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SPECIAL SUPPLEMENT

FOOD ACT 1989

Order prohibiting sale of food

TO: all food importers, wholesalers and retailers in New South Wales.

Pursuant to sections 45 and 46 of the Food Act 1989, I, ROBERT MCGREGOR, Acting Director-General of the Department of Health, hereby direct all persons described above that the sale, supply or advertisement of the food described in the Schedule attached to this Order is prohibited, effective immediately upon the publication of this order in the Government Gazette.

Signed at Sydney this 27th day of November 2001.

ROBERT MCGREGOR,
Acting Director-General

SCHEDULE

ALL JELLY CUP CONFECTIONERY PRODUCTS CONTAINING KONJAC

These are generally described as:

Mouth-sized jelly confectionery in a mini cup that are commonly sucked out of an individually sealed cup, sometimes with a fruit piece centre, containing the substance konjac (otherwise known as glucomannan, konjonac, konnyaku and taro powder). Konjac-containing jelly cups do not dissolve quickly in saliva in a similar manner to gelatine-based fruit jellies. Konjac is also not an approved food additive under the Food Standards Code. Jelly cups which do not contain konjac, such as gelatine-based products, are not affected by this order and may continue to be sold.

Further specific information about jelly cup confectionery appears below:

Product Size:

Less than or equal to 45mm in diameter of a cross section of a spherical or near-spherical product or less than or equal to 32mm in diameter of a cross section of a non-spherical product.

Product Shape:

Spherical, ovoid, ellipsoidal, or having circular cross sections (round-ended, cylindrical, tapered bullet-shapes, etc.).

Product Texture:

Smooth slippery surfaces when placed in the mouth. (The gel is slippery and slides along the tongue toward the back of the mouth, affording the consumer poor control over its direction, positioning, and timing/coordination with swallowing, and thus effectively bypassing the teeth.)

Consistency:

Much firmer, and dissolve less readily, than gelatine-based products. Sucking does not easily disrupt the integrity of the product.

NOTE: section 49 of the Food Act makes it an offence to carry out any activity contravening this prohibition. Conviction of such an offence carries a maximum penalty of a prison term of up to 6 months or a fine of up to \$5,500, or both.