

Food Standards (Application A1247 – D-allulose as a novel food) 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 23 October 2024



Matthew O'Mullane, General Manager Risk Management and Intelligence
Delegate of the Board of Food Standards Australia New Zealand

Note:

This variation will be published in the Commonwealth of Australia Gazette No. FSC 173 on 29 October 2024.

1 Name

This instrument is the *Food Standards (Application A1247 – D-allulose as a novel food) 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 immediately after the commencement of the *Food Standards (Proposal P1063 – Code Revision (2024) – Added Sugar(s) Claims) Variation*.

Schedule

Standard 1.1.2—Definitions used throughout the Code

[1] Subsection 1.1.2—2(3) (paragraph (a) of the definition of “sugars”)

Repeal the paragraph, substitute:

- (a) in Standard 1.2.7, Standard 1.2.8 and Schedule 4—means monosaccharides (other than D-allulose) and disaccharides; and

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

[2] Paragraph 1.2.3—2(2)(c)

Repeal the paragraph, substitute:

- (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; or
- (d) added D-allulose as an ingredient and the food is one of the following:
 - (i) a bakery product;
 - (ii) bubble gum;
 - (iii) chewing gum;
 - (iv) breakfast cereal;
 - (v) confectionery (but not chocolate);
 - (vi) a dessert (with or without gelatine);
 - (vii) ice cream;
 - (viii) edible ice;
 - (ix) a non-alcoholic water based flavoured drink (as defined in the table to section S25—2);
 - (x) yoghurt.

Standard 1.2.7—Nutrition, health and related claims

[3] Section 1.2.7—2 (Note 1, definition of “sugars”)

Repeal the definition, substitute:

sugars, in Standard 1.2.7, Standard 1.2.8 and Schedule 4—means monosaccharides (other than D-allulose) and disaccharides. (Elsewhere in the Code it has a different definition).

Standard 1.2.8—Nutrition information requirements

[4] Section 1.2.8—4 (Note 1, definition of “sugars”)

Repeal the definition, substitute:

sugars, in Standard 1.2.7, Standard 1.2.8 and Schedule 4—means monosaccharides (other than D-allulose) and disaccharides. (Elsewhere in the Code it has a different definition).

Standard 2.6.2—Non-alcoholic beverages and brewed soft drinks

[5] Section 2.6.2—2 (Note 1, paragraph (a) of the definition of “sugars”)

Repeal the paragraph, substitute:

- (a) in Standard 1.2.7, Standard 1.2.8 and Schedule 4—means monosaccharides (other than D-allulose) and disaccharides; and

Schedule 2—Units of measurement

[6] Section S2—2 (table, after item dealing with ‘w/v’)

Insert:

w/w	weight per weight	
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Schedule 4—Nutrition, health and related claims

[7] Section S4—2 (Note, paragraph (a) of the definition of “sugars”)

Repeal the paragraph, substitute:

- (a) in Standard 1.2.7, Standard 1.2.8 and Schedule 4—means monosaccharides (other than D-allulose) and disaccharides; and

[8] Section S4—3 (table entry dealing with “Sugar or sugars”, descriptor of ‘No added’ in column 3, subparagraph (f)(i) in column 4)

Omit “hexose monosaccharides and disaccharides”, substitute “hexose monosaccharides (other than D-allulose) and disaccharides”

Schedule 11—Calculation of values for nutrition information panel

[9] Subsection S11—2(3) (table, above item dealing with ‘erythritol’)

Insert:

D-allulose	2
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Schedule 18—Processing aids

[10] Subsection S18—9(3) (table)

Insert:

D-psicose 3-epimerase (EC 5.1.3.30) from <i>Microbacterium foliorum</i>	For use in the manufacture of D-allulose	GMP
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Schedule 25— Permitted novel foods

[11] Section S25—2 (table)

Insert:

- D-allulose
1. May only be a food for retail sale if that food is a tabletop sweetener.
 2. May only be added to a food listed in condition 4.
 3. A food listed in condition 4 must not contain added D-allulose in an amount or at a level greater than the limit, if any, specified in that condition for that food.
 4. The listed foods are:
 - (a) bakery products (limit: 10% w/w);
 - (b) bubble gum (limit: 50% w/w);
 - (c) breakfast cereals (limit: 5% w/w);
 - (d) cereal bars (limit: 5% w/w);
 - (e) chewing gum (limit: 50% w/w);
 - (f) confectionery (but not chocolate) (limit: 50% w/w);
 - (g) desserts (with or without gelatine) (limit: 10% w/w);
 - (h) edible ices (including sorbet) (limit: 5% w/w);
 - (i) frostings (limit: 5% (w/w));
 - (j) fruit spreads (but not chutney) (limit: 10% w/w);
 - (k) ice cream (limit: 5% w/w);
 - (l) icings (limit: 5% w/w);
 - (m) imitation cream (limit: 5% w/w);
 - (n) non-alcoholic water based flavoured drinks (limit: 3.5% w/w);
Note See the definition of 'a non-alcoholic water based flavoured drink' in condition 5 below.
 - (o) salad dressings (limit: 5% w/w);
 - (p) sweet sauces (limit: 10% w/w);
 - (q) syrups (limit: 10% w/w);
 - (r) tabletop sweeteners (limit: 100% w/w);
 - (s) yoghurt (limit: 5% w/w);
 5. For the purposes of this permission, a **non-alcoholic water based flavoured drink**:
 - (a) includes: a brewed soft drink; a non-brewed soft drink; a cola type drink; a formulated caffeinated beverage; a fruit drink; a tea beverage; a coffee beverage; a powdered drink concentrate; and a liquid drink concentrate; and
 - (b) does not include: a food standardised in Part 2.9 of the Code; a dairy analogue; a fruit juice; a vegetable juice; a formulated beverage; an electrolyte drink; and an electrolyte drink base.
 6. During the exclusive use period, only D-allulose sold under the brand Nexweet may be a food for retail sale in accordance with condition 1 or added to food in accordance with conditions 2 to 5 above.
 7. For the purposes of condition 6 above, **exclusive use period** means the period commencing on the date of gazettal of the *Food Standards (Application A1247 – D-allulose as a novel food) Variation* and ending 15 months after that date.