Ministry for Primary Industries
Manatū Ahu Matua

Food Standard

New Zealand Food (Supplemented Food) Standard 2016

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A food standard issued under the Food Act 1981

TITLE

Food Standard: New Zealand Food (Supplemented Food) Standard 2016

COMMENCEMENT

This Food Standard comes into force on 29 February 2016.

REVOCATION

This Food Standard revokes and replaces the New Zealand Food (Supplemented Food) Standard 2013.

ISSUING AUTHORITY

This Food Standard is issued under section 11C of the Food Act 1981.

Dated at Wellington this .15th day of .....January 2016

(signed)

Hon Jo Goodhew
Minister for Food Safety

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Introduction

This introduction is not part of the Food Standard, but is intended to indicate its general effect.

Purpose

(1) The purpose of this standard is to-

a) provide an interim regulatory arrangement for supplemented food until there are appropriate provisions in the Australia New Zealand Food Standards Code (the Code); and
b) regulate the "food-type" dietary supplements that were formerly regulated under the Dietary Supplements Regulations 1985.

Background

(1) Supplemented food used to be regulated under the Dietary Supplements Regulations 1985. Those regulations were amended on 31 March 2010 so that they no longer applied to supplemented food. Since that date supplemented food has been covered by the Food Act 1981, and subject to food standards made under the Food Act 1981, like the Food (Supplemented Food) Standard 2013 which incorporates certain aspects of the Code.

(2) Whilst most of the Code is intended to apply to supplemented food, some standards of the Code are not intended to apply and other standards are to apply with modifications. The Food (Supplemented Food) Standard 2013 stated which parts of the Code applied to supplemented food (with or without modification). This standard takes a different approach and simply states which parts of the Code do not apply and which parts apply with modifications.

(3) Once the Food Act 2014 is in force, this standard is treated as a domestic food standard, under section 421(2) of that Act.

Who should read this Food Standard?

(1) Everyone who manufactures, sells, or prepares for sale any supplemented food should read this standard.

Why is this important?

(1) Failure to comply with this standard is an offence under the Food Act 1981 and will be an offence under the Food Act 2014 after 1 March 2016.

Document history

(1) This standard replaces the New Zealand Food (Supplemented Food) Standard 2013.

Part 1: Requirements

1.1 Application

(1) This standard applies to supplemented food that is manufactured, sold, or prepared for sale in New Zealand or imported into New Zealand for sale.

1.2 Definitions

(1) In this standard, unless the context otherwise requires,-

Act means the Food Act 2014

Code means the Australia New Zealand Food Standards Code.

(2) Words and expressions defined in the Act or the Code and used but not defined in this standard have the meanings given in the Act or the Code.

1.3 Meaning of supplemented food

(1) A supplemented food is a product that is represented as a food that has a substance or substances added to it, or that has been modified in some way, to perform a physiological role beyond the provision of a simple nutritive requirement.

(2) The following products are not supplemented foods:

a) a dietary supplement (as defined in the Dietary Supplements Regulations 1985):
b) a medicine (as defined in the Medicines Act 1981):
c) a controlled drug or restricted substance (as defined in the Misuse of Drugs Act 1975):
d) a formulated meal replacement or a formulated supplementary food (as defined in standard 1.1.2–2 of the Code):
e) a formulated caffeinated beverage (as defined in standard 1.1.2–6 of the Code).

(3) To avoid doubt, subclause (2) does not contain an exhaustive list of products that are not supplemented foods.

1.4 Modification of application of Code

(1) The standards of the Code listed in column 2 of Table 1 do not apply to supplemented food, and the standards of the Code listed in column 3 apply only as modified as shown in that column.

(2) References in the Code to:

a) adequate intake (AI) and recommended dietary intake (RDI) must be read as references to the age-appropriate figures published by the National Health and Medical Research Council of Australia and the New Zealand Ministry of Health —Nutrient Reference Values for Australia and New Zealand Including Recommended Dietary Intakes (2006)‖ (NRV (2006)).
b) The term warning statement must be read as including the statements referred to in clause 1.10 Table 2 and Clause 1.12(1) of this standard.

(3) To avoid doubt:

a) the sections and subsections referred to in column 3 are the modifications and the rest of each standard applies; and

b) other parts of the Code that ordinarily apply in New Zealand continue to apply to supplemented food without modification.

Table 1

Topic of standard in Code	Standards of the Code that do not apply to supplemented food	Standards of the Code that are modified in their application to supplemented food
Structure of Code and General Provisions	1.1.1–3 1.1.1–8(2) 1.1.1–10(5)(b), (6)(b) and (f) 1.1.1–12	
Labelling and other information		1.2.1: omit reference to Standard 1.2.2
Food identification	1.2.2	
Statement of ingredients	1.2.4–2(3)(b) 1.2.4–5(8)	
Nutrition, health and related claims		1.2.7–18(3)(b): replace "Chief Executive Officer of the Authority (FSANZ)" with "Director-General of the Ministry for Primary Industries" 1.2.7–19(1)(a): omit "Australia or" 1.2.7–19(1)(b): replace "Authority" with "Ministry for Primary Industries" 1.2.7 Schedule 4-3, column 2: omit condition (c) in relation to a vitamin or mineral (not including potassium or sodium) 1.2.7 Schedule 4-3: replace "RDI or ESADDI" with "RDI or AI of the NRV (2006)"
Nutrition information	1.2.8–5(2)(a)(i), (xiv), (xv), and (xvi)	
Characterising ingredients and components	1.2.10–3(3)(d), (f), and (g)	
Food additives	1.3.1 Schedule 15-5, classes of food 13.1, 13.2, 13.3, 14.2, 14.3	
Vitamins and minerals	1.3.2–3(b) and (c) 1.3.2–4 1.3.2–5	
Prohibited and restricted plants and fungi		1.4.4 Schedule 24: omit references to *Hypericum perforatum*, St John's wort, and *Hypericine*
Novel foods	1.5.1–3	
Fruit and Vegetables	2.3.1	
Edible oil spread	2.4.2–2(b)(vii)	

