptive matter that:</p> <p>(a) is attached to the food product or is a part of or attached to its packaging; or</p> <p>(b) accompanies and is provided to the purchaser with the food product; or</p> <p>(c) is displayed in connection with the food product when it is sold.</p>	
labelling	<p>from 1.2.1</p> <p>2 Labelling of food for retail sale</p> <p>(1) Subject to subclauses (2) and (4), food for retail sale must bear a label setting out all the information prescribed in this Code, except where –</p> <p>(a) the food is not in a package; or</p> <p>(b) the food is in an inner package not designed for individual sale. Despite this, individual portion packs in a container or wrapper with a surface area of 30 cm² or greater must bear a label containing information in accordance with clauses 3 and 4 of Standard 1.2.3; or</p> <p>(c) the food is made and packaged on the premises from which it is sold; or</p> <p>(d) the food is packaged in the presence of the purchaser; or</p> <p>(e) the food is whole or cut fresh fruit and vegetables, except sprouting seeds or similar products, in packages that do not obscure the nature or quality of</p>	<p>labelling—see section 1.27</p> <p>labelling, in relation to a food product being sold, means all of the labels for the food product together.</p>	

Definition	Current Code	Draft Variation	Comments
	the fruit or vegetables; or (f) the food is delivered packaged, and ready for consumption, at the express order of the purchaser; or (g) the food is sold at a fund raising event; or (h) the food is packaged and displayed in an assisted service display cabinet.		
lactose free formula	see section 2.9.1 cl 1 lactose free formula and low lactose formula means infant formula products which satisfy the needs of lactose intolerant infants.		Definition has been removed in the Draft Variation.
liqueur	from 2.7.5 cl 1 liqueur means a spirit flavoured or mixed with other foods, which contains more than 15% alcohol by volume, measured at 20°C.	liqueur means a food that may be sold as liqueur under section 2.73 liqueur means a spirit flavoured or mixed with other foods, which contains more than 15% alcohol by volume, measured at 20°C. Note: Under section 1.06, brandy , liqueur and spirit are defined for the rest of this Code as a food that may be sold as brandy, liqueur or spirit under this section.	No change.
lot	from 1.1.1 cl 1 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. (c)	lot means a quantity of a food that the manufacturer or producer identifies as having been prepared, or from which foods have been packaged or otherwise separated for sale, under essentially the same conditions, for example: (a) from a particular preparation or packing unit; and (b) during a particular time ordinarily not exceeding 24 hours.	Some substantive changes including subjective element of manufacturer or producer making a certain identification and difference in 'packed'; .v. 'foods have been packaged or otherwise separated for sale'.
lot identification	from 1.1.1 cl 1 lot identification means information which indicates, in a clearly identifiable form, the – (a) premises where the food was packed or prepared; and	lot identification , for a food product, means a number or other information that identifies: (a) the premises where the food product was prepared or packed; and (b) the lot of which the food product is a part.	Change in reference to 'food product' rather than 'food' seems consistent with wider changes to the Code to separate the concepts of an end food

Definition	Current Code	Draft Variation	Comments
	(b) lot of the food in question.		product from generic foods.
low lactose formula	from 2.9.1 cl 1 low lactose formula means infant formula products which satisfy the needs of lactose intolerant infants.		Definition has been removed from the Draft Variation.
low-care aged care establishment	Standard 1.2.1 Low care aged care establishments Establishments where aged persons live independently but on-call assistance, including the provision of meals, is provided if needed.	Clause 1.08 [In this Code] low-care aged care establishment means an establishment where aged persons live independently but on-call assistance, including the provision of meals, is provided when needed.	Definition not included in clause 1.06. Change from plural to singular appears to be a completely unnecessary change.
majority seller	Standard 2.9.5 In this clause, a person is a majority seller of a food for special medical purposes during any [24] month period if – (a) during the period, the person sold that food for special medical purposes to medical practitioners, dieticians, medical practices, pharmacies or responsible institutions; and (b) the sales mentioned in paragraph (a) represent more than one half of the total quantity of that food for special medical purposes sold by the person during the period.	Clause 2.140 [In this section] majority seller: a person is a majority seller of a food for special medical purposes during any 24 month period if: (a) during the period, the person sold that food for special medical purposes to medical practitioners, dieticians, medical practices, pharmacies or responsible institutions; and (b) the sales mentioned in paragraph (a) represent more than one half of the total quantity of that food for special medical purposes sold by the person during the period.	Definition is not included in clause 1.06. No change.
manufactured meat	from 2.2.1 cl 1 manufactured meat means processed meat containing no less than 660 g/kg of meat.	manufactured meat —see section 2.06 manufactured meat means processed meat containing no less than 660 g/kg of meat	No change.
margarine	from 2.4.2 cl 1 1 Interpretation In this Code – edible oil spreads means a spreadable food	margarine means a food that may be sold as margarine under section 2.26 (1) A food that is sold on the basis of a representation that it is an edible oil spread must consist of:	There are a number of changes in the definition that require technical feedback as to their effect.

Definition	Current Code	Draft Variation	Comments
	<p>composed of edible oils and water in the form of an emulsion of the type water-in-oil.</p> <p>margarine means an edible oil spread containing no less than 800g/kg of edible oils.</p> <p>2 Composition of edible oil spreads and margarine</p> <p>(1) Edible oil spreads and margarine may contain –</p> <p>(a) water; and</p> <p>(b) edible proteins; and</p> <p>(c) salt; and</p> <p>(d) lactic acid producing microorganisms; and</p> <p>(e) flavour producing microorganisms; and</p> <p>(f) milk products; and</p> <p>(g) no more than 82 g/kg of total plant sterol equivalents content.</p> <p>(2) Subclause (3) does not apply to table edible oil spreads and table margarine produced in, or imported into, New Zealand.</p> <p>(3) Table edible oil spreads and table margarine, must contain no less than 55 mg/kg of vitamin D.</p>	<p>(a) edible oil spread; or</p> <p>(b) edible oil spread with the addition of any of the following:</p> <p>(i) water;</p> <p>(ii) edible proteins;</p> <p>(iii) salt;</p> <p>(iv) lactic acid producing microorganisms;</p> <p>(v) flavour producing microorganisms;</p> <p>(vi) milk products;</p> <p>(vii) no more than 82 g/kg of total plant sterol equivalents content.</p> <p>Compositional requirement for table edible oil spreads</p> <p>(2) A food that is sold on the basis of a representation that it is a 'table' edible oil spread must:</p> <p>(a) satisfy subsection (1); and</p> <p>(b) contain no less than 55 □g/kg of vitamin D.</p> <p>Compositional requirement for margarine</p> <p>(3) A food that is sold on the basis of a representation that it is 'margarine' must:</p> <p>(a) satisfy subsection (1); and</p> <p>(b) contain no less than 800g/kg of edible oils.</p> <p>Compositional requirement for table margarine</p> <p>(4) A food that is sold on the basis of a representation that it is 'table margarine' must:</p> <p>(a) satisfy subsection (3); and</p> <p>(b) contain no less than 55 □g/kg of vitamin D.</p> <p>Application of section to New Zealand</p> <p>(5) Subsections (2) and (4) do not apply to sales in New Zealand.</p>	<p>Further consultation and consideration is necessary.</p>
maximum residue limit (MRL)	<p>from 1.4.2 cl 1</p> <p>maximum residue limit (MRL) means the maximum level of a residue of a chemical which is permitted to be present in a food.</p> <p>2 Maximum residue limits</p> <p>(1) The permitted MRL for a residue of a chemical in food is listed in Schedule 1, and is expressed in milligrams per kilogram of food.</p> <p>(2) If an MRL for a chemical is not listed in this Standard there must be no detectable residue of that</p>	<p>maximum residue limit (MRL)—see section 1.145</p> <p>maximum residue limit or MRL, for an agvet chemical in a food, means the amount identified in Schedule 20 for that agvet chemical in that food.</p> <p>Note: In Schedule 20:</p> <ul style="list-style-type: none"> • an asterisk (*) indicates that the MRL is set at the limit of determination; and • the symbol 'T' indicates that the MRL is a temporary MRL. <p>(2) A food listed in Schedule 20 may contain a residue of an agvet chemical that is identified in relation to that food in that Schedule.</p>	<p>Technical feedback required as to the changes made. Further consultation and consideration is necessary.</p>

Definition	Current Code	Draft Variation	Comments
	chemical in that food. (3) If a chemical is not listed in this Standard there must be no detectable residue of – (a) that chemical in food (whether or not the food is listed in Schedules 1, 2 or 4); and (b) metabolites of that chemical in food (whether or not the food is listed in Schedules 1, 2 or 4).	<p>(3) The level of the residue of the chemical in the food must be calculated by assessing the level of:</p> <p>(a) the chemical identified in Schedule 20; and</p> <p>(b) any chemical identified in the relevant residue definition for that chemical in that Schedule; that is present in the food.</p> <p>(4) The level of the residue, calculated in accordance with subsection (3), must not be greater than the maximum residue limit.</p> <p>(5) For a food for which there is no MRL specified, and that contains 2 or more ingredients (a mixed food), 1 or more of which is listed in Schedule 20, the level of a residue of a particular agvet chemical listed in Schedule 20 in the food must not be greater than the amount MRL calculated in accordance with the following formula:</p> $MRL = \frac{Total\ A}{Total} \times MRL\ A + \frac{Total\ B}{Total} \times MRL\ B$ <p>where, for a particular residue: MRL A and MRL B are the maximum residue limits for the residue in ingredient A and ingredient B respectively. Total is the total weight of the food. Total A and Total B are the weight of ingredient A and ingredient B respectively.</p>	
mead	from 2.7.3 cl 1 mead means the product prepared from the complete or partial fermentation of honey.	<p>mead means a product that may be sold as mead under section 2.70</p> <p>mead means the product prepared from the complete or partial fermentation of honey</p> <p>Note: Under section 1.06, cider, fruit wine, mead, perry and vegetable wine are defined for the rest of this Code as a food that may be sold as cider, fruit wine, mead, perry or vegetable wine under this section.</p>	No change.
meat flesh	from 2.2.1 cl 1 meat flesh means the skeletal muscle of any slaughtered animal, and any attached –(a) animal	<p>meat flesh—see section 2.06</p> <p>meat flesh means meat that consists of skeletal muscle and any attached:</p>	No substantive change.

