



New South Wales

Food Amendment Regulation 2001

under the

Food Act 1989

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Food Act 1989*.

CRAIG KNOWLES, M.P.,

Minister for Health

Explanatory note

The object of this Regulation is to make it an offence to sell food to which is attached a label that contains any word, representation or design prohibited by the Food Standards Code.

The Regulation also construes certain references for the purposes of the application of the Food Standards Code in New South Wales. In particular, the term “relevant authority” where referred to in the Food Standards Code is to be construed as the Director-General of the Department of Health.

This Regulation is made under the *Food Act 1989*, including section 90 (the general regulation-making power).

2001 No 822

Clause 1 Food Amendment Regulation 2001

Food Amendment Regulation 2001

1 Name of Regulation

This Regulation is the *Food Amendment Regulation 2001*.

2 Commencement

This Regulation commences on 19 October 2001.

3 Amendment of Food Regulation 2001

The *Food Regulation 2001* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3)

[1] Clause 4 Incorporation of Food Standards Code

Omit “modification set out in subclause (2)”.

Insert instead “modifications set out in subclauses (1A) and (2)”.

[2] Clause 4 (1A)

Insert after clause 4 (1):

(1A) A reference in the Food Standards Code:

- (a) to the *relevant authority* is to be read as a reference to the *Director-General*, and
- (b) to *the Act* is to be read as a reference to *the Food Act 1989*.

[3] Part 3A

Insert after clause 6:

Part 3A Labelling requirements

6A Labelling requirements of Food Standards Code

A person must not sell food:

- (a) to which is attached a label, or
- (b) in the case of food that is packaged, that is in a package to which is attached a label,

that contains any word, representation or design that is prohibited by the Food Standards Code.

Maximum penalty: 25 penalty units.