Milk	2.5.1–6	
Fermented milk products	2.5.3–5	
Kava	2.6.3	
Formulated caffeinated beverages	2.6.4	
Labelling of alcoholic beverages etc	2.7.1	
Beer	2.7.2	
Fruit wine and vegetable wine	2.7.3	
Wine and wine product	2.7.4	
Spirits	2.7.5	
Infant formula products	2.9.1	
Food for infants	2.9.2	
Formulated meal replacements and supplementary foods	2.9.3	
Formulated supplementary sports foods	2.9.4	
Food for special medical purposes	2.9.5	
Transitional standards	2.9.6	
Chewing gum	2.10.3	

1.5 Prohibition on supplemented food for infants and young children

(1) Supplemented food must not be specifically formulated or marketed for the purpose of sale for consumption by infants or children under the age of 4 years.

1.6 Identification requirements

(1) The words “supplemented food” must be placed in a prominent position on the label of every package of supplemented food.

(2) The words “supplemented food” must be placed in a prominent position on all material advertising supplemented food.

(3) The label on a package of supplemented food must include a name or a description of the food sufficient to indicate the true nature of the food.

(4) The label on a package of supplemented food must include its lot identification, unless-

a) the supplemented food is in small packages; and
b) the bulk packages and the bulk container in which the supplemented food is stored or displayed for sale includes its lot identification.

(5) The label on a package of supplemented food must include the name and business address in New Zealand of the supplier of the supplemented food.

1.7 Restriction on including intoxicating substances

(1) A supplemented food must not contain any substance that is intended to have an intoxicating effect on any person who consumes it.

1.8 Safe daily consumption

(1) If there is a risk to a person in consuming more than an appropriate daily consumption of a supplemented food, the label on the package of the supplemented food must-

a) Specify an appropriate daily consumption; and
b) Include an advisory statement to the effect that exceeding that daily consumption may cause harm.

1.9 Caffeine added to supplemented food

(1) Supplemented food may contain caffeine for a purpose other than as a food additive (but see Table 2).

1.10 Restrictions on substances added to supplemented food

(1) The substances listed in column 1 of Table 2 may only be added to supplemented food if the applicable restriction in column 2 is complied with:

Table 2

Substance	Restriction
Hypericum perforatum (St John's Wort)	Only to be used in herbal infusions. The label on the package must include the following warning statement: "If you take prescription medicines, consult your doctor before using this product. Do not take if pregnant."
Caffeine	If the supplemented food contains a greater level of caffeine than is required to achieve a technological function under conditions of Good Manufacturing Practice, the label on the package must include both of the following: (a) an advisory statement to the effect that the food contains caffeine and is not recommended for children, pregnant or lactating women, or individuals sensitive to caffeine: (b) the following details in the nutrition information panel: (i) The average quantity of caffeine per serve: (ii) The average quantity of caffeine per 100 ml or 100 gm.
Guarana	The label on the package must include an advisory statement to the effect that the supplemented food contains caffeine.

1.11 Substances prohibited in supplemented food

(1) The following substances must not be added to supplemented food:

Table 3

Scientific name	Common name
Actaea/Cimicifuga racemosa	Black Cohosh
Piper methysticum	Kava

1.12 Restrictions on addition of vitamins and minerals

(1) Vitamin K must not be added to supplemented food unless the package contains the following warning statement:

"Contains Vitamin K. People taking warfarin should seek medical advice before starting consumption."

(2) The vitamins and minerals listed in column 1 of Table 4 must not be added to supplemented food if the total of the naturally occurring and the added quantity of vitamin or mineral present in the supplemented food exceeds the maximum per one day quantity listed in column 2.

(3) If a vitamin or mineral listed in column 1 of Table 4 is added to a supplemented food and as a result the total of the naturally occurring and the added quantity of that vitamin or mineral present in the supplemented food exceeds the quantity specified in column 3, the label on the package must include an advisory statement to the effect that the product is intended for consumption only by persons of or over the age of 14 years.

Table 4

Vitamin or mineral	Maximum per one day quantity	Maximum per one day quantity above which an advisory statement is required
Vitamins		
Choline	1750 mg	500 mg
Folic acid	500 mcg	200 mcg
Nicotinic acid	17.5 mg	7.5 mg
Nicotinamide	450 mg	125 mg
Retinol	1500 mcg	450 mcg
Pyridoxine	25 mg	10 mg
Vitamin C	500 mg	500 mg
Vitamin D	40 mcg	40 mcg
Vitamin E (as alpha-tocopherol equivalents	150 mg	50 mg
Minerals		
Calcium	1250 mg	1250 mg

Copper	5 mg	1.5 mg
Fluoride	5 mg	1.1mg
Iodine	300 mcg	150 mcg
Iron	22.5 mg	20 mg
Magnesium	175 mg	55 mg
Molybdenum	1000 mg	300 mg
Phosphorous	2000 mg	1500 mg
Selenium	150 mcg	75 mcg
Sodium	1150 mg	700 mg
Zinc	20 mg	6 mg