Definition	Current Code	Draft Variation	Comments
	rind; and (b) fat; and (c) connective tissue; and (d) nerve; and (e) blood; and (f) blood vessels; and (g) skin, in the case of poultry.	(a) animal rind; or (b) fat; or (c) connective tissue; or (d) nerve; or (e) blood; or (f) blood vessels; or (g) skin, in the case of poultry.	
meat pie		.	No change.
meat	from 2.2.1 cl 1 meat means the whole or part of the carcass of any buffalo, camel, cattle, deer, goat, hare, pig, poultry, rabbit or sheep, slaughtered other than in a wild state, but does not include – (a) the whole or part of the carcass of any other animal unless permitted for human consumption under a law of a State, Territory or New Zealand; or (b) avian eggs, or foetuses or part of foetuses.	meat —see section 2.06 meat: (a) means the whole or part of the carcass of any of the following animals, if slaughtered other than in a wild state: (i) buffalo, camel, cattle, deer, goat, hare, pig, poultry, rabbit or sheep; (ii) any other animal permitted for human consumption under a law of a State, Territory or New Zealand; and (b) does not include: (i) fish; or (ii) avian eggs; or (iii) foetuses or part of foetuses.	Can buffalo, hare, goat and deer can be 'meat' and 'game meat'?
meat pie	from 2.2.1 cl 1 meat pie means a pie containing no less than 250 g/kg of meat flesh.	meat pie means a food that may sold as meat pie under section 2.08 meat pie means a pie containing no less than 250 g/kg of meat flesh. Note: Under section 1.06, meat pie is defined for the rest of this Code as a food that may be sold as meat pie under this section	This definition is not included in clause 1.06. No change.
mechanically separated meat	from 1.6.2 cl 8 mechanically separated meat means meat that has been separated from bone by a mechanical process that results in comminuted meat.	mechanically separated meat —see subsection 1.170(4) mechanically separated meat means meat that has been separated from bone by a mechanical process that results in comminuted meat	No change.
medical institution		Clause 1.08 medical institution means any of the following:	This definition is not included in clause 1.06.

Definition	Current Code	Draft Variation	Comments
		(a) an acute care hospital; (b) a hospice; (c) a low-care aged care establishment; (d) a nursing home for the aged; (e) a psychiatric hospital; (f) a respite care establishment for the aged; (g) a same-day aged care establishment; (h) a same-day establishment for chemotherapy and renal dialysis services.	New term. None of these institutions are sign-posted – they have been included separately in this table.
medical practitioner	Standard 2.9.5 In this clause, medical practitioner means a person registered or licensed as a medical practitioner under legislation in Australia or New Zealand, as the case requires, for the registration or licensing of medical practitioners.	Clause 2.140 [In this section] medical practitioner means a person registered or licensed as a medical practitioner under legislation in Australia or New Zealand, as the case requires, for the registration or licensing of medical practitioners.	Definition is not included in clause 1.06. No change.
medium chain triglycerides	from 2.9.1 cl 1 medium chain triglycerides means triacylglycerols which contain predominantly the saturated fatty acids designated by 8:0 and 10:0.	medium chain triglycerides —see section 2.82 medium chain triglycerides means triacylglycerols that contain predominantly the saturated fatty acids designated by 8:0 and 10:0	No change.
meets the NSPC	Standard 1.2.7 meets the NPSC means that the nutrient profiling score of a food described in Column 1 of Schedule 4 is less than the number specified for that food in Column 2 of that Schedule.	Clause 1.71 [applies to Division 7 & 8] meets the NPSC means that the nutrient profiling score of a food described in column 1 of the table to section S4.04 of Schedule 4 is less than the number specified for that food in column 2 of that table.	This definition is not included in clause 1.06. No change.
milk	from 2.5.1 cl 1 milk means the mammary secretion of milking animals, obtained from one or more milkings for consumption as liquid milk or for further processing but excludes colostrum.	milk means a food that may sold as milk under section 2.27 milk means the mammary secretion of milking animals, obtained from one or more milkings for consumption as liquid milk or for further processing but excluding colostrum. Note: Under section 1.06, milk is defined for the rest of this Code as a food that may be sold as milk under this section.	No change.
mineral water or	from 2.6.2 cl 1	mineral water or spring water —see section 2.44	No change.

Definition	Current Code	Draft Variation	Comments
spring water	mineral water or spring water means ground water obtained from subterranean water-bearing strata that, in its natural state, contains soluble matter.	mineral water or spring water means ground water obtained from subterranean water-bearing strata that, in its natural state, contains soluble matter	
monounsaturated fatty acids	from 1.2.8 cl 1 monounsaturated fatty acids means the total of cis-monounsaturated fatty acids and declared as monounsaturated fat.	monounsaturated fatty acids —see section 1.71 monounsaturated fatty acids means the total of cis-monounsaturated fatty acids	Removal of “and declared as monounsaturated fat” is technically a substantive change given the criteria no longer applies, however this does not appear to have a substantive impact.
non-alcoholic beverage	see 2.6.2 cl 1 non-alcoholic beverage means – (a) packaged water; or (b) a water-based beverage which may or may not contain other foods, except for alcoholic beverages; or (c) electrolyte drinks.	non-alcoholic beverage —see 2.44 non-alcoholic beverage means: (a) packaged water; or (b) a water-based beverage which may or may not contain other foods, except for alcoholic beverages; or (c) electrolyte drinks.	No change.
non-traditional food	from 1.5.1 cl 1 non-traditional food means – (a) a food that does not have a history of human consumption in Australia or New Zealand; or (b) a substance derived from a food, where that substance does not have a history of human consumption in Australia or New Zealand other than as a component of that food; or (c) any other substance, where that substance, or the source from which it is derived, does not have a history of human consumption as a food in Australia or New Zealand.	non-traditional food —see section 1.151 non-traditional food means: (a) a food that does not have a history of human consumption in Australia or New Zealand; or (b) a substance derived from a food, where that substance does not have a history of human consumption in Australia or New Zealand other than as a component of that food; or (c) any other substance, where that substance, or the source from which it is derived, does not have a history of human consumption as a food in Australia or New Zealand.	No change.
novel food	from 1.5.1 cl 1 novel food means a non-traditional food and the food requires an assessment of the public health and safety considerations having regard to - (a) the potential for adverse effects in humans; or (b) the composition or structure of the food; or (c) the process by which the food has been prepared;	novel food —see section 1.151 novel food means a non-traditional food that requires an assessment of the public health and safety considerations having regard to: (a) the potential for adverse effects in humans; or (b) the composition or structure of the food; or (c) the process by which the food has been prepared;	Is the Note necessary, particularly given it is covered in FSANZ guidelines already and appears to be FSANZ’s view of novel foods and not necessarily that of

Definition	Current Code	Draft Variation	Comments
	or (d) the source from which it is derived; or (e) patterns and levels of consumption of the food; or (f) any other relevant matters.	or (d) the source from which it is derived; or (e) patterns and levels of consumption of the food; or (f) any other relevant matters. Note: Possible categories of novel foods are described in guidelines issued by FSANZ. Categories of novel foods may include, but are not limited to, the following: • plants or animals and their components; • plant or animal extracts; • herbs, including extracts; • dietary macro-components; • single chemical entities; • microorganisms, including probiotics; • foods produced from new sources, or by a process not previously applied to food.	other regulators in other jurisdictions and/or the view of a court. Recommend the note be removed.
novel DNA	Standard 1.5.2 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.	Clause 1.156 [In this section] novel DNA means DNA which has been modified by the use of gene technology.	This definition is not included in clause 1.06. Further consultation and consideration is necessary.
novel protein	Standard 1.5.2 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.	Clause 1.156 [In this section] novel protein means protein encoded from novel DNA and, in the case of a substances used as a processing aid, which has a different amino acid sequence from that found in nature.	This definition is not included in clause 1.06. Further consultation and consideration is necessary.
NPSC	Standard 1.2.7 NPSC means the nutrient profiling scoring criterion.	Clause 1.71 [applies to Division 7 & 8] NPSC means the nutrient profiling scoring criterion.	This definition is not included in clause 1.06. No change.

Definition	Current Code	Draft Variation	Comments
nursing home for the aged	Standard 1.2.1 Nursing homes for the aged Establishments which provide long-term care involving regular basic nursing care to aged persons and including any: (a) Private charitable nursing home for the aged; (b) Private profit nursing home for the aged; (c) Government nursing home for the aged.	Clause 1.08 [In this Code] nursing home for the aged means an establishment (whether private charitable, private for-profit, or government) that provides long-term care involving regular basic nursing care to aged persons.	This definition is not included in clause 1.06. No substantive change.
nutrient profiling score	Standard 1.2.7 nutrient profiling score means the final score calculated pursuant to the method described in Schedule 5.	Clause 1.71 [applies to Division 7 & 8] nutrient profiling score means the final score calculated pursuant to the method referred to in section 1.94.	This definition is not included in clause 1.06. No change.
nutrition claim	from 1.2.8 cl 1 claim requiring nutrition information has the meaning given in subclause 4(1). 4 Requirements for nutrition information panels when certain claims made (1) A claim requiring nutrition information means – (a) a nutrition content claim; or (b) a health claim; but does not include – (c) a declaration that is required by the Act, or (d) an endorsement.		This definition does not appear in P1025.
nutrition content claim	Standard 1.2.7 nutrition content claim means a claim about – (a) the presence or absence of – (i) a biologically active substance; or	Clause 1.71 [applies to Division 7 & 8] nutrition content claim —see section 1.72. nutrition content claim means a claim about:	This definition is not included in clause 1.06. No change.

Definition	Current Code	Draft Variation	Comments
	(ii) dietary fibre; or (iii) energy; or (iv) minerals; or (v) potassium; or (vi) protein; or (vii) carbohydrate; or (viii) fat; or (ix) the components of any one of protein, carbohydrate or fat; or (x) salt; or (xi) sodium; or (xii) vitamins; or (b) glycaemic index or glycaemic load; that does not refer to the presence or absence of alcohol, and is not a health claim.	(a) the presence or absence of any of the following: (i) a biologically active substance; (ii) dietary fibre; (iii) energy; (iv) minerals; (v) potassium; (vi) protein; (vii) carbohydrate; (viii) fat; (ix) the components of any one of protein, carbohydrate or fat; (x) salt; (xi) sodium; (xii) vitamins; or (b) glycaemic index or glycaemic load; that does not refer to the presence or absence of alcohol, and is not a health claim. Note: See also subsections 2.47(4) and 2.163(3).	
nutrition content claims table		Clause 1.81 [In this sub-division] nutrition content claims table means the table to section S4.01 of Schedule 4.	This definition is not included in clause 1.06. New term but not substantive change.
nutrition information panel	from 1.1.1 cl 1 nutrition information panel or panel means a panel which complies with the requirements of Division 2 of Standard 1.2.8.	nutrition information panel means a nutrition information panel that is required to be included on a label on a package of food in accordance with Division 8 of Part 3	“Nutrition information panel” seems unnecessary. Also query whether original drafting that just refers to compliance with certain provisions in the Code is better. Drafting could be improved.
nutritive substance	from 1.1.1 cl 1 nutritive substance means a substance not normally	nutritive substance —see used as a nutritive substance , section 1.19 (1) For this Code, a substance is used as a nutritive	“Nutritional purpose” is not defined.

