

STANDARD 2.6.2

NON-ALCOHOLIC BEVERAGES AND BREWED SOFT DRINKS

Purpose

This Standard deals with packaged waters and water-based beverages which contain food additives and in certain cases, nutritive substances. The Standard defines a number of products and sets certain compositional requirements for packaged water, electrolyte drinks, brewed soft drinks and formulated beverages. The Standard also permits the voluntary addition of fluoride to water presented in packaged form.

Labelling requirements specific to electrolyte drinks and water presented in packaged form are included in this Standard. This Standard also prohibits the labelling or presentation of non-alcoholic beverages in such a way as to suggest the product is an alcoholic beverage.

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To be repealed on 21 February 2015

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To be repealed on 21 February 2015

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Clauses

1 Interpretation

In this Code –

brewed soft drink means the product prepared by a fermentation process from water with sugar and one or more of –

- (a) fruit extractives or infusions; or
- (b) vegetable extractives or infusions.

electrolyte drink means a drink formulated and represented as suitable for the rapid replacement of fluid, carbohydrates, electrolytes and minerals.

electrolyte drink base means a solid or liquid which when made up, makes an electrolyte drink.

formulated beverage means a non-carbonated ready to drink, water-based flavoured beverage that contains added vitamins or minerals or both vitamins and minerals, prepared from one or more of the following –

- (a) water; and
- (b) fruit juice; and

- (c) fruit purée; and
- (d) concentrated fruit juice; and
- (e) concentrated fruit purée; and
- (f) comminuted fruit; and
- (g) orange peel extract; and
- (h) mineral water; and
- (i) sugars.

fruit drink means a product prepared from one or more of the following –

- (a) fruit juice; and
- (b) fruit purée; and
- (c) concentrated fruit juice; and
- (d) concentrated fruit puree; and
- (e) comminuted fruit; and
- (f) orange peel extract; and
- (g) water; and
- (h) mineralised water; and
- (i) sugars.

mineral water or spring water means ground water obtained from subterranean water-bearing strata that, in its natural state, contains soluble matter.

non-alcoholic beverage means –

- (a) packaged water; or
- (b) a water-based beverage which may or may not contain other foods, except for alcoholic beverages; or
- (c) electrolyte drinks.

To be repealed on 21 February 2015

2 Composition of packaged water

- (1) Water presented in packaged form may or may not contain added carbon dioxide.
- (2) Water presented in packaged form must not contain the substances listed in column 1 of the Table in greater corresponding proportion than that specified in column 2 of the Table to this subclause.

Table to subclause 2(2)

Column 1	Column 2 mg/L
Arsenic	0.05
Barium	1.0
Borate	30 (calculated as H ₃ BO ₃)
Cadmium	0.01
Chromium VI	0.05
Copper	1.0
Cyanide	0.01 (calculated as CN ⁻)
Fluoride (naturally occurring)	2.0 (calculated as F ⁻)
Lead	0.05
Manganese	2.0
Mercury	0.001
Nitrate	45 (calculated as NO ₃ ⁻)
Nitrite	0.005 (calculated as NO ₂ ⁻)
Organic matter	3.0 (KMnO ₃ digested as O ₂)

	Selenium	0.01	
	Sulphide	0.05 (calculated as H ₂ S)	
	Zinc	5.0	

2AA Limits for chemicals in packaged water

- (1) Water presented in packaged form may or may not contain added carbon dioxide.
- (2) Water presented in packaged form must not contain a chemical listed in Table A3.3 *Guideline values for chemicals that are of health significance in drinking-water of Annex 3 Chemical summary tables in the Guidelines for drinking-water quality, 4th edition, 2011, World Health Organization, Geneva*, at a level greater than the guideline value for the chemical specified in that Table.
- (3) Subclause (2) does not apply to fluoride.
- (4) Water presented in packaged form must not contain fluoride that is naturally-occurring in the water at a level greater than 1.0 mg/L.

Editorial note:

Clause 3 of Standard 1.4.1 sets a maximum level for Acrylonitrile of 0.02 mg/kg in all food. Clause 4 of Standard 1.4.1 sets a maximum level for Pulegone of 250 mg/kg in beverages.

To be repealed on 21 February 2015

2AB Compliance with clause 2 or 2AA

Water presented in packaged form must comply with clause 2 or 2AA, but not a combination of both.

2A Addition of fluoride to packaged water

- (1) In this clause, **water suitable for added fluoride** means water presented in packaged form which –
 - (a) does not contain sugars, sweeteners, flavourings or other food; and
 - (b) is not carbonated.
- (2) Fluoride must not be added to water presented in packaged form except in accordance with this clause.
- (3) Fluoride may be added to water suitable for added fluoride provided that –
 - (a) the total amount of the naturally occurring and any added fluoride is no less than 0.6 mg/L and no more than 1 mg/L; and
 - (b) the form of fluoride added is –
 - (i) hydrofluorosilicic acid (fluorosilicic acid);
 - (ii) sodium fluoride; or
 - (iii) sodium fluorosilicate (sodium silicofluoride).

