



THE FOOD REGULATIONS 1984, AMENDMENT NO. 8

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 20th day of October 1993

Present:

THE RIGHT HON. W. F. BIRCH PRESIDING IN COUNCIL

PURSUANT to section 42 of the Food Act 1981, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Food Regulations 1984, Amendment No. 8, and shall be read together with and deemed part of the Food Regulations 1984* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 20th day of November 1993.

2. Breakfast cereals—The principal regulations are hereby amended by revoking regulation 48 (as substituted by regulation 5 of the Food

*S.R. 1984/262

Amendment No. 1: S.R. 1985/300

Amendment No. 2: S.R. 1987/265

Amendment No. 3: S.R. 1989/375

Amendment No. 4: S.R. 1989/403

Amendment No. 5: S.R. 1991/262

Amendment No. 6: S.R. 1992/19

Amendment No. 7: S.R. 1992/333

Regulations 1984, Amendment No. 2), and substituting the following regulation:

“48. (1) Breakfast cereals shall be products obtained principally from one or more cereals that are uncooked, partially cooked, or cooked, and that are intended to be consumed at breakfast.

“(2) Breakfast cereals may contain any of the following:

(a) Malt flour and malt extract:

(b) Any carbohydrate sweetener specified in regulation 147 (1) of these regulations:

(c) Any other foodstuff:

(d) Salt:

(e) Permitted flavouring substances:

(f) Spices:

(g) The following emulsifiers:

Monoglycerides, diglycerides, and their diacetyl tartaric acid esters; and Lecithin:

(h) Any acidity regulator specified in regulation 253 (2) (c) of these regulations:

(i) Any anticaking agent specified in regulation 254 (2) of these regulations.

“(3) Breakfast cereals may also contain the following vitamins or minerals:

Thiamin or vitamin B1:

Riboflavin or vitamin B2:

Niacin or nicotinic acid:

Pyridoxine or vitamin B6:

Folate:

Magnesium:

Iron.

“(4) Every breakfast cereal containing any added vitamin or mineral shall be so labelled that, for a serving of 30g, the breakfast cereal does not claim to contain a greater quantity of that vitamin or mineral than that specified in the second column of the table to this subclause.

“TABLE TO SUBCLAUSE (4)

<i>Name</i>	Maximum permitted quantity that may be claimed in 30g
VITAMINS Thiamin or vitamin B1 Riboflavin or vitamin B2 Niacin or nicotinic acid Pyridoxine or vitamin B6 Folate	 0.3 mg 0.2 mg 2.5 mg 0.2 mg 30 µg
MINERALS Iron Magnesium	 2.0 mg 50 mg

“(5) Every packet of breakfast cereal that contains any added vitamin or mineral shall contain a statement of the proportion of that vitamin or mineral for a serving of not more than 30g of that breakfast cereal.

“(6) No claim, on any package of breakfast cereal that contains any added vitamin or mineral, as to the presence in that breakfast cereal of any added vitamin or mineral, shall—

“(a) State that the breakfast cereal is a good source of any vitamin or mineral; or

“(b) State that the breakfast cereal is ‘vitamin enriched’, or ‘mineral enriched’ or ‘vitamin fortified’, or ‘mineral fortified’, or contain any words having a similar meaning; or

“(c) Compare the vitamin or mineral content of the breakfast cereal with the vitamin or mineral content of any other food.

“(7) No person shall import into New Zealand and no manufacturer of breakfast cereal shall sell any breakfast cereal that contains any added vitamin or mineral, without first satisfying the Medical Officer of Health, by the production of such evidence as the Medical Officer of Health may reasonably require, that the breakfast cereal contains the quantity of any vitamin or mineral claimed on the package.”

3. Transitional provisions—(1) Notwithstanding subclauses (2) and (3) of regulation 48 of the principal regulations (as substituted by regulation 2 of these regulations), until the 20th day of November 1994, breakfast cereals may contain any of the following:

(a) any colouring substance specified in the table to regulation 250 (2) of the regulations:

(b) Retinol or vitamin A:

(c) Cholecalciferol or vitamin D:

(d) Ascorbic acid or vitamin C:

(e) Calcium:

(f) Iodine:

(g) Phosphorus.

(2) Notwithstanding regulation 2 of these regulations, until the 20th day of November 1994, it shall not be necessary to comply with the provisions of regulation 48 (4) of the principal regulations (as substituted by that regulation 2).

(3) Notwithstanding regulation 48 (5) of the principal regulations (as so substituted), until the 20th day of November 1994, every package of breakfast cereal that contains any added vitamin or mineral shall contain a statement of the proportion of that vitamin or mineral for a serving of that cereal.

(4) Notwithstanding regulation 2 of these regulations, until the 20th day of November 1994, it shall not be necessary to comply with the provisions of regulation 48 (6) (a) of the principal regulations (as substituted by that regulation 2).

4. Revocations—(1) The Food (Labelling and Additives) Notice (No. 2) 1992* is hereby revoked.

(2) Regulation 5 of the Food Regulations 1984, Amendment No. 2 is hereby consequentially revoked.

DIANE WILDERSPIN,
Acting for Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 20 November 1993, amend the Food Regulations 1984.

Regulation 2 revokes regulation 48 of the principal regulations, which deals with breakfast cereals, and substitutes a new regulation 48. The new regulation differs from the existing regulation in that the vitamin folate and the mineral magnesium are now permitted to be added to breakfast cereals.

Regulation 3 is a transitional provision. It preserves the variations to regulation 48 contained in the Food (Labelling and Additives) Notice (No. 2) 1992 (S.R. 1992/324) for a further 12 months, that is, until 20 November 1994.

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These regulations are administered in the Ministry of Health.