Definition	Current Code	Draft Variation	Comments
	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.	<p>substance in relation to a food if:</p> <p>(a) it is a substance identified in subsection (2); and</p> <p>(b) it is added to the food to achieve a nutritional purpose.</p> <p>(2) For subsection (1), the substances are:</p> <p>(a) any substance that is identified in this Code as one that may be used as a nutritive substance; and</p> <p>(b) a vitamin or a mineral; and</p> <p>(c) any substance (other than an inulin-derived substance) that:</p> <p>(i) has been extracted, refined, or synthesised; and</p> <p>(ii) is not normally sold as a food product; and</p> <p>(iii) is not normally used as an ingredient by consumers.</p> <p>Note: Provisions that control use of substances as nutritive substance are in Division 3 of Part 4 (general provisions on use of vitamins and minerals), various Parts of Chapter 2 (use of vitamins and minerals in specific foods) and Part 9 of Chapter 2 (other substances used in special purpose foods). Substances referred to in paragraph 1.19(2)(a) include those that are identified in the tables to sections S17.01 and S17.02 in Schedule 17 (vitamins and minerals) and to sections S30.04 and S30.18 in Schedule 30 (other substances).</p>	<p>While the removal of “intention” could be removed without material change, this still does not address the problem regarding the concept of nutritional purpose and how this is to be ascertained.</p> <p>Our understanding is that this will be reviewed as part of P1024.</p>
NZS	from 1.1.1 cl 1 NZS means a New Zealand Standard published by Standards New Zealand.	NZS means a New Zealand Standard published by Standards New Zealand	No change.
one-day quantity	<p>Standard 2.6.4</p> <p>one day quantity in relation to formulated caffeinated beverage, means the maximum amount of that food that should be consumed in one day in accordance with the directions specified in the label.</p> <p>Standard 2.9.4</p> <p>one-day quantity in relation to formulated supplementary sports food, means the amount of that food which is to be consumed in one day in accordance with directions specified in the label.</p>	<p>Clause 2.59 (Caffeinated beverage)</p> <p>one-day quantity is the maximum amount of the formulated caffeinated beverage that should be consumed in a day.</p> <p>Clause 2.127 (Formulated supplementary sports drink)</p> <p>one-day quantity in relation to formulated supplementary sports food, means the amount of that food which is to be consumed in one day in accordance with directions specified in the label.</p>	<p>This definition is not included in clause 1.06.</p> <p>Change appears substantive by removing the source for determining the maximum amount of formulated caffeine that should be consumed (i.e. the label directions). It is odd that in contrast, this measurement is retained in relation to supplementary sports</p>

Definition	Current Code	Draft Variation	Comments
			drinks.
offal	from 2.2.1 cl 1 offal means those parts of the carcass such as blood, brain, heart, kidney, liver, pancreas, spleen, thymus, tongue and tripe, but excludes meat flesh, bone and bone marrow.	offal —see section 2.06 offal: (a) includes blood, brain, heart, kidney, liver, pancreas, spleen, thymus, tongue and tripe; and (b) excludes meat flesh, bone and bone marrow.	No change.
package	from 1.1.1 cl 1 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.	package: (a) means any container or wrapper in or by which food intended for sale is wholly or partly encased, covered, enclosed, contained or packaged; and (b) if food is carried or sold or intended to be carried and sold in more than one package—includes each package; and (c) does not include: (i) a bulk cargo container; or (ii) a pallet overwrap; or (iii) a crate and packages which do not obscure labels on the food; or (iv) a transportation vehicle; or (v) a vending machine; or (vi) a hamper; or (vii) a container or wrapper (including a covered plate, cup, tray or other food container) in which food is served in a prison, hospital or medical institution.	No change.
peanut butter	from 1.1.2 cl 1 peanut butter means a peanut based spread containing no less than 850 g/kg of peanuts.	Clause 2.169 Food that is sold on the basis of a representation that it is 'peanut butter' must: (a) consist of a peanut-based spread; and (b) contain not less than 850 g/kg of peanuts.	This definition is not included in clause 1.06. No change.

Definition	Current Code	Draft Variation	Comments
perry	from 2.7.3 cl 1 perry means the fruit wine prepared from the juice or must of pears and no more than 25 % of the juice or must of apples.	perry means a food that may be sold as perry under section 2.70 perry means the fruit wine prepared from the juice or must of pears and no more than 25% of the juice or must of apples Note: Under section 1.06, cider , fruit wine , mead , perry and vegetable wine are defined for the rest of this Code as a food that may be sold as cider, fruit wine, mead, perry or vegetable wine under this section.	No change.
polyunsaturated fatty acids	from 1.2.8 cl 1 polyunsaturated fatty acids means the total of polyunsaturated fatty acids with cis-cis-methylene interrupted double bonds and declared as polyunsaturated fat.	polyunsaturated fatty acids —see section 1.71 polyunsaturated fatty acids means the total of polyunsaturated fatty acids with cis-cis-methylene interrupted double bonds	Removal of “and declared as polyunsaturated fat” is technically a substantive change given the criteria no longer applies, however this does not appear to have a substantive impact.
pre-term formula	from 2.9.1 cl 1 pre-term formula means an infant formula product specifically formulated to satisfy particular needs of infants born prematurely or of low birthweight.	pre-term formula —see section 2.82 pre-term formula means an infant formula product specifically formulated to satisfy particular needs of infants born prematurely or of low birthweight	No change.
processed cheese	from 2.5.4 cl 1 processed cheese means a product manufactured from cheese and products obtained from milk, which is heated and melted, with or without added emulsifying salts, to form a homogeneous mass.	processed cheese means a food that may be sold as processed cheese under section 2.34 processed cheese means a product manufactured from cheese and products obtained from milk, which is heated and melted, with or without added emulsifying salts, to form a homogeneous mass. Note: Under section 1.06, cheese and processed cheese are defined for the rest of this Code as a food that may be sold as cheese or processed cheese under this section.	No change.
processed meat	from 2.2.1 cl 1 processed meat means a meat product containing no less than 300 g/kg meat, where meat either singly or in combination with other ingredients or additives, has undergone a method of processing other than boning, slicing, dicing, mincing or freezing, and includes manufactured meat and cured and/or dried	processed meat —see section 2.06 processed meat means a food containing no less than 300 g/kg meat, which has, either singly or in combination with other ingredients or additives, undergone a method of processing other than boning, slicing, dicing, mincing or freezing	Should this be food product given the original term refers to a meat product? The removal of “and includes manufactured meat and cured and/or

Definition	Current Code	Draft Variation	Comments
	meat flesh in whole cuts or pieces.		dried meat flesh in whole cuts or pieces.” affects certainty, particularly for food producers who have relied on this to date.
processing aid	<p>from 1.3.3 cl 1</p> <p>processing aid means a substance listed in clauses 3 to 19, where –</p> <p>(a) the substance is used in the processing of raw materials, foods or ingredients, to fulfil a technological purpose relating to treatment or processing, but does not perform a technological function in the final food; and</p> <p>(b) the proportion of the processing aid is no more than the maximum level necessary to achieve one or more technological functions under conditions of Good Manufacturing Practice (GMP).</p>	<p>processing aid—see used as a processing aid, section 1.131</p> <p>(1) For this Code, a reference to a substance that is used as a processing aid in relation to a food is a reference to a substance that:</p> <p>(a) is identified in subsection (3); and</p> <p>(b) is added to food during the course of processing to perform a technological purpose; and</p> <p>(c) does not perform a technological purpose listed in Schedule 14 in the processed food.</p> <p>References to foods that are used as a processing aid</p> <p>(2) For this Code, a reference to a food that is used as a processing aid in relation to another food:</p> <p>(a) is a reference to a food that:</p> <p>(i) is not a substance identified in subsection (3); and</p> <p>(ii) is added to the other food during the course of processing to perform a technological purpose; and</p> <p>(iii) does not perform a technological purpose listed in Schedule 14 in the processed food; and</p> <p>(b) is a reference to so much of the food as is necessary to perform the technological purpose.</p> <p>Note 1: This Code does not regulate the use of foods as processing aids (other than foods that are substances referred to in subsection (3)). There are special labelling requirements that apply in relation to foods and substances that are used as processing aids—see paragraphs 1.59(d) and 1.59(e) and subparagraph 1.100(a)(vii).</p> <p>Note 2: If a food is used as a processing aid in relation to another food, and the amount of the food used is greater than the amount that is necessary to perform the technological purpose, the excess amount of the food is not taken to be used as a processing aid in the other food.</p> <p>(3) For subsections (1) and (2), the substances are the following:</p> <p>(a) a substance that is listed in Schedule 18;</p> <p>(b) an additive permitted at GMP.</p>	<p>Why has the original defined term changed?</p> <p>The revised definition is a substantive change and requires more fulsome consideration given its significance in the Code.</p>

Definition	Current Code	Draft Variation	Comments
		Note: 'additive permitted at GMP' is a defined term—see section 1.122.	
prohibited plant or fungus	Standard 1.4.4 Prohibited plants and fungi (1) A plant or fungus, or a part or a derivative of a plant or fungus listed in Schedule 1, or any substance derived therefrom, must not be intentionally added to food or offered for sale as food. (2) Eurythroxylum coca (coca bush) or any substance derived therefrom must not be present in a food unless the cocaine has been removed.	Clause 1.147 [In this Code] prohibited plant or fungus means: (a) a plant or fungus listed in Schedule 23; or (b) a part or a derivative of such a plant or fungus; or (c) a substance derived from a plant, fungus, part or derivative referred to in paragraph (a) or (b).	This definition is not included in clause 1.06. Not substantive change although query whether a separate definition of cocoa bush is required (as has been proposed in the Draft Variation).
property of food	Standard 1.2.7 property of food means a component, ingredient, constituent or other feature of food.	Clause 1.71 [applies to Division 7 & 8] property of food means a component, ingredient, constituent or other feature of food.	This definition is not included in clause 1.06. No change.
protein energy supplement	Standard 2.9.4 A protein energy supplement is a formulated supplementary sports food for which – (a) not more than 30 % and not less than 15% of the energy yield of the product is derived from protein; and (b) not more than 25 % of the energy yield of the product is derived from fat; and (c) not more than 70 % of the energy yield of the product is derived from carbohydrate.	Clause 2.134 [In this section] protein energy supplement means a formulated supplementary sports food for which: (a) not more than 30% and not less than 15% of the average energy content of the product is derived from protein; and (b) not more than 25% of the average energy content of the product is derived from fat; and (c) not more than 70% of the average energy content of the product is derived from carbohydrate.	This definition is not included in clause 1.06. A 'yield' does not ordinarily involve or translate to averaging. Therefore appears to be substantive changes although technical feedback about the effect (if any) of the change from 'energy yield' to 'average energy content' required. Further consultation and consideration is necessary.
protein substitute	from 2.9.1 cl 1 protein substitute means – (a) L-amino acids; or (b) the hydrolysate of one or more of the proteins on	protein substitute —see section 2.82 protein substitute means: (a) L-amino acids; or (b) the hydrolysate of one or more of the proteins on	No change.