2B Labelling of packaged water

- (1) The label on water presented in packaged form with added fluoride must contain a statement to the effect that the product contains added fluoride.
- (2) Subject to subclause (3), the label on water presented in packaged form may include a typical analysis which lists the total concentration of any naturally occurring compound expressed in either mg/L or parts per million.

(3) A typical analysis may also include added fluoride provided that only the total amount of the naturally occurring and added fluoride is specified.

(4) A typical analysis which complies with subclauses (2) and (3) is not a nutrition content claim for the purposes of Standard 1.2.7.

3 Composition of brewed soft drink

Brewed soft drink must contain no more than 1.15% alcohol/volume.

4 Composition of fruit drinks

Fruit drinks must contain no less than 50 mL/L of fruit, except in the case of passionfruit drink which must contain no less than 35 mL/L of passionfruit, prepared from any of the sources specified in the definition for fruit drink in paragraphs 1(a) to (f).

5 Non alcoholic beverages not to be labelled/presented as alcoholic beverages

Non alcoholic beverages must not be labelled or otherwise presented for sale in a form which expressly or by implication suggests that the product is an alcoholic beverage.

6 Composition of electrolyte drinks and electrolyte drink bases

(1) An electrolyte drink, or an electrolyte drink base when made up, must contain no less than 10 mmol/L of sodium.

(2) An electrolyte drink, or an electrolyte drink base when made up according to directions, must contain –

(a) no less than 50 g/L and no more than 100 g/L total –

- (i) dextrose; and
- (ii) fructose; and
- (iii) glucose syrup; and
- (iv) maltodextrin; and
- (v) sucrose; and

(b) no more than 50 g/L fructose.

(3) An electrolyte drink, or an electrolyte drink base when made up, may contain –

- (a) calcium phosphates; and
- (b) potassium phosphates; and
- (c) calcium citrates; and
- (d) potassium citrates; and
- (e) sodium citrates; and
- (f) potassium carbonates, including potassium bicarbonate; and
- (g) potassium chloride; and
- (h) calcium chloride; and
- (i) sodium chloride; and
- (j) calcium lactate; and
- (k) magnesium lactate; and
- (l) magnesium sulphate.

7 Labelling of electrolyte drinks and electrolyte drink bases

The label on a package of electrolyte drink or electrolyte drink base, must include a declaration, as ready to drink –

- (a) the average per 100 mL –
 - (i) energy value; and
 - (ii) total carbohydrate present, including each type of monosaccharide and disaccharide; and
 - (iii) milligrams and millimoles of the added minerals and electrolytes; and
- (b) the recommended volume and frequency of use.

8 Claims in relation to the tonicity of electrolyte drinks

- (1) A claim that an electrolyte drink is isotonic may only be made if the electrolyte drink has an average osmolality of 250 - 340 milliOsmol/L.
- (2) Where a claim is made that an electrolyte drink is isotonic, hypertonic or hypotonic, the osmolality of the electrolyte drink as measured in milliOsmol/L must be declared on the label of the package.
- (3) The label on a package of isotonic electrolyte drink may include words to the effect that the product is designed to promote the availability of energy and to prevent or treat mild dehydration that may occur as a result of sustained strenuous exercise.

9 Composition of formulated beverages

- (1) A formulated beverage must contain no more than –
 - (a) 240 mL/L of fruit prepared from any of the sources specified in the definition for formulated beverage in paragraphs 1(b) to (g); and
 - (b) 75 g/L of sugars.
- (2) A formulated beverage must not contain –
 - (a) carbon dioxide; or
 - (b) caffeine.
- (3) A formulated beverage must not be mixed with other beverages.

Amendment History

The Amendment History provides information about each amendment to the Standard. The information includes commencement or cessation information for relevant amendments.

These amendments are made under section 92 of the *Food Standards Australia New Zealand Act 1991* unless otherwise indicated. Amendments do not have a specific date for cessation unless indicated as such.

About this compilation

This is a compilation of Standard 2.6.2 as in force on **30 October 2014** (up to Amendment No. 150). It includes any commenced amendment affecting the compilation to that date.

Prepared by Food Standards Australia New Zealand on **30 October 2014**.

Uncommenced amendments or provisions ceasing to have effect

To assist stakeholders, the effect of any uncommenced amendments or provisions which will cease to have effect, may be reflected in the Standard as shaded boxed text with the relevant commencement or cessation date. These amendments will be reflected in a compilation registered on the Federal Register of Legislative Instruments including or omitting those amendments and provided in the Amendment History once the date is passed.

The following abbreviations may be used in the table below:

ad = added or inserted	am = amended
exp = expired or ceased to have effect	rep = repealed
rs = repealed and substituted	

Standard 2.6.2 was published in the Commonwealth of Australia Gazette No. P 30 on 20 December 2000 as part of Amendment No. 53 (F2009B00004 – 6 January 2009).

