

RECENT AMENDMENTS TO THE AUS & NZ FOOD STANDARDS CODE (STANDARD 1.2.7)

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Some recent changes to food law will make a huge difference to how food and beverage manufacturers can market their products. On 18 January 2013 a revised version of Standard 1.2.7 of the Food Standards Code (Australia and New Zealand) commenced, which is intended to replace the *Code of Practice on Nutrient Claims in Food Labels and in Advertisements* (the Nutrient Code) and Standard 1.1A.2 of the Food Standards Code (the Transitional Standard for Health Claims).

Amongst other things, Standard 1.2.7 will now regulate the following claims in relation to food and beverages (on both product packaging and in advertising material):

- Endorsements from organisations with a health or nutrition related purpose (e.g. the Heart Foundation 'tick of approval');
- Nutrient Content Claims (such as "low in fat", "high in fibre" and "25% less salt"); and
- Health Claims (as discussed in more detail below).

'Health Claims' refer to a relationship between a food product and health rather than a statement of content. There are two types of Health Claims:

- 'General Level Health Claims', such as "*calcium for bones*" and "*calcium is necessary for normal blood coagulation*"; and
- 'High Level Health Claims', such as "*beta-glucan may reduce blood cholesterol*" and "*calcium enhances bone mineral density*".

General Level Health Claims can only be based on one of the pre-approved claims outlined in the new Standard or otherwise must be approved by Food Standards Australia and New Zealand (FSANZ).

High Level Health Claims must be based on one of the pre-approved claims outlined in the new Standard. There is no alternative approval process for High Level Health Claims.

In addition, the changes to Standard 1.2.7 also have follow on impacts for other sections in the Food Standards Code. For instance, there have been many changes to the Standard on vitamins and minerals (Standard 1.3.2), and a new version of this Standard also commenced on 18 January 2013.

Importantly, with all of these changes there is a three-year transition period allowed which will end on 17 January 2016, but given packaging and production lead times manufacturers should get ready for the changes as soon as possible.

If you would like further information on the changes to the Food Standards Code and how they may impact you or your clients, please contact any of our food law experts below.

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