Definition	Current Code	Draft Variation	Comments
	which infant formula product is normally based; or (c) a combination of L-amino acids and the hydrolysate of one or more of the proteins on which infant formula product is normally based.	which infant formula product is normally based; or (c) a combination of L-amino acids and the hydrolysate of one or more of the proteins on which infant formula product is normally based.	
psychiatric hospital	Standard 1.2.1 Psychiatric hospitals Establishments devoted primarily to the treatment and care of inpatients with psychiatric, mental or behavioural disorders including any: (a) Public psychiatric hospital; (b) Private psychiatric hospital.	Clause 1.08 psychiatric hospital means an establishment (whether public or private) devoted primarily to the treatment and care of inpatients with psychiatric, mental or behavioural disorders.	This definition is not included in clause 1.06. No substantive change.
RDI	from 1.1.1 cl 1 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.	RDI —see section 1.07. Note: 'RDI' is an abbreviation of 'recommended dietary intake'. (1) For a vitamin or mineral listed in column 1 of the table to section S1.01 or S1.02 of Schedule 1, the RDI or ESADDI , as indicated in column 2, is the amount specified in: (a) for Division 2 of Part 9 of Chapter 2—column 5; and (b) for Subdivision D of Division 3 of Part 9 of Chapter 2—column 4; and (c) otherwise—column 3. (2) For this Code, when calculating the amount of a vitamin or mineral for the purpose of comparing that amount to the RDI or ESADDI: (a) for vitamin A: (i) calculate the amount in terms of retinol equivalents; and (ii) for carotene forms of vitamin A, calculate retinol equivalents using the conversion factors in section S1.03 of Schedule 1; and (b) for niacin: (i) calculate only the proportion of niacin provided by pre-formed niacin in foods; and	Subclause (2)(a) and (d) should simply state that vitamin A be calculated as retinol equivalents, and vitamin E be calculated as alpha-tocopheryl equivalents. Conversion factors are matters of scientific fact that do not require regulation. The problem otherwise is highlighted in Schedule S1.04 which, as a regulation, directs the reader to “see the Note” where notes are intended NOT to be legislative in character. Subclause 2(b) should exclude niacin provided by the conversion of tryptophan. This avoids

Definition	Current Code	Draft Variation	Comments
		(ii) exclude the niacin provided from the conversion of the amino acid tryptophan; and (c) for vitamin C, calculate only the amount of L-ascorbic acid and dehydroascorbic acid; and (d) for vitamin E, calculate the amount in terms of alpha-tocopherol equivalents using the conversion factors in section S1.04 of Schedule 1.	the undefined concept of “pre-formed” niacin. Subclause 2(c) is incorrect. It should state that vitamin C be calculated as the sum of L-ascorbic acid and dehydroascorbic acid equivalents. As currently drafted, the provision might exclude vitamin C added in other permitted forms.
reduced sodium salt mixture	from 2.10.2 cl 1 reduced sodium salt mixture means a product prepared from a mixture of sodium chloride and potassium chloride.	reduced sodium salt mixture means a food that may be sold as reduced sodium salt mixture under section 2.160 reduced sodium salt mixture means a product prepared from a mixture of sodium chloride and potassium chloride. Note: Under section 1.06, reduced sodium salt mixture is defined for the rest of this Code as a food that may be sold as reduced sodium salt mixture under this section.	No change.
reference food	Standard 1.2.7 reference food means a food that is – (a) of the same type as the food for which a claim is made and that has not been further processed, formulated, reformulated or modified to increase or decrease the energy value or the amount of the nutrient for which the claim is made; or (b) a dietary substitute for the food in the same food group as the food for which a claim is made.	Clause 1.71 [applies to Division 7 & 8] reference food , in relation to a claim, means a food that is: (a) of the same type as the food for which the claim is made and that has not been further processed, formulated, reformulated or modified to increase or decrease the energy value or the amount of the nutrient for which the claim is made; or (b) a dietary substitute for the food in the same food group as the food for which the claim is made.	This definition is not included in clause 1.06. No change.
reference quantity	Standard 1.3.2 reference quantity means –	reference quantity —see section 1.127 reference quantity means: (a) for a food listed in the table to section S17.03 in	No change.

Definition	Current Code	Draft Variation	Comments
	<p>(a) for a food mentioned in the Table to clause 3 – (i) the quantity specified in the Table for the food or, (ii) for a food that requires dilution or reconstitution according to directions – the quantity of the food that, when diluted or reconstituted, produces the quantity mentioned in column 2 of the Table; or (b) for all other foods – (i) a normal serving; or (ii) for a food that requires dilution, reconstitution, draining or preparation according to directions, the quantity of the food which when diluted, reconstituted, drained or prepared produces a normal serving.</p>	<p>Schedule 17, either: (i) the quantity specified in the table for that food; or (ii) for a food that requires dilution or reconstitution according to directions—the quantity of the food that, when diluted or reconstituted, produces the quantity referred to in subparagraph (i); or (b) for all other foods: (i) a normal serving; or (ii) for a food that requires dilution, reconstitution, draining or preparation according to directions—the quantity of the food that, when diluted, reconstituted, drained or prepared produces a normal serving.</p>	
releasable calcium	<p>from 2.10.3 cl 1 releasable calcium means the amount of calcium released into the mouth during 20 minutes of chewing calculated using the following formula –</p> <p>Where – Ca_r is the releasable calcium (mg/g of chewing gum) Ca_o is the original calcium concentration in the chewing gum (mg/g) W_o is the weight of the original chewing gum (g) Ca_c is the residual calcium in gum that has been chewed for 20 minutes (mg/g) W_c is the weight of the chewed gum (g).</p>	<p>releasable calcium—see section 2.164 In this Division: releasable calcium, Ca_r, means the amount of calcium, in mg/g of chewing gum, released into the mouth during 20 minutes of chewing that is calculated using the following formula: where:</p> $Ca_r = \frac{(Ca_o \times W_o) - (Ca_c \times W_c)}{W_o}$ <p>Ca_o is the original calcium concentration in the chewing gum in mg/g of chewing gum. W_o is the weight of the original chewing gum in g. Ca_c is the residual calcium in the gum after it has been chewed for 20 minutes in mg/g of chewing gum. W_c is the weight of the chewed gum in g.</p>	Further consultation and consideration is necessary.
relevant authority	<p>from 1.1.1 cl 1. (revised) relevant authority means the authority responsible for the enforcement of this Code.</p>	relevant authority means an authority responsible for the enforcement of the relevant application Act	See note re jurisdiction – how is Commonwealth jurisdiction dealt with?

Definition	Current Code	Draft Variation	Comments
rendered trimmings		<p>Clause 1.170</p> <p>rendered trimmings means the cooked meat fractions derived from the rendering of meat trimmings, excluding ligamentum nuchae.</p>	<p>This definition is not included in clause 1.06.</p> <p>Substantive change as it is new. Feedback required about the need and effect of the definition.</p>
required records	<p>Standard 1.2.7</p> <p>required records means a document or documents that demonstrate that:</p> <p>(a) a supplier using an endorsement has obtained the permission of the endorsing body to use the endorsement; and</p> <p>(b) the endorsing body has a nutrition- or health-related function or purpose; and</p> <p>(c) the endorsing body is a not-for-profit entity; and</p> <p>(d) the endorsing body is not related to the supplier using the endorsement.</p>	<p>Clause 1.93</p> <p>required records means a document or documents that demonstrate that:</p> <p>(a) a supplier using an endorsement has obtained the permission of the endorsing body to use the endorsement; and</p> <p>(b) the endorsing body has a nutrition- or health-related function or purpose; and</p> <p>(c) the endorsing body is a not-for-profit entity; and</p> <p>(d) the endorsing body is not related to the supplier using the endorsement.</p>	<p>This definition is not included in clause 1.06.</p> <p>No change.</p>
respite care establishment for the aged	<p>Standard 1.2.1</p> <p>Respite care establishments for the Aged</p> <p>Establishments which provide short-term care including personal care and regular basic nursing care to aged persons.</p>	<p>Clause 1.08</p> <p>respite care establishment for the aged means an establishment that provides short-term care, including personal care and regular basic nursing care, to aged persons.</p>	<p>This definition is not included in clause 1.06.</p> <p>No substantive change.</p>
responsible institution	<p>Standard 2.9.5</p> <p>responsible institution means a hospital, hospice, aged care facility, disability facility, prison, boarding school or similar institution that is responsible for the welfare of its patients or residents and provides food to them.</p>	<p>Clause 2.137 [In this Division]</p> <p>responsible institution means a hospital, hospice, aged care facility, disability facility, prison, boarding school or similar institution that is responsible for the welfare of its patients or residents and provides food to them.</p>	<p>Definition is not included in clause 1.06.</p> <p>No change.</p>

Definition	Current Code	Draft Variation	Comments
restricted plant or fungus	Standard 1.4.4 Restricted plants and fungi A plant or fungus, or a part or a derivative of a plant or fungus listed in Schedule 2, or any substance derived there from, may only be added to or be present in a food if it complies with the requirements for natural toxicants from the addition of a flavouring substance in the Table to clause 4 of Standard 1.4.1.	Clause 1.147 [In this Code] restricted plant or fungus means: (a) a plant or fungus listed in Schedule 24; or (b) a part or a derivative of such a plant or fungus; or (c) a substance derived from a plant, fungus, part or derivative referred to in paragraph (a) or (b).	This definition is not included in clause 1.06. No change in substance.
salt substitute	from 2.10.2 cl 1 salt substitute means a food made as a substitute for salt consisting of permitted food additives.	salt substitute means a food that may be sold as salt substitute under section 2.161 salt substitute means a food made as a substitute for salt consisting of substances that may be used as food additives in relation to salt substitute in accordance with this Code (see item 13 of the table to Schedule 15). Note: Under section 1.06, salt substitute is defined for the rest of this Code as a food that may be sold as salt substitute under this section.	No change in substance.
salt	from 2.10.2 cl 1 salt means the crystalline product consisting predominantly of sodium chloride, that is obtained from the sea, underground rock salt deposits or from natural brine.	salt means a food that may be sold as salt under section 2.159 salt means the crystalline product consisting predominantly of sodium chloride, that is obtained from the sea, underground rock salt deposits or from natural brine. Note: Under section 1.06, salt is defined for the rest of this Code as a food that may be sold as salt under this section.	No change.
same-day aged care establishment	Standard 1.2.8 Same-day aged care establishments Establishments where aged persons attend for day or part-day rehabilitative or therapeutic treatment.	Clause 1.08 same-day aged care establishment means an establishment where aged persons attend for day or part-day rehabilitative or therapeutic treatment.	This definition is not included in clause 1.06. No substantive change. Only change is from plural to singular.