Standard 2.6.2 as above was repealed and replaced in the *Commonwealth of Australia Gazette* No. P 23 on 30 August 2001 as part of Amendment No. 55 (F2008B00791 – 9 December 2008) and has been amended as follows:

Clause affected	A'ment No.	FRLI registration Gazette	Commencement (Cessation)	How affected	Description of amendment
Purpose	89	F2006L03647 9 Nov 2006 FSC 31 9 Nov 2006	9 Nov 2008	am	Insert reference to formulated beverages.
Purpose	110	F2009L02678 16 July 2009 FSC 52 16 July 2009	16 July 2009	rs	Purpose.
Purpose	138	F2013L00050 14 Jan 2013 FSC 80 18 Jan 2013	18 Jan 2013	am	Consequential amendment relating to date of effect of Standard 1.2.7.
Table of Provs	89	F2006L03647 9 Nov 2006 FSC 31 9 Nov 2006	9 Nov 2008	am	Insert reference to clause 9.
Table of Provs	139	F2013L00248 21 Feb 2013 FSC 81 21 Feb 2013	21 Feb 2013	am	Insert references to clauses 2AA and 2AB.

Clause affected	A'ment No.	FRLI registration Gazette	Commencement (Cessation)	How affected	Description of amendment
Table of Provs	139	F2013L00248 21 Feb 2013 FSC 81 21 Feb 2013	21 Feb 2015	am	Omit references to clauses 2 and 2AB.
Table of Provs	150	F2014L01427 28 Oct 2014 FSC92 30 Oct 2014	30 Oct 2014	am	Insert references to clauses 2A and 2B (inserted below as part of Amendment No. 110).
1	67	F2008B00814 24 Dec 2008 FSC 9 31 July 2003	31 July 2003	am	Definition of 'fruit drink'.
1	89	F2006L03647 9 Nov 2006 FSC 31 9 Nov 2006	9 Nov 2008	ad	Definition of 'formulated beverage'.
1	103	F2008L03741 9 Oct 2008 FSC 45 9 Oct 2008	9 Oct 2008	rs	Definition of 'formulated beverage'.
1	124	F2011L01450 8 July 2011 FSC 66 11 July 2011	11 July 2011	rs	Definition of 'brewed soft drink'.
1	124	F2011L01450 8 July 2011 FSC 66 11 July 2011	11 July 2011	am	Definition of 'formulated beverage'.
2	139	F2013L00248 21 Feb 2013 FSC 81 21 Feb 2013	21 Feb 2015	rep	Clause.
Table to s'clause 2(2)	103	F2008L03741 9 Oct 2008 FSC 45 9 Oct 2008	9 Oct 2008	am	Correct a typographical error in the Table heading.
Table to s'clause 2(2)	110	F2009L02678 16 July 2009 FSC 52 16 July 2009	16 July 2009	am	Entry for fluoride.
2AA	139	F2013L00248 21 Feb 2013 FSC 81 21 Feb 2013	21 Feb 2013	ad	New clauses
2AB	139	F2013L00248 21 Feb 2013 FSC 81 21 Feb 2013	21 Feb 2015	ad, rep	New clause – to be repealed 2 years after date of effect.
2A, 2B	110	F2009L02678 16 July 2009 FSC 52 16 July 2009	16 July 2009	ad	New clauses as consequential amendment relating to changed requirements for fluoride.
5	67	F2008B00814 24 Dec 2008 FSC 9 31 July 2003	31 July 2003	rs	Clause.
5(2)	60	F2008B00798 19 Dec 2008 FSC 2 20 June 2002	20 June 2002	am	Insert reference to electrolyte 'drink'.
6(2)	62	F2008B00807 19 Dec 2008 FSC 4 17 Sept 2002	17 Sept 2002	am	Replace subparagraphs (a)(i)–(iv).

Clause affected	A'ment No.	FRLI registration Gazette	Commencement (Cessation)	How affected	Description of amendment
6(2)	67	F2008B00814 24 Dec 2008 FSC 9 31 July 2003	31 July 2003	am	Correct typographical error.
6(3)	103	F2008L03741 9 Oct 2008 FSC 45 9 Oct 2008	9 Oct 2008	am	Correct a punctuation error.
7	101	F2008L03058 14 Aug 2008 FSC 43 14 Aug 2008	14 Aug 2008	rep	Editorial note following clause.
8	101	F2008L03058 14 Aug 2008 FSC 43 14 Aug 2008	14 Aug 2008	rep	Editorial note following clause.
9	89	F2006L03647 9 Nov 2006 FSC 31 9 Nov 2006	9 Nov 2008	ad	Clause and Editorial note related to composition of formulated beverages.
9	101	F2008L03058 14 Aug 2008 FSC 43 14 Aug 2008	14 Aug 2008	rep	Editorial note following clause.