

STANDARD 1.2.10

CHARACTERISING INGREDIENTS AND COMPONENTS OF FOOD

Purpose

This Standard sets out specific requirements for the declaration of the percentage of characterising ingredients and components of certain food products which are required to be declared.

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Clauses

1 Interpretation

(1) In this Standard -

characterising component means a component of a food that -

- (a) is mentioned in the name of a food; or
- (b) is usually associated with the name of a food by the consumer; or
- (c) is emphasised on the label of a food in words, pictures or graphics.

Editorial note:

Two examples of characterising components of food are milkfat in ice cream and cocoa solids in chocolate.

characterising ingredient means an ingredient or category of ingredients that -

- (a) is mentioned in the name of a food; or
- (b) is usually associated with the name of a food by the consumer; or
- (c) is emphasised on the label of a food in words, pictures or graphics;

but does not include -

- (d) an ingredient or a category of ingredients which is used in small quantities for the purposes of a flavouring; or
- (e) an ingredient that is the sole ingredient of a food; or
- (f) a category of ingredients that comprises the whole of the food; or
- (g) an ingredient or category of ingredients which, while mentioned in the name of the food, is not such as to govern the choice of the consumer, because the variation in the quantity is not essential to characterise the food, or does not distinguish the food from similar foods.

(2) Compliance with labelling requirements elsewhere in this Code does not of itself constitute emphasis for the purposes of paragraph (c) of the definition of characterising component or characterising ingredient.

Editorial note:

Standard 1.2.4 defines ‘ingredient’ as ‘any substance, including a food additive, used in the preparation manufacture or handling of a food’. A component of a food that is naturally present in a food is not an ingredient of the food and therefore cannot be a characterising ingredient. For example, caffeine that is naturally present in coffee or tea is not an ingredient and therefore cannot be a characterising ingredient.

Examples of ingredients that are mentioned in the name of the food include ‘*strawberry* yoghurt’, and ‘*steak* and *kidney* pie’. An example of a category of ingredients mentioned in the name of the food is ‘vegetables’ in a ‘*vegetable* pastie’ and ‘meat’ in a ‘*meat* pie’.

In deciding which ingredients are ‘usually associated with the name of a food by a consumer’, for example, ‘chilli con carne’, consideration should be given to what an appropriate descriptive name for the product might be, were this to be given.

Some examples are -

‘Chilli con carne’ could be described as ‘chilli flavoured minced beef with kidney beans’. Given this description, the proportion of ‘minced beef’ and ‘kidney beans’ should be declared. The proportion of ‘chilli’ would not be required to be declared as it is added for the purposes of a flavouring and would be exempt under paragraph (d) of the definition.

A ‘spring roll’ could be described as ‘vegetables in a light pastry’. The proportion of ‘vegetables’ in the spring roll would in this case be declared.

Examples of ingredients that are emphasised on the label of a food in words, pictures or graphics would include an illustration of ‘fruit and nuts’ in fruit and nut chocolate, or ‘cheese’ if it is emphasised by words on the label such as ‘extra cheese’.

2 Declaration of characterising ingredients and characterising components

(1) Subject to subclause (2), subclause (3) and subclause (4), the label on a package of food must include a declaration of the proportion of characterising ingredients and characterising components of the food, calculated and expressed in accordance with this Standard.

(2) Where the proportion of a characterising component of a food is declared in accordance with this Standard, the proportion of ingredients or category of ingredients containing that characterising component is not required to be declared.

Editorial note:

For example, where the proportion of 'cocoa solids' in chocolate is declared, it is not necessary to declare the proportion of the ingredients that comprise the 'cocoa solids'.

(3) A declaration of the percentage of the characterising ingredients and characterising components of a food, calculated and expressed in accordance with this Standard, where the -

- (a) food is unpackaged; or
- (b) food is made and packaged on the premises from which it is sold;

must be -

- (c) displayed on or in connection with the display of the food; or
- (d) provided to the purchaser upon request.

(4) Subclause (1) and subclause (3) do not apply to -

- (a) food packaged in the presence of the purchaser; or
- (b) foods for catering purposes; or
- (c) food delivered packaged and ready for immediate consumption at the express order of the purchaser; or
- (d) prepared filled rolls, sandwiches, bagels and similar products; or
- (e) food sold at fund raising events; or
- (f) food in a small package; or
- (g) food standardised in Standard 1.1A.1 or Standard 2.9.1.
- (h) cured and/or dried meat flesh in whole cuts or pieces; or
- (i) alcoholic beverages standardised in Part 2.7 of this Code.

Editorial note:

Cured and/or dried meat flesh in whole cuts or pieces is defined in Standard 2.2.1.

These declarations must be considered in the light of the prohibitions on false, misleading or deceptive representations in the Food or Health Acts and fair trading laws of New Zealand and the States, Territories and the Commonwealth. In so doing it is necessary to consider whether a false or misleading impression is conveyed to a purchaser of a particular food product.