Definition	Current Code	Draft Variation	Comments
same-day establishment for chemotherapy and renal dialysis services	<p>Standard 1.2.8</p> <p>Same day establishments for chemotherapy and renal dialysis services</p> <p>Including both the traditional day centre/hospital that provides chemotherapy or renal dialysis services and also freestanding day surgery centres that provide chemotherapy or renal dialysis services including any:</p> <p>(a) Public day centre/hospital</p> <p>(b) Public freestanding day surgery centre</p> <p>(c) Private day centre/hospital</p> <p>(d) Private freestanding day surgery centre that provides those services.</p> <p>Day centres/ hospitals are establishments providing a course of acute treatment on a full-day or part-day non-residential attendance basis at specified intervals over a period of time.</p> <p>Freestanding day surgery centres are hospital facilities providing investigation and treatment for acute conditions on a day-only basis.</p>	<p>Clause 1.08</p> <p>same-day establishment for chemotherapy and renal dialysis services means:</p> <p>(a) a day centre or hospital, being an establishment (whether public or private) that provides a course of acute treatment, in the form of chemotherapy or renal dialysis services, on a full-day or part-day non-residential attendance basis at specified intervals over a period of time; or</p> <p>(b) a free-standing day surgery centre, being a hospital facility (whether public or private) that provides investigation and treatment, in the form of chemotherapy or renal dialysis services, for acute conditions on a day-only basis.</p>	<p>New.</p> <p>This definition is not included in clause 1.06.</p> <p>No substantive change</p>
saturated fatty acids	<p>from 1.2.8 cl 1</p> <p>saturated fatty acids means the total of fatty acids containing no double bonds and declared as saturated fat.</p>	<p>saturated fatty acids—see section 1.71</p> <p>saturated fatty acids means the total of fatty acids containing no double bonds</p>	<p>Removal of “and declared as saturated fat.” technically changes the definition, however the revised definition is consistent with the technical meaning of saturated fatty acids.</p>

Definition	Current Code	Draft Variation	Comments
sausage	from 2.2.1 cl 1 sausage means meat that is minced, or comminuted meat or a combination thereof, which may be combined with other foods, encased or formed into discrete units, but does not include meat formed or joined into the semblance of cuts of meat.	sausage means a food that may be sold as sausage under section 2.07 sausage: (a) means meat that has been minced, meat that has been comminuted, or a mixture of both, whether or not mixed with other ingredients, and which has been encased or formed into discrete units; and (b) does not include meat formed or joined into the semblance of cuts of meat. Note: Under section 1.06, sausage is defined for the rest of this Code as a food that may be sold as sausage under this section.	No substantive change
sell		The term has the same meaning as in the application Acts. sell —see section 1.20 In this Code, for the purposes of application of the Code by an application Act, sell has the same meaning as in the application Act. Note 1: For Australia, the various application Acts each include a definition of sell . These have essentially the same effect, and give it a very broad meaning, but the wording differs slightly. This section ensures that when the Code is applied by an application act, there is no doubt that the meaning is the same as in the Act. The definition of sell in section 2 of the Model Food Provisions, on which the provisions in the Australian application Acts are based, is as follows: sell includes: (a) barter, offer or attempt to sell, or (b) receive for sale, or (c) have in possession for sale, or (d) display for sale, or (e) cause or permit to be sold or offered for sale, or (f) send, forward or deliver for sale, or (g) dispose of by any method for valuable consideration, or (h) dispose of to an agent for sale on consignment, or (i) provide under a contract of service, or (j) supply the food as a meal or part of a meal to an employee, in accordance with a term of an award governing the employment of the employee or a term of the employee's contract of service, for consumption by the employee at the employee's place of work, or (k) dispose of by way of raffle, lottery or other game of chance, or (l) offer as a prize or reward, or (m) give away for the purpose of advertisement or in furtherance of trade or business, or (n) supply the food under a contract (whether or not the contract is	This provision could be removed on the basis that the application Act definition is adopted and applies. The initial part of the Note should be retained and moved to 1.06(1) to provide a useful signpost for users of the Code. However, the text from the Model Food Provision should be removed as it adds unnecessary length and complexity and no value given the application Act meaning will apply.

Definition	Current Code	Draft Variation	Comments
		<p>made with the consumer of the food), together with accommodation, service or entertainment, in consideration of an inclusive charge for the food supplied and the accommodation, service or entertainment, or</p> <p>(o) supply food (whether or not for consideration) in the course of providing services to patients in or inmates in public institutions, or</p> <p>(p) sell for the purpose of resale.</p> <p>Note 2: For New Zealand, sell is defined in section 4 of the Food Act 1981 (NZ) as follows:</p> <p>(1) In this Act, unless the context otherwise requires, sell means sell for human consumption or use; and includes—</p> <p>(a) selling for resale for human consumption or use; and</p> <p>(b) offering or attempting to sell, or receiving for sale, or having in possession for sale, or exposing for sale, or sending or delivering for sale, or causing or permitting to be sold, offered, or exposed for sale; and</p> <p>(c) barter; and</p> <p>(d) supplying under a contract, together with accommodation, service, or entertainment, in consideration of an inclusive charge for the article supplied and the accommodation, service, or entertainment;—</p> <p>and sale and sold have corresponding meanings.</p> <p>(2) For the purposes of this Act, any article of food that is part of, or supplied with, any meal or food for which payment is made or required to be made, and that is supplied for consumption in any shop, hotel, restaurant, or eating-house, or at any stall or other place, or in any vehicle, shall be deemed to have been sold or offered or exposed for sale.</p> <p>(3) For the purposes of this Act, every person shall be deemed to sell or to intend to sell any food if he sells or intends to sell for human consumption or use any article of which the food is a constituent.</p> <p>(4) When any food is sold or offered or exposed for sale, it shall be deemed to be sold or offered or exposed for sale for human consumption or use, unless the contrary is proved.</p> <p>(5) For the purposes of this Act, the sale of any food for the purpose of being mixed with any other food, or with a food of the same kind, shall be deemed to be a sale for human consumption or use if the bulk or product produced by the mixing, or any part of the bulk or product, is intended to be sold for human consumption or use.</p> <p>(6) The purchase and sale, under the provisions of this Act, of a sample of any food for the purpose of analysis shall be deemed to be a purchase and sale of the food for human consumption or use, unless the seller proves that the bulk from which the sample was taken was offered, exposed, or intended for sale for purposes other than human consumption or use.</p> <p>(7) When a sample of any milk is taken from a package, the sample shall be deemed for the purposes of this Act to be a sample of any bulk of which the milk in that package forms part notwithstanding that the milk was intended to be mixed with milk in any other</p>	

Definition	Current Code	Draft Variation	Comments
		<p>package or packages before being sold.</p> <p>(8) For the purposes of this Act, a person packs any food or appliance for sale whether he packs the food or appliance for sale by himself or by any other person.</p> <p>(9) In this section the term use means any use in connection with the preparation or packing of food for human consumption.</p>	
serious disease	<p>Standard 1.2.7</p> <p>serious disease means a disease, disorder or condition which is generally diagnosed, treated or managed in consultation with or with supervision by a health care professional.</p>	<p>Clause 1.71 [applies to Division 7 & 8]</p> <p>serious disease means a disease, disorder or condition which is generally diagnosed, treated or managed in consultation with or with supervision by a health care professional.</p>	<p>No change.</p> <p>This definition is not included in clause 1.06.</p>
serving	<p>from 2.9.3 cl 1 (applied to entire Code)</p> <p>serving means a quantity of the food which constitutes one normal serving when prepared according to manufacturer's directions or when the food requires no further preparation before consumption, and in the case of a formulated meal replacement is equivalent to one meal.</p>	<p>serving—see section 2.117</p> <p>serving means a quantity of the food which constitutes one normal serving when prepared according to manufacturer's directions or when the food requires no further preparation before consumption, and in the case of a formulated meal replacement is equivalent to one meal.</p>	No change.
size of type	<p>from 1.2.9 cl 1</p> <p>size of type means the measurement from the base to the top of a letter or numeral.</p>	<p>size of type—see section 1.49</p> <p>size of type means the measurement from the base to the top of a letter or numeral</p>	No change.
skim milk	<p>from 2.5.1 cl 1</p> <p>skim milk means milk from which milkfat has been removed.</p>	<p>skim milk means a food that may be sold as skim milk under section 2.29</p> <p>skim milk means milk from which milkfat has been removed.</p> <p>Note: Under section 1.06, skim milk is defined for the rest of this Code as a food that may be sold as skim milk under this section.</p>	No change.
small package	<p>from 1.2.1 cl 1 [now in 1.1.1]</p> <p>small package means a package with a surface area of less than 100 cm²</p>	<p>small package means a package with a surface area of less than 100 cm²</p>	No change.
soy-based formula	<p>from 2.9.1 cl 1</p> <p>soy-based formula means an infant formula product in which soy protein isolate is the sole source of</p>	<p>soy-based formula—see section 2.82</p> <p>soy-based formula means an infant formula product in which soy protein isolate is the sole source of</p>	No change.

