

Standard 1.2.3 Information requirements – warning statements, advisory statements and declarations

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

1.2.3—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 1.2.3 – Information requirements – warning statements, advisory statements and declarations*.

Note Commencement:
This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

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.

1.2.3—2 Mandatory advisory statements

- (1) For the labelling provisions, if a food is listed in Column 1 of the table in section S9—2, the corresponding advisory statement in Column 2 of that table is required.
- (2) For the labelling provisions, an advisory statement to the effect that excess consumption may have a laxative effect is required for a food that contains:
- (a) one or more of the following substances, either alone or in combination, at a level of or in excess of 10 g/100 g:
 - (i) lactitol;
 - (ii) maltitol;
 - (iii) maltitol syrup;
 - (iv) mannitol;
 - (v) xylitol; or
 - (b) one or more of the following substances, either alone or in combination, at a level of or in excess of 25 g/100 g:
 - (i) erythritol;
 - (ii) isomalt;
 - (iii) polydextrose;
 - (iv) sorbitol; or

- (c) one or more of the substances listed in paragraph (a), in combination with one or more of the substances listed in paragraph (b), at a level of or in excess of 10 g/100 g.

Note The labelling provisions are set out in Standard 1.2.1.

1.2.3—3 **Mandatory warning statement—royal jelly**

For the labelling provisions, if a food is 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'.

Note The labelling provisions are set out in Standard 1.2.1.

1.2.3—4 **Mandatory declaration of certain foods or substances in food**

- (1) For the labelling provisions, if any of the following foods or substances is present in a food for sale in a manner listed in subsection (2), a declaration that the food or substance is present is required:
 - (a) added sulphites in concentrations of 10 mg/kg or more;
 - (b) any of the following foods, or products of those foods:
 - (i) cereals containing *gluten, namely, wheat, rye, barley, oats and spelt and their hybridised strains other than:
 - (A) where these substances are present in beer and spirits; or
 - (B) glucose syrups that are made from wheat starch and that:
 - (a) have been subject to a refining process that has removed gluten protein content to the lowest level that is reasonably achievable; and
 - (b) have a gluten protein content that does not exceed 20 mg/kg; or
 - (C) alcohol distilled from wheat;
 - (ii) crustacea;
 - (iii) egg;
 - (iv) fish, except for isinglass derived from swim bladders and used as a clarifying agent in beer or wine;
 - (v) milk, other than alcohol distilled from whey;
 - (vi) peanuts;
 - (vii) soybeans other than:
 - (A) soybean oil that has been degummed, neutralised, bleached and deodorised; or
 - (B) soybean derivatives that are a tocopherol or a phytosterol;
 - (viii) sesame seeds;
 - (ix) tree nuts, other than coconut from the fruit of the palm *Cocos nucifera*;
 - (x) lupin.
- (2) For subsection (1), the food or substance may be present as:
 - (a) an ingredient or as an ingredient of a *compound ingredient; or
 - (b) a substance *used as a food additive, or an ingredient or component of such a substance; or
 - (c) a substance or food *used as a processing aid, or an ingredient or component of such a substance or food.

Note The labelling provisions are set out in Standard 1.2.1.

- (3) To avoid doubt, subsection (1) does not require a declaration of the presence of a food or a product that is derived from a food or product that is exempt from declaration under paragraph 1.2.3—4(1)(b).
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Application, saving and transitional provisions

The table below details information on application, saving or transitional provisions in instruments affecting this Standard.

Food Standards (Proposal P1026 – Lupin as an Allergen) Variation				
Instrument items affected	A'ment No.	FRL registration Gazette	Instrument's transitional provision	Description of transitional arrangement
Item [1] of the Schedule	169	F2017L00585 23 May 2017 FSC112 25 May 2017	Subsection 1.2.3—1A(1)	<p>Subsection 1.2.3—1A(1) establishes a transitional arrangement for variations to the Code made by Item [1] of the Schedule.</p> <p>The transition period is the period of time that commences on 25 May 2017 and ends on 26 May 2018.</p> <p>1.2.3—1A(2) provides that section 1.1.1—9 of the Code does not apply to the above variation.</p> <p>1.2.3—1A(3) provides that, during the transition period, a food may comply with either:</p> <ul style="list-style-type: none"> (a) the Code as in force without the prescribed variation; or (b) the Code as amended by the prescribed variation; <p>but not a combination of both.</p>

Amendment History

The Amendment History provides information about each amendment to the Standard. The information includes commencement or cessation information for relevant amendments.

These amendments are made under section 92 of the *Food Standards Australia New Zealand Act 1991* unless otherwise indicated. Amendments do not have a specific date for cessation unless indicated as such.

About this compilation

This is compilation No. 3 of Standard 1.2.3 as in force on **25 May 2017** (up to Amendment No. 170). It includes any commenced amendment affecting the compilation to that date.

Prepared by Food Standards Australia New Zealand on **25 May 2017**.

Uncommenced amendments or provisions ceasing to have effect

To assist stakeholders, the effect of any uncommenced amendments or provisions which will cease to have effect, may be reflected in the Standard as shaded boxed text with the relevant commencement or cessation date. These amendments will be reflected in a compilation registered on the Federal Register of Legislation including or omitting those amendments and provided in the Amendment History once the date is passed.

The following abbreviations may be used in the table below:

ad = added or inserted	am = amended
exp = expired or ceased to have effect	rep = repealed
rs = repealed and substituted	

Standard 1.2.3 was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00389 — 31 March 2015) and has since been amended as follows:

Section affected	A'ment No.	FRL registration Gazette	Commencement (Cessation)	How affected	Description of amendment
1.2.3—1A	170	F2017L00585 23 May 2017 FSC112 25 May 2017	25 May 2017	ad	Section. <i>For application, saving and transitional provisions, see above table.</i>
1.2.3—4(1)	163	F2016L00783 12 May 2016 FSC105 19 May 2016	19 May 2016	am	References to cereals, milk and soybeans.
1.2.3—4(1)	168	F2017L00414 11 April 2017 FSC110 13 April 2017	13 April 2017	am	Insert 'or' after section 1.2.3—4(1)(b)(i)(B)(b).
1.2.3—4(1)	170	F2017L00585 23 May 2017 FSC112 25 May 2017	25 May 2017	am	Paragraph (b) to include reference to lupin. <i>For application, saving and transitional provisions, see above table.</i>
1.2.3—4(3)	163	F2016L00783 12 May 2016 FSC105 19 May 2016	19 May 2016	ad	Subsection to clarify application of subsection 1.2.3—4(1).