



Amendment No. 170

The following instruments are separate instruments in the Federal Register of Legislation and are known collectively in the Food Standards Gazette as Amendment No. 170.

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**Food Standards (Application A1121 – Oryzin (Protease) as a Processing Aid (Enzyme))
Variation**

The Board of Food Standards Australia New Zealand gives notice of the making of this variation under section 92 of the *Food Standards Australia New Zealand Act 1991*. The variation commences on the date specified in clause 3 of this variation.

Dated 22 May 2017



Standards Management Officer
Delegate of the Board of Food Standards Australia New Zealand

Note:

This variation will be published in the Commonwealth of Australia Gazette No. FSC 112 on 25 May 2017. This means that this date is the gazettal date for the purposes of clause 3 of the variation.

1 Name

This instrument is the *Food Standards (Application A1121 – Oryzin (Protease) as a Processing Aid (Enzyme)) Variation*.

2 Variation to a standard in the *Australia New Zealand Food Standards Code*

The Schedule varies a Schedule in the *Australia New Zealand Food Standards Code*.

3 Commencement

The variation commences on the date of gazettal.

Schedule

[1] Schedule 18 is varied by adding the following to the table to subsection S18—4(5), in alphabetical order

Oryzin (EC 3.4.21.63)

Aspergillus melleus

Food Standards (Application A1124 – Alternative DHA-rich Algal Oil for Infant Formula Products) Variation

The Board of Food Standards Australia New Zealand gives notice of the making of this variation under section 92 of the *Food Standards Australia New Zealand Act 1991*. The variation commences on the date specified in clause 3 of this variation.

Dated 22 May 2017



Standards Management Officer
Delegate of the Board of Food Standards Australia New Zealand

Note:

This variation will be published in the Commonwealth of Australia Gazette No. FSC 112 on 25 May 2017. This means that this date is the gazettal date for the purposes of clause 3 of the variation.

1 Name

This instrument is the *Food Standards (Application A1124 – Alternative DHA-rich Algal Oil for Infant Formula Products) Variation*.

2 Variation to standards in the *Australia New Zealand Food Standards Code*

The Schedule varies Standards in the *Australia New Zealand Food Standards Code*.

3 Commencement

The variation commences on the date of gazettal.

Schedule

[1] **Schedule 3** is varied by

[1.1] inserting into the table to subsection S3—2(2), in alphabetical order

oil derived from marine micro-algae	section S3—36
<i>Schizochytrium</i> sp. (American Type Culture Collection (ATCC) PTA-9695)	

[1.2] adding the following after section S3—35

S3—36 Specification for oil derived from marine micro-algae *Schizochytrium* sp. (American Type Culture Collection (ATCC) PTA-9695)

For oil derived from marine micro-algae *Schizochytrium* sp. (American Type Culture Collection (ATCC) PTA-9695), the specifications are the following:

- (a) full chemical name—4,7,10,13,16,19-docosahexaenoic acid (22:6n-3 DHA);
- (b) DHA (%)—minimum 35;
- (c) EPA (%)—maximum 10;
- (d) *trans fatty acids (%)—maximum 2.0;
- (e) lead (mg/kg)—maximum 0.1;
- (f) arsenic (mg/kg)—maximum 0.1;
- (g) mercury (mg/kg)—maximum 0.1;
- (h) hexane (mg/kg)—maximum 0.3.

[2] **Schedule 25** is varied by inserting into the table to section S25—2, in alphabetical order

Oil derived from marine micro-algae *Schizochytrium* sp. (American Type Culture Collection (ATCC) PTA-9695)

1. May only be added to infant formula products in accordance with Standard 2.9.1.

Food Standards (Application A1133 – Maximum Residue Limits for Avilamycin in specific Pig Commodities) Variation

The Board of Food Standards Australia New Zealand gives notice of the making of this variation under section 92 of the *Food Standards Australia New Zealand Act 1991*. The variation commences on the date specified in clause 3 of this variation.

Dated 22 May 2017



Standards Management Officer
Delegate of the Board of Food Standards Australia New Zealand

Note:

This variation will be published in the Commonwealth of Australia Gazette No. FSC 112 on 25 May 2017. This means that this date is the gazettal date for the purposes of clause 3 of the variation.

1 Name

This instrument is the *Food Standards (Application A1133 – Maximum Residue Limits for Avilamycin in specific Pig Commodities) Variation*.

2 Variation to a Standard in the *Australia New Zealand Food Standards Code*

The Schedule varies a Standard in the *Australia New Zealand Food Standards Code*.

3 Commencement

The variation commences on the date of gazettal.

Schedule

[1] The table to section S20—3 in **Schedule 20** is varied by inserting in alphabetical order

Agvet chemical: Avilamycin

Permitted residue: dichlorisoevernic acid (DIA)

Pig fat/skin	0.2
Pig kidney	0.2
Pig liver	0.3
Pig meat	0.2

Food Standards (Application A1134 – Increased Concentration of Plant Sterols in Breakfast Cereals) Variation

The Board of Food Standards Australia New Zealand gives notice of the making of this variation under section 92 of the *Food Standards Australia New Zealand Act 1991*. The variation commences on the date specified in clause 3 of this variation.