Definition	Current Code	Draft Variation	Comments
	protein.	protein	
SPC	from 1.6.1 cl 1 SPC means standard plate count at 30°C with an incubation time of 72 hours.	SPC —see section 1.157 SPC means a standard plate count at 30°C with an incubation time of 72 hours	No change.
special purpose food	from 1.1A.6 cl 1 special purpose food means a food specially processed or formulated to satisfy particular dietary requirements that exist because of – (a) a particular physical or physiological condition; or (b) a specific disease or disorder; or (c) both such a condition and a disease or disorder; and are presented as such.	special purpose food —see section 2.153 special purpose food means a food specially processed or formulated to satisfy particular dietary requirements that exist because of: (a) a particular physical or physiological condition; or (b) a specific disease or disorder; or (c) both such a condition and a disease or disorder; and are presented as such.	No change.
spirit	from 2.7.5 cl 1 spirit means a potable alcoholic distillate, including whisky, brandy, rum, gin, vodka and tequila, which, unless otherwise required by this Standard, contains at least 37% alcohol by volume, produced by distillation of fermented liquor derived from food sources, so as to have the taste, aroma and other characteristics generally attributable to that particular spirit.	spirit means a product that may be sold as spirit under section 2.73 spirit means a potable alcoholic distillate, including whisky, brandy, rum, gin, vodka and tequila, which contains at least 37% alcohol by volume, produced by distillation of fermented liquor derived from food sources, so as to have the taste, aroma and other characteristics generally attributable to that particular spirit. Note: Under section 1.06, brandy , liqueur and spirit are defined for the rest of this Code as a food that may be sold as brandy, liqueur or spirit under this section.	No change
standard drink	from 2.7.1 cl 1 standard drink means the amount of a beverage which contains 10 grams of ethanol, measured at 20°C.	standard drink —see 2.62 standard drink , for a beverage, means the amount of a beverage which contains 10 grams of ethanol when measured at 20°C	The words “for a beverage” do not seem necessary as the context is self-evident.
standardised alcoholic beverage		The term replaces the words ‘food standardised in Standard 2.7.5’. standardised alcoholic beverage means beer, brandy, cider, fruit wine, fruit wine product, liqueur, mead, perry, spirit, vegetable wine, vegetable wine product, wine or wine product	This definition is new. The reference to “replaces the words” does not specify where these words appear in the current Code.

Definition	Current Code	Draft Variation	Comments
			It appears that the drafters are attempting to give a collective definition, referring to the reference in Standard 1.2.4, to standardised alcoholic beverages regulated by Standards 2.7.2 to 2.7.5. If this is the case then there is no substantive change.
statement of ingredients	<p>from 1.1.1 cl 1. statement of ingredients means a statement as required in Standard 1.2.4 in this Code.</p> <p>Requirement for statement of ingredients The label on a package of food must include a statement of ingredients unless – (a) the food is labelled with the name of the food which would otherwise be those ingredients listed in the ingredient list; or (b) the food is water presented in packaged form as standardised in Standard 2.6.2; or (c) the food is an alcoholic beverage standardised in Standard 2.7.2 to Standard 2.7.5 of this Code; or (d) the food is contained in a small package.</p>	<p>statement of ingredients—see section 1.58 (1) For this Code, a statement of ingredients for a food product is a statement of ingredients that complies with this Code. (2) To avoid doubt, if: (a) a label states the name of the food; and (b) there are no ingredients in the food other than that named on the label; the label is taken to contain a statement of ingredients. (3) For the labelling provisions, a requirement for a statement of ingredients does not apply to: (a) water that is packaged and labelled in accordance with Division 2 of Part 6 of Chapter 2; or (b) a standardised alcoholic beverage; or (c) a food product that is contained in a small package. Note 1: The labelling provisions are set out in Division 1. Note 2: Despite subsection (3), the presence of some ingredients must be declared—see Division 3.</p>	Query whether (3) contains substantive requirements (that is, providing exemptions for compliance with statement of ingredient labelling requirements) more appropriate for the main provisions/body copy of the Code.
sugars	<p>from 2.8.1 cl 1 sugars means – (a) hexose monosaccharides and disaccharides, including dextrose, fructose, sucrose and lactose; or (b) starch hydrolysate; or (c) glucose syrups, maltodextrin and similar products; or (d) products derived at a sugar refinery, including brown sugar and molasses; or</p>	<p>sugars: (a) in Division 7 and Division 8 of Part 3—see section 1.71; (b) elsewhere—see section 2.75. Note: See also section 2.76 for interpretation of references to sugar. sugars means monosaccharides and disaccharides. Note: In this Division and Division 8, sugars has narrower meaning than elsewhere in this Code. See section 1.06 for the general meaning of the term. sugars:</p>	<p>The definition of “sugars” reflects an out-of-date food technology. It should be updated in consultation with relevant stakeholders.</p> <p>Examples of issues that could be addressed in the definition include –</p>

Definition	Current Code	Draft Variation	Comments
	(e) icing sugar; or (f) invert sugar; or (g) fruit sugar syrup; derived from any source, but does not include – (h) malt or malt extracts; or (i) sorbitol, mannitol, glycerol, xylitol, polydextrose, isomalt, maltitol, maltitol syrup or lactitol. white sugar means purified crystallised sucrose.	(a) means any of the following products, derived from any source: (i) hexose monosaccharides and disaccharides, including dextrose, fructose, sucrose and lactose; (ii) starch hydrolysate; (iii) glucose syrups, maltodextrin and similar products; (iv) products derived at a sugar refinery, including brown sugar and molasses; (v) icing sugar; (vi) invert sugar; (vii) fruit sugar syrup; and (b) does not include: (i) malt or malt extracts; or (ii) sorbitol, mannitol, glycerol, xylitol, polydextrose, isomalt, maltitol, maltitol syrup or lactitol. A reference to 'sugar' in this Code is, unless otherwise expressly stated, a reference to any of the following: (a) white sugar; (b) caster sugar; (c) icing sugar; (d) loaf sugar; (e) coffee sugar; (f) raw sugar.	<ul style="list-style-type: none"> • The definition should encompass sugar, in which case icing sugar would be redundant; • Making reference to galactose; • Rewording the polyol exclusion more generally (eg "hydrogenated carbohydrates (polyols) including sorbitol ...") • Excluding chlorinated carbohydrates; <p>In a similar fashion, the definition of sugar should be made generic (eg "any purified sucrose product refined from sugar cane or sugar beet") rather than seeking to list out the various forms. The difficult with listing forms is that technology will always develop new ones, eg Demara sugar, Rapadura sugar, amorphous sugar, granulated sugar, golden syrup, invert sugar and molasses.</p>
supplier	from 1.1.1 cl 1, is revised supplier means the packer, manufacturer, vendor or importer of the food in question.	supplier , in relation to food includes the packer, manufacturer, vendor or importer of the food	The new definition is technically broader, given it is expressed to be non-exhaustive by the use of the word "includes". Query the need for the new words "in relation to food", particularly given

Definition	Current Code	Draft Variation	Comments
			the reference to food at the end of the definition.
surface treated fruit and vegetables	from 2.3.1 cl 1 surface treated fruit and vegetables means fruit and vegetables harvested, washed and treated with permitted processing aids and food additives.	surface treated fruit and vegetables —see section 2.21 surface treated fruit and vegetables means fruit and vegetables harvested, washed and treated with substances permitted for use as processing aids and food additives	Query whether this is necessary or adds any value – a permitted processing aid is itself likely to be a substance permitted for use as a processing aid.
sweet cassava	from 1.1.2 cl 1 sweet cassava means those varieties of cassava roots grown from <i>Manihot esculenta</i> Crantz of the <i>Euphorbiaceae</i> family that contain less than 50 mg per kg of hydrogen cyanide (fresh weight basis)	sweet cassava means those varieties of cassava roots grown from <i>Manihot esculenta</i> Crantz of the <i>Euphorbiaceae</i> family that contain less than 50 mg/kg of hydrogen cyanide (fresh weight basis). Note: Sweet cassava may also be known by other common names including manioc, mandioca, tapioca, aipim and yucca.	No change.
tea	from 1.1.2 cl 1 tea means the product made from the leaves and leaf buds of one or more of varieties and cultivars of <i>Camelia sinensis</i> (L.) O. Kuntz.	tea means the dried or fermented leaves and leaf buds of one or more of varieties and cultivars of <i>Camelia sinensis</i> (L.) O. Kuntz	Query whether the new definition is narrower. For example, by providing that only the leaves and buds per se constitute tea, does this mean any additions (i.e. additives, flavourings, spices, herbs, tea bags, etc) exclude the product from constituting tea unlike the current definition which may define tea more broadly as a product that is made from leaves and buds but could perhaps be taken to permit inclusion of other ingredients.
total plant sterol equivalents content	from 1.1.1 cl 15 15. Phytosterols, phytostanols and their esters	total plant sterol equivalents content —see section 1.09 total plant sterol equivalents content means the total	No change.

Definition	Current Code	Draft Variation	Comments
	<p>(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.</p> <p>(2) In this Code, total plant sterol equivalents content means the sum of –</p> <p>(a) phytosterols; and</p> <p>(b) phytostanols; and</p> <p>(c) phytosterols and phytostanols following hydrolysis of any phytosterol esters and phytostanol esters.</p>	<p>quantity of:</p> <p>(a) phytosterols; and</p> <p>(b) phytostanols; and</p> <p>(c) phytosterols and phytostanols following hydrolysis of any phytosterol esters and phytostanol esters.</p>	
trans fatty acids	<p>from 1.2.8 cl 1</p> <p>trans fatty acids means the total of unsaturated fatty acids where one or more of the double bonds are in the trans configuration and declared as trans fat.</p>	<p>trans fatty acids—see section 1.71</p> <p>trans fatty acids means the total of unsaturated fatty acids where one or more of the double bonds are in the trans configuration</p>	Removal of “and declared as trans fat” technically changes the definition, however the revised definition is consistent with the technical meaning of trans fatty acids.
transportation outer	<p>from 1.2.1 cl 3 [KWM Note: incorrect reference, definition in 1.1.1]</p> <p>transportation outer means a container or wrapper which –</p> <p>(a) encases packaged or unpackaged foods for the purpose of transportation and distribution; and</p> <p>(b) is removed before the food is used or offered for retail sale, or is not taken away by the purchaser of the food.</p>	<p>transportation outer means a container or wrapper which:</p> <p>(a) encases packaged or unpackaged food products for the purpose of transportation and distribution; and</p> <p>(b) is removed before the food product is used or offered for retail sale or which is not taken away by the purchaser of the food product.</p>	No substantive change.
unacceptable egg	<p>Standard 2.2.2</p> <p>Under Standard 4.2.5, an ‘unacceptable egg’ is a</p>	<p>Clause 2.17</p> <p>unacceptable egg—see clause 2 of Standard 4.2.5.</p>	This definition is not included in clause 1.06.

