



Food Amendment (MSG) Regulation 2002

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 objects of this Regulation are:

- (a) to require restaurants and other eating places (including take away food shops) to display certain information relating to the addition of MSG additive to food for sale on those premises, and
- (b) to require certain businesses that deliver restaurant food to premises specified by the purchaser to provide similar information relating to the addition of MSG additive to the food.

The Regulation also contains a provision that treats the proprietor of a food business that is licensed by Safe Food Production NSW as having complied with certain notification requirements of the *Food Standards Code*.

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

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Clause 1 Food Amendment (MSG) Regulation 2002

Food Amendment (MSG) Regulation 2002

1 Name of Regulation

This Regulation is the *Food Amendment (MSG) Regulation 2002*.

2 Commencement

- (1) This Regulation commences on the day on which it is published in the Gazette, except as provided by subclause (2).
- (2) Schedule 1 [1], [3] and [4] commence on 1 February 2003.

3 Amendment of Food Regulation 2001

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

Schedule 1 Amendments

(Clause 3)

[1] Clause 2 Definitions

Insert in alphabetical order:

MSG additive means monosodium glutamate in the form of a food additive as referred to in the *Food Standards Code*.

restaurant means any eating place at which food is sold and includes a take away food shop (whether or not provision is made for food to be eaten at the shop by purchasers).

[2] Clause 6AA Notifications of food handling operations

Insert after clause 6AA (5):

- (6) Despite any other provision of this clause, the proprietor of a food business that is the subject of a licence under the *Food Production (Safety) Act 1998* is taken to have duly made all notifications required under clause 4 of Standard 3.2.2 of the *Food Standards Code*.

[3] Part 3A, heading

Insert “and information” after “Labelling”.

[4] Clause 6B

Insert after clause 6A:

6B Information to be displayed about addition to food at restaurants of MSG

- (1) A person in charge of a restaurant must ensure that if MSG additive is added at the restaurant to food for sale the addition of MSG additive is clearly indicated:
- (a) in a menu given to, or displayed for, prospective purchasers of the food at the restaurant, or

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- (b) on a sign or signs prominently displayed at the restaurant in a way that would be noticeable to prospective purchasers of the food.

Maximum penalty: 25 penalty units.

- (2) A person in charge of a business that:

- (a) delivers food that is prepared at a restaurant to premises specified by a purchaser of the food, and
- (b) distributes or makes available a menu to prospective purchasers of the food,

must ensure that if MSG additive is added to the food at the restaurant where the food is prepared before it is delivered, the addition of the MSG additive is clearly indicated in the menu.

Maximum penalty: 25 penalty units.

- (3) It is a defence to a prosecution for an offence under subclause (2) against a person in charge of a business that delivers the food (but does not prepare the food) if the person establishes that any menu distributed or made available to prospective purchasers of the food was provided or authorised by the person in charge of the business that prepared the food for delivery.

Note. Clause 6B is in addition to requirements contained in other laws relating to food for sale (for example, section 10 of the *Food Act 1989* and sections 42 and 44 of the *Fair Trading Act 1987*).

BY AUTHORITY