In order to determine whether the characterising components or characterising ingredients of a food should be declared, a manufacturer of food should consider which declaration best reflects the nature of the food as sold. For example, milkfat is not typically an ingredient in ice cream, but would be considered to be a characterising component in ice cream, and should be so declared.

3 Method of calculating the proportion of characterising ingredients by ingoing weight

- (1) Subject to clause 4 and clause 4A, the proportion of a characterising ingredient or category of ingredients must be calculated in accordance with this clause, by dividing the ingoing weight of the ingredient or total weight of the ingredients within the category of ingredients by the total weight of all the ingoing ingredients of the food, and multiplying this amount by 100.
- (2) The weight of added water or volatile ingredients removed in the course of manufacture of the food must not be included in the weight of the ingoing ingredients for the purposes of the calculation set out in subclause (1).
- (3) Where a concentrated or dehydrated ingredient or category of ingredients is reconstituted during the manufacture of the food, the weight of the reconstituted ingredient or category of ingredients may be used in the calculation set out in subclause (1).
- (4) The proportion of a characterising ingredient or category of ingredients of a food that requires reconstitution prior to consumption may be calculated as a proportion of the food as reconstituted.
- (5) The proportion of a characterising ingredient or category of ingredients may be calculated using the ingoing weight or minimum ingoing weight of the characterising ingredient or category of ingredients, provided that where a minimum ingoing weight is used, the declaration is made in accordance with paragraph 5(3)(b).

4 Method of calculating the proportion of characterising ingredients where moisture loss occurs

Where moisture loss occurs in the processing of a food, the proportion of the characterising ingredient or category of ingredients in the final food, may be calculated taking into account any such moisture loss, on the basis of the weight of the characterising ingredient or category of ingredients in the final food.

4A Method of determining the proportion of the characterising ingredient where the proportion is declared in a nutrition information panel

Unless otherwise specified, where the proportion of a characterising ingredient is declared in a nutrition information panel, the amount declared must be the average quantity of the characterising ingredient or category of ingredients present in the final food.

5 Method of declaration of characterising ingredients

- (1) The proportion of a characterising ingredient or category of ingredients must -
 - (a) be declared as a percentage, and where declared in a statement of ingredients, the percentage must immediately follow the common, descriptive or generic name of the ingredient; or
 - (b) unless otherwise specified, be declared as the average quantity, where declared in a nutrition information panel -
 - (i) per serving and per 100 g; or
 - (ii) per serving and per 100 mL.
- (2) The declared percentage may be rounded to the nearest whole number or to the nearest 0.5 decimal place in those cases where it is below 5%.
- (3) The proportion of a characterising ingredient or category of ingredients must be declared -
 - (a) as the actual percentage; or
 - (b) as a minimum percentage; or
 - (c) unless otherwise specified, as the average quantity where declared in a nutrition information panel.
- (4) Where a minimum percentage is declared it must be clearly indicated that it is a minimum percentage.
- (5) The proportion of a characterising ingredient or category of ingredients of a food that requires reconstitution prior to consumption as calculated in accordance with subclause 3(4) may be declared as a percentage of the food as reconstituted, provided that the basis of this declaration is clearly indicated.

Editorial note:

Clause 5 may be complied with, for example, by asterisking all declared minimum percentages and including an asterisked note at the end of the ingredient list stating 'minimum percentage'.

6 Method of calculating the proportion of characterising components

- (1) Subject to subclause (3), the proportion of a characterising component of a food must be calculated by dividing the weight of the characterising component of the food by the total weight of the food and multiplying this amount by 100.
- (2) The proportion of a characterising component of a food that requires reconstitution prior to consumption may be calculated as a proportion of the food as reconstituted.
- (3) The proportion of a characterising component may be calculated using the actual weight or minimum weight of the characterising component, provided that where a minimum weight is used, the declaration is made in accordance with paragraph 7(3)(b).
- (4) Unless otherwise specified, where the proportion of a characterising component is declared in a nutrition information panel, the amount declared must be the average quantity of the characterising component present in the final food.

7 Method of declaration of characterising components

- (1) The proportion of a characterising component of a food must -
 - (a) be declared as a percentage; or
 - (b) unless otherwise specified, be declared as the average quantity where declared in a nutrition information panel -
 - (i) per serving and per 100 g; or
 - (ii) per serving and per 100 mL.
- (2) The percentage declared must be rounded to the nearest whole number or to the nearest 0.5 decimal place in those cases where it is below 5%.
- (3) The proportion of a characterising component of a food must be declared -
 - (a) as an actual percentage; or
 - (b) as a minimum percentage; or
 - (c) unless otherwise specified, the average quantity, where declared in a nutrition information panel.
- (4) Where a minimum percentage is declared it must be clearly indicated that it is a minimum percentage.
- (5) The proportion of a characterising component of a food that requires reconstitution prior to consumption may be declared as a percentage of the food as reconstituted, provided that the basis of this declaration is clearly indicated.