Definition	Current Code	Draft Variation	Comments
	cracked (including broken) egg or a dirty egg or unprocessed egg pulp. See Standard 4.2.5 for definitions of cracked eggs and dirty eggs.		Given the renumbering proposed, there is no clause 2 of Standard 4.2.5.
unit quantity	from 1.2.8 cl 1 unit quantity means, in the case of a solid or semi-solid food, 100 grams or, in the case of a beverage or other liquid food, 100 millilitres.	unit quantity means: (a) for a food product consisting of a solid or semi-solid food—100 grams; or (b) for a food product consisting of a beverage or other liquid food—100 millilitres.	The addition of the words “for a food product consisting” and twice seems unnecessarily wordy. The existing wording could be retained without change and simply reformatted, eg: “ unit quantity means, in the case of a: (a) solid or semi-solid food - 100 grams; or (b) beverage or other liquid food - 100 millilitres.”
use-by date	from 1.2.5 cl 1 use-by date , in relation to a package of food, means the date which signifies the end of the estimated period if stored in accordance with any stated storage conditions, after which the intact package of food should not be consumed because of health or safety reasons.	use-by date —see section 1.65 use-by date , for a food product, means the date after which the supplier estimates that the food product should not be consumed because of health or safety reasons, if the food product: (a) remains in an intact package during its storage; and (b) is stored in accordance with any storage conditions applicable under section 1.69.	The new definition appears wider by virtue of applying to a “food product” as opposed to a package of food. The move of the reference to intact packaging to a condition in (a) gives it a different meaning to that currently. The drafting in the new definitions seems ‘clunkier’, particularly the move of the reference to healthy or safety reasons so that it appears before the reference to storage conditions.
used as a food additive	from 1.3.1	used as a food additive —see section 1.122 (1) For this Code, a substance is used as a food	Further consultation and consideration is

Definition	Current Code	Draft Variation	Comments
	<p>3 Permitted use of additives</p> <p>(1) The additives listed by name or number in Schedules 1, 2, 3 and 4 may be added to a food or class of food to perform technological functions provided that –</p> <p>(a) the use complies with any restrictions on use listed in Schedule 1; and</p> <p>(b) the proportion of the additive is no more than the maximum level necessary to achieve one or more technological functions under the conditions of Good Manufacturing Practice (GMP).</p> <p>(2) The additives in Schedule 2 may be present in processed foods as a result of use in accordance with GMP, except where expressly prohibited in Schedule 1.</p> <p>(3) The colours in Schedule 3 may be present in processed foods as a result of use in accordance with GMP except where expressly prohibited in Schedule 1.</p> <p>(4) The colours in Schedule 4 may be present in processed foods to a combined maximum level of 290 mg/kg in foods, and 70 mg/L in beverages, except where expressly prohibited in Schedule 1.</p>	<p>additive in relation to food if:</p> <p>(a) it is a substance identified in subsection (2); and</p> <p>(b) it is added to the food to perform 1 or more of the technological purposes listed in Schedule 14.</p> <p>(2) For subsection (1), the substances are:</p> <p>(a) any of the following:</p> <p>(i) a substance that is listed in Schedule 15;</p> <p>(ii) an additive permitted at GMP;</p> <p>(iii) a colouring permitted at GMP;</p> <p>(iv) a colouring permitted to a maximum level; and</p> <p>(b) any substance that:</p> <p>(i) has been extracted, refined, or synthesised; and</p> <p>(ii) is not normally sold as a food product; and</p> <p>(iii) is not normally used as an ingredient by consumers.</p>	necessary.
used as nutritive substance	<p>See ‘nutritive substance’ in 1.1.1 cl 1</p> <p>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.</p>	<p>used as nutritive substance—see section 1.19</p> <p>(1) For this Code, a substance is used as a nutritive substance in relation to a food if:</p> <p>(a) it is a substance identified in subsection (2); and</p> <p>(b) it is added to the food to achieve a nutritional purpose.</p> <p>(2) For subsection (1), the substances are:</p> <p>(a) any substance that is identified in this Code as one that may be used as a nutritive substance; and</p>	<p>“Nutritional purpose” is not defined.</p> <p>While the removal of “intention” could be made without material change, this still does not address the problem regarding the concept of nutritional</p>

Definition	Current Code	Draft Variation	Comments
		<p>(b) a vitamin or a mineral; and</p> <p>(c) any substance (other than an inulin-derived substance) that:</p> <p>(i) has been extracted, refined, or synthesised; and</p> <p>(ii) is not normally sold as a food product; and</p> <p>(iii) is not normally used as an ingredient by consumers.</p> <p>Note: Provisions that control use of substances as nutritive substance are in Division 3 of Part 4 (general provisions on use of vitamins and minerals), various Parts of Chapter 2 (use of vitamins and minerals in specific foods) and Part 9 of Chapter 2 (other substances used in special purpose foods). Substances referred to in paragraph 1.19(2)(a) include those that are identified in the tables to sections S17.01 and S17.02 in Schedule 17 (vitamins and minerals) and to sections S30.04 and S30.18 in Schedule 30 (other substances).</p>	<p>purpose and how this is to be ascertained.</p> <p>It may be better to allow the reform of nutritive substances to take place solely within the scope of P1024 rather than splitting the reform between the two proposals.</p>
used as a processing aid	<p>from 1.3.3 cl 1</p> <p>processing aid means a substance listed in clauses 3 to 19, where –</p> <p>(a) the substance is used in the processing of raw materials, foods or ingredients, to fulfil a technological purpose relating to treatment or processing, but does not perform a technological function in the final food; and</p> <p>(b) the proportion of the processing aid is no more than the maximum level necessary to achieve one or more technological functions under conditions of Good Manufacturing Practice (GMP).</p>	<p>used as a processing aid:</p> <p>(a) in relation to a food—see subsection 1.131(2), and</p> <p>(b) in relation to a substance—see subsection 1.131(1).</p> <p>(1) For this Code, a reference to a substance that is used as a processing aid in relation to a food is a reference to a substance that:</p> <p>(a) is identified in subsection (3); and</p> <p>(b) is added to food during the course of processing to perform a technological purpose; and</p> <p>(c) does not perform a technological purpose listed in Schedule 14 in the processed food.</p> <p>References to foods that are used as a processing aid</p> <p>(2) For this Code, a reference to a food that is used as a processing aid in relation to another food:</p> <p>(a) is a reference to a food that:</p> <p>(i) is not a substance identified in subsection (3); and</p> <p>(ii) is added to the other food during the course of processing to perform a technological purpose; and</p> <p>(iii) does not perform a technological purpose listed in</p>	<p>As per ‘processing aid’, this definition requires more fulsome consideration given its significance in the Code.</p>

Definition	Current Code	Draft Variation	Comments
		<p>Schedule 14 in the processed food; and</p> <p>(b) is a reference to so much of the food as is necessary to perform the technological purpose.</p> <p>Note 1: This Code does not regulate the use of foods as processing aids (other than foods that are substances referred to in subsection (3)). There are special labelling requirements that apply in relation to foods and substances that are used as processing aids—see paragraphs 1.59(d) and 1.59(e) and subparagraph 1.100(a)(vii).</p> <p>Note 2: If a food is used as a processing aid in relation to another food, and the amount of the food used is greater than the amount that is necessary to perform the technological purpose, the excess amount of the food is not taken to be used as a processing aid in the other food.</p> <p>(3) For subsections (1) and (2), the substances are the following:</p> <p>(a) a substance that is listed in Schedule 18;</p> <p>(b) an additive permitted at GMP.</p> <p>Note: 'additive permitted at GMP' is a defined term—see section 1.122.</p>	
vegetable	<p>Standard 1.2.7</p> <p>vegetable means the edible portion of a plant or constituents of the edible portion that are present in the typical proportion of the whole vegetable (with or without the peel or water) but does not include nuts, spices, herbs, fungi, dried legumes (including dried legumes that have been cooked or rehydrated) and seeds.</p>	<p>Clause 1.71 [applies to Division 7 & 8]</p> <p>vegetable:</p> <p>(a) means the edible portion of a plant or constituents of the edible portion that are present in the typical proportion of the whole vegetable (with or without the peel or water); and</p> <p>(b) does not include nuts, spices, herbs, fungi, dried legumes (including dried legumes that have been cooked or rehydrated) and seeds.</p>	<p>This definition is not included in clause 1.06.</p> <p>No change.</p>
vegetable juice	<p>from 2.6.1 cl 1</p> <p>fruit juice or vegetable juice means the liquid portion, with or without pulp, obtained from –</p> <p>(a) fruit or vegetables respectively; and</p> <p>(b) in the case of citrus fruit, other than lime, the endocarp only of the fruit;</p> <p>and includes products that have been concentrated and later reconstituted with water to a concentration consistent with that of the undiluted juice from which it was made.</p>	<p>vegetable juice means a food that may be sold as vegetable juice under section 2.42</p> <p>vegetable juice means the juice from a vegetable.</p> <p>Note: Under section 1.06, fruit juice and vegetable juice are defined for the rest of this Code as a food that may be sold as fruit juice or vegetable juice under this section.</p>	<p>It seems unnecessary to have a separate definition for 'Fruit Juice', 'Vegetable Juice' and 'Juice'. The status quo is acceptable and removes excessive unnecessary definitions.</p>

Definition	Current Code	Draft Variation	Comments
vegetable wine	from 2.7.3 cl 1 Fruit wine, vegetable wine and mead may contain – (a) fruit juice and fruit juice products; and (b) vegetable juice and vegetable juice products; and (c) sugars; and (d) honey; and (e) spices; and (f) alcohol; and (g) water.	vegetable wine means a food that may be sold as vegetable wine under section 2.70 fruit wine or vegetable wine : (a) means a food prepared from the complete or partial fermentation of fruit, vegetable, grains, cereals or any combination or preparation of those foods; and (b) does not include wine or wine product. Note: Under section 1.06, cider , fruit wine , mead , perry and vegetable wine are defined for the rest of this Code as a food that may be sold as cider, fruit wine, mead, perry or vegetable wine under this section.	This appears to be a substantive definitional change. Further consultation and consideration is necessary.
vegetable wine product	Standard 2.7.3 Any reference to fruit wine product or vegetable wine product in the Code refers to a food containing no less than 700 mL/L of fruit wine, or vegetable wine, or both fruit and vegetable wine, which has been formulated, processed, modified or mixed with other foods such that it is not a fruit wine or vegetable wine.	Clause 2.69 [In this Code] fruit wine product or vegetable wine product means a food containing no less than 700 mL/L of fruit wine, or vegetable wine, or both fruit and vegetable wine, which has been formulated, processed, modified or mixed with other foods such that it is not a fruit wine or vegetable wine.	This definition is not included in clause 1.06.
vinegar	from 2.10.1 cl 1 vinegar means the sour liquid prepared by acetous fermentation, with or without alcoholic fermentation, of any suitable foodstuff, and includes blends and mixtures of vinegar.	vinegar means a food that may be sold as vinegar under section 2.158 vinegar means the sour liquid prepared by acetous fermentation, with or without alcoholic fermentation, of any suitable foodstuff, and includes blends and mixtures of vinegar. Note: Under section 1.06, imitation vinegar and vinegar are defined for the rest of this Code as a food that may be sold as imitation vinegar or vinegar under this section.	No change.
warning statement	from 1.1.1 cl 1 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	warning statement , for a food product, means a statement about a particular aspect of the food that is required to be expressed in the words set out in the following provisions: (a) section 1.56 (warning statement relating to royal jelly); (b) section 2.57 (warning statement relating to kava); (c) subsection 2.98(1) or section 2.92 (warning statements for infant formula product); (d) paragraph 2.110(3)(c) or 2.111(1)(b) (warning	No substantive change.