Dated 22 May 2017



Standards Management Officer
Delegate of the Board of Food Standards Australia New Zealand

Note:

This variation will be published in the Commonwealth of Australia Gazette No. FSC 112 on 25 May 2017. This means that this date is the gazettal date for the purposes of clause 3 of the variation.

1 Name

This instrument is the *Food Standards (Application A1134 – Increased Concentration of Plant Sterols in Breakfast Cereals) Variation*.

2 Variation to a standard in the *Australia New Zealand Food Standards Code*

The Schedule varies a standard in the *Australia New Zealand Food Standards Code*.

3 Commencement

The variation commences on the date of gazettal.

Schedule

[1] **Schedule 25** is varied by omitting from the entry for ‘*Phytosterols, phytostanols and their esters’ in the table to section S25—2

3. May only be added to breakfast cereals, not including breakfast cereal bars, if:
 - (a) the total fibre content of the breakfast cereal is no less than 3 g/50 g serve; and
 - (b) the breakfast cereal contains no more than 30 g/100 g of total sugars; and
 - (c) the *total plant sterol equivalents content is no less than 15 g/kg and no more than 19 g/kg.

substituting

3. May only be added to breakfast cereals, not including breakfast cereal bars, if:
 - (a) the total fibre content of the breakfast cereal is no less than 3 g/50 g; and
 - (b) the breakfast cereal contains no more than 30 g/100 g of total sugars; and
 - (c) the *total plant sterol equivalents content is the prescribed amount.
- 3A. For the purposes of condition 3(c) above:
 - (a) the prescribed amount during the exclusive use period is:
 - (i) for breakfast cereals sold under the brands *Sanitarium Health and Wellbeing* or *Weet-Bix* – an amount that is no less than 0.5 g per serving and no more than 2.2 g per serving; and
 - (ii) for all other breakfast cereals - an amount that is no less than 15 g/kg and no more than 19 g/kg; and
 - (b) the prescribed amount after the end of the exclusive use period is an amount that is no less than 0.5 g per serving and no more than 2.2 g per serving.
- 3B. For the purposes of condition 3A above, **exclusive use period** means the period commencing on the date of gazettal of the *Food Standards (Application A1134 – Increased Concentration of Plant Sterols in Breakfast Cereals) Variation* and ending 15 months after that date.

Food Standards (Proposal P1026 – Lupin as an Allergen) Variation

The Board of Food Standards Australia New Zealand gives notice of the making of this variation under section 92 of the *Food Standards Australia New Zealand Act 1991*. The variation commences on the date specified in clause 3 of this variation.

Dated 22 May 2017



Standards Management Officer
Delegate of the Board of Food Standards Australia New Zealand

Note:

This variation will be published in the Commonwealth of Australia Gazette No. FSC 112 on 25 May 2017. This means that this date is the gazettal date for the purposes of clause 3 of the variation.

1 Name

This instrument is the *Food Standards (Proposal P1026 – Lupin as an Allergen) Variation*.

2 Variation to standards in the *Australia New Zealand Food Standards Code*

The Schedule varies Standards in the *Australia New Zealand Food Standards Code*.

3 Commencement

The variation commences on the date of gazettal.

Schedule

[1] **Standard 1.2.3** is varied by

[1.1] inserting after section 1.2.3—1

1.2.3—1A Transitional arrangements for prescribed variations

(1) For the purposes of this section:

prescribed variation means the amendment made by the Variation to paragraph 1.2.3—4(1)(b).

transitional period means the period commencing on the Variation's date of commencement and ending 12 months after the commencement.

the Variation means the *Food Standards (Proposal P1026 – Lupin as an Allergen) Variation*.

(2) Section 1.1.1—9 of Standard 1.1.1 does not apply to the prescribed variation.

(3) During the transitional period, a food product may comply with either:

- (a) the Code as in force without the prescribed variation; or
- (b) the Code as amended by the prescribed variation;

but not a combination of both.

[1.2] omitting from paragraph 1.2.3—4(1)(b)

- (ix) tree nuts, other than coconut from the fruit of the palm *Cocos nucifera*.

substituting

- (ix) tree nuts, other than coconut from the fruit of the palm *Cocos nucifera*;
- (x) lupin.

[2] **Schedule 10** is varied by

[2.1] omitting “1.2.4—4(b)(i)” from Note 1, substituting “1.2.4—4(b)(iii)”

[2.2] inserting after section S10—1

S10—1A Transitional arrangements for prescribed variations

(1) For the purposes of this section:

prescribed variation means the amendment made by the Variation to paragraph (a) under the entry for “fats or oils” in the table to section S10—2.

transitional period means the period commencing on the Variation's date of commencement and ending 12 months after the commencement.

the Variation means the *Food Standards (Proposal P1026 – Lupin as an Allergen) Variation*.

(2) Section 1.1.1—9 of Standard 1.1.1 does not apply to the prescribed variation.

(3) During the transitional period, a food product may comply with either:

- (a) the Code as in force without the prescribed variation; or
- (b) the Code as amended by the prescribed variation;

but not a combination of both.

[2.3] omitting from paragraph (a) under the entry for “fats or oils” in the table to section S10—2

- (ii) if the source of oil is peanut or sesame—the specific source name; and

substituting

- (ii) if the source of oil is lupin, peanut or sesame—the specific source name; and