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	<p>Standard 2.9.2; and</p> <p>(e) subclauses 3(3) and 3(4) of Standard 2.9.4.</p> <p>(f) sub clauses 3(3) and 3(4) of Standard 2.9.4; and</p> <p>(g) subclause 10(4) of Standard 2.9.5.</p> <p>Mandatory warning statements (clause 3 of Standard 1.2.3)</p> <p>(1) The label on a package of food listed in column 1 of the Table to this clause must include the warning statement listed in relation to that food in column 2 of the Table.</p> <p>(2) Where a food listed in column 1 of the Table to this clause is not required to bear a label pursuant to clause 2 of Standard 1.2.1, the warning statement listed in relation to that food in column 2 of the Table must be –</p> <p>(a) displayed on or in connection with the display of the food; or</p> <p>(b) displayed on or in connection with food dispensed from a vending machine.</p> <p>Labelling (Kava – clause 3 of Standard 2.6.3)</p> <p>(1) There shall be written in the label on or attached to a package containing kava, the following statements –</p> <p>(a) 'Use in moderation'; and</p> <p>(b) 'May cause drowsiness'.</p> <p>14 Required warnings, directions and statements (subclauses 14(1), 14(3) and 26(1) of Standard 2.9.1)</p> <p>14(1) The label on a package of infant formula product must include the following warning statement –</p> <p>(a) in the case of infant formula product in powdered form –</p> <p>'Warning – follow instructions exactly. Prepare bottles and teats as directed. Do not change proportions of powder except on medical advice. Incorrect</p>	<p>statements for food for infants);</p> <p>(e) subparagraph 2.129(1)(a)(iii) or 2.129(1)(a)(iv) (warning statements for formulated supplementary sports food).</p> <p>Mandatory warning statement—royal jelly</p> <p>For the labelling provisions, if a food consists of or includes as an ingredient royal jelly, the following warning statement is required: 'This product contains royal jelly which has been reported to cause severe allergic reactions and in rare cases, fatalities, especially in asthma and allergy sufferers'.</p> <p>Note: The labelling provisions are set out in Division 1.</p> <p>Labelling of foods containing kava</p> <p>For the labelling provisions, the following statements are required for a food referred to in paragraph 2.56(a) or 2.56(b):</p> <p>(a) 'Use in moderation'; and</p> <p>(b) 'May cause drowsiness'.</p> <p>Note: The labelling provisions are set out in Division 1 of Part 3 of Chapter 1. For the labelling requirement for unpackaged kava, see paragraph 1.34(5)(c).</p> <p>Requirement for warning statements and directions</p> <p>(1) For the labelling provisions, the following warning statements are required:</p> <p>(a) for infant formula product in powdered form—</p> <p>'Warning – follow instructions exactly. Prepare bottles and teats as directed. Do not change proportions of powder except on medical advice. Incorrect preparation can make your baby very ill';</p> <p>(b) for concentrated infant formula product—'Warning – follow instructions exactly. Prepare bottles and teats as directed. Do not change proportions of concentrate except on medical advice. Incorrect preparation can make your baby very ill';</p> <p>(c) for ready-to-drink infant formula product—'Warning – follow instructions exactly. Prepare bottles and teats as directed. Do not dilute or add anything to this 'ready</p>	

Definition	Current Code	Draft Variation	Comments
	<p>preparation can make your baby very ill'; and (b) in the case of concentrated infant formula product – 'Warning – follow instructions exactly. Prepare bottles and teats as directed. Do not change proportions of concentrate except on medical advice. Incorrect preparation can make your baby very ill'; and (c) in the case of 'ready to drink' infant formula product – 'Warning – follow instructions exactly. Prepare bottles and teats as directed. Do not dilute or add anything to this 'ready to drink' formula except on medical advice. Incorrect preparation can make your baby very ill'.</p> <p>14(3) Subject to subclause (4), the label on a package of infant formula product must contain the following warning statement – 'Breast milk is best for babies. Before you decide to use this product, consult your doctor or health worker for advice.'; under a heading that states – 'Important Notice' or any word or words having the same or similar effect.</p> <p>26 Additional labelling (1) The label on a package of pre-term formula must include the warning statement – 'Suitable only for pre-term infants under specialist medical supervision'. (2) The words 'pre-term' must appear as part of the name of a food standardised in this subdivision.</p> <p>Labelling (paragraph 5(3)(c) and subclause 6(2) of Standard 2.9.2) The label on a package of food for infants must include – (c) where the food is recommended for infants between the ages of 4–6 months, in association with the statement required by paragraph (b), the words –</p>	<p>to drink' formula except on medical advice. Incorrect preparation can make your baby very ill'; (d) subject to subsection (2), a heading that states 'Important Notice', with under it the warning statement—'Breast milk is best for babies. Before you decide to use this product, consult your doctor or health worker for advice'. Note: The labelling provisions are set out in Division 1 of Part 3 of Chapter 1.</p> <p>Products formulated for premature or low birthweight infants (1) A compositional requirement of this Division does not apply to the extent that it would prevent the sale of an infant formula product that has been specifically formulated for premature or low birthweight infants. (2) If an infant formula product would not comply with this Division apart from this section, then for the labelling provisions: (a) the following warning statement is required: 'Suitable only for pre-term infants under specialist medical supervision'; and (b) the name of food must include the words 'pre-term'. Note: The labelling provisions are set out in Division 1 of Part 3 of Chapter 1.</p> <p>2.110(3)(c) if the food is recommended for infants between the ages of 4-6 months, in association with the statement required by paragraph (b), the words 'Not recommended for infants under the age of 4 months'; and</p> <p>2.111(1)(b) if the food contains more than of 3 g/100 kJ of protein—the words 'Not suitable for infants under the age of 6 months'.</p> <p>2.129(1)(a)(iii) the statement 'Not suitable for children under 15 years of age or pregnant women: Should only be used under medical or dietetic supervision';</p>	

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	<p>‘Not recommended for infants under the age of 4 months’; Additional labelling requirements relating to specific nutrients and energy information (2) Where a food for infants contains more than of 3 g/100 kJ of protein, the label on the package must include the words – ‘Not suitable for infants under the age of 6 months’.</p> <p>Required labelling statements (subclauses 3(3) and 3(4) of Standard 2.9.4) (3)The label on a package of formulated supplementary sports food must include, the statement – ‘Not suitable for children under 15 years of age or pregnant women: Should only be used under medical or dietetic supervision’. (4) If a formulated supplementary sports food contains added phenylalanine then the label must include, the statement – ‘Phenylketonurics: Contains phenylalanine’.</p> <p>Mandatory statements (subclause 10(4) of Standard 2.9.5) (4)If a food for special medical purposes contains royal jelly as an ingredient as defined in Standard 1.2.4, the following warning statement is required – “This product contains royal jelly which has been reported to cause severe allergic reactions and in rare cases, fatalities, especially in asthma and allergy sufferers”.</p>	<p>and</p> <p>2.129(1)(a)(iv) if the food contains added phenylalanine—the statement ‘Phenylketonurics: Contains phenylalanine’; and</p>	
wheat flour		<p>Clause 2.04 [In this section]</p> <p>wheat flour includes wholemeal wheat flour.</p>	<p>This definition is not included in clause 1.06.</p> <p>No objection.</p>
white sugar	<p>from 2.8.1 cl 1 white sugar means purified crystallised sucrose.</p>	<p>white sugar means a food that may be sold as white sugar under section 2.77 white sugar means purified crystallised sucrose</p>	No change.

Definition	Current Code	Draft Variation	Comments
wholegrain	from 2.1.1 cl 1 wholegrain means the intact grain or the dehulled, ground, milled, cracked or flaked grain where the constituents – endosperm, germ and bran – are present in such proportions that represent the typical ratio of those fractions occurring in the whole cereal, and includes wholemeal.	wholegrain: (a) wholegrain , as the name of a food, has the meaning given in subsection 2.02(2); and (b) a food is a wholegrain food if it may be sold as consisting of, or containing, wholegrain under subsection 2.02(1). wholegrain means the intact grain or the dehulled, ground, milled, cracked or flaked grain where the constituents—endosperm, germ and bran—are present in such proportions that represent the typical ratio of those fractions occurring in the whole cereal, and includes wholemeal. Note: Under section 1.06, wholemeal and wholegrain are defined for the rest of this Code as a food that may be sold as wholemeal or wholegrain under this section.	No change.
wholemeal	from 2.1.1 cl 1 wholemeal means the product containing all the milled constituents of the grain in such proportions that it represents the typical ratio of those fractions occurring in the whole cereal.	wholemeal: (a) wholemeal , as the name of a food, has the meaning given in subsection 2.02(2); and (b) a food is a wholemeal food if it may be sold as consisting of, or containing, wholemeal under subsection 2.02(1). wholemeal means the product containing all the milled constituents of the grain in such proportions that it represents the typical ratio of those fractions occurring in the whole cereal. Note: Under section 1.06, wholemeal and wholegrain are defined for the rest of this Code as a food that may be sold as wholemeal or wholegrain under this section.	No change in substance.
wine product	from 2.7.4 cl 1 wine product means a food containing no less than 700 mL/L of wine as defined in this Standard, which has been formulated, processed, modified or mixed with other foods such that it is not wine.	wine product —see section 2.71 wine product means a food containing no less than 700 mL/L of wine, which has been formulated, processed, modified or mixed with other foods such that it is not wine	No change.
wine	from 2.7.4 cl 1 wine means the product of the complete or partial fermentation of fresh grapes, or a mixture of that	wine means a product that may be sold as wine under section 2.72 wine means the product of the complete or partial	No change.

Definition	Current Code	Draft Variation	Comments
	product and products derived solely from grapes.	fermentation of fresh grapes, or a mixture of that product and products derived solely from grapes. Note: Under section 1.06, wine is defined for the rest of this Code as a food that may be sold as wine under this section.	
yoghurt	from 2.5.3 cl 1 yoghurt means a fermented milk where the fermentation has been carried out with lactic acid producing micro-organisms.	yoghurt means a food that may be sold as yoghurt under section 2.32 yoghurt means a fermented milk where the fermentation has been carried out with lactic acid producing microorganisms. Note: Under section 1.06, fermented milk and yoghurt are defined for the rest of this Code as a food that may be sold as fermented milk or yoghurt under this section.	No change in substance by the removal of the hyphen from microorganism.