



Queensland

Food and Other Legislation (Nurturing our Nutrition) Amendment Youth Act 2023

Youth Act No. 3 of 2023

A Youth Act to amend the Food Act 2006 and the Education (General Provisions) Act 2006 for particular purposes

[Assented to 14 November 2023]



Queensland

Food and Other Legislation (Nurturing our Nutrition) Amendment Youth Act 2023

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The Youth Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Food and Other Legislation (Nurturing our Nutrition) Amendment Youth Act 2023*.

2 Commencement

This Youth Act commences on a day to be fixed by proclamation.

Part 2 Amendment of Food Act 2006

3 Act Amended

This part amends the *Food Act 2006*.

4 Insertion of new pts 2A, 2B and 2C

After chapter 2, part 2—

insert—

Part 2A Offences relating to fast-food

Division 1 Preliminary for part

[s 4]

41A Part binds the State, government owned corporations and rail government

- (1) Despite section 3(2), this part binds the State, government owned corporations and rail government entities under the *Transport Infrastructure Act 1994*.
- (2) To avoid any doubt, this part binds local governments, local government owned corporations and entities established by an Act.
- (3) However, subsections (1) and (2) do not make a public entity liable to be prosecuted for an offence.

41B Definitions for part

In this part—

advertise includes cause, permit, or authorise to be advertised.

eating establishment—

- (a) means a restaurant, cafe or similar place where food is prepared and served on the order of a person for immediate consumption by the person; but
- (b) does not include a bakery.

public entity means—

- (a) the State;
- (b) a local government;
- (c) an entity established by an Act;
- (d) a government owned corporation; or
- (e) a local government owned corporation.

public stadium means a stadium owned or occupied by a public entity.

Examples of a public stadium—

soccer ground with stands on land owned by a local government, stadium owned by Stadiums Queensland, Brisbane Entertainment Centre, Brisbane Stadium (Lang Park), Anna Meares Velodrome, Brisbane Aquatic Centre

Examples of a stadium—

sport field with grandstand, arena, Brisbane Entertainment Centre, Doomben Racecourse

public sport and recreation precinct means a place owned or occupied by a public entity that is used for the purpose of multiple different sports and recreations.

Examples of a public sports and recreation precinct—

Sunshine Coast Recreation Precinct, Gold Coast Recreation Precinct

41C Meaning of *fast-food*

(1) The following foods are ***fast-food***—

- (a) burgers;
- (b) hot-dogs;
- (c) ice-creams;
- (d) kebabs;
- (e) milkshakes;
- (f) pizzas;
- (g) sausages;

Examples—

Frankfurter, Bratwurst, Kabanos

(h) thickshakes.

(2) Also, the following types of foods are ***fast-food***—

- (a) savoury pastries;

[s 4]

Examples—

egg roll, pie, samosa, sausage roll, spring roll

(b) pasta and noodle dishes;

Examples—

spaghetti bolognese, ramen, noodle stir fry

(c) oven-baked or deep-fried potato or sweet potato products;

Examples—

chip, fry, baked potato, potato gem, potato scallop, wedge

(d) crumbed or coated foods;

Examples—

battered fish, chicken nugget, chicken tender, chimichanga, crumbed calamari, crumbed fish, mozzarella stick, crumbed sausage, dagwood dog, onion ring

(3) Also, a food is a fast-food if it is—

(a) a variation or derivative of a food mentioned in subsection (1); or

Examples—

1 A calzone is a variation of pizza.

2 A halal snack pack is a derivative of a kebab.

(b) substantially similar to a food mentioned in subsection (1).

Example—

A Philly cheesesteak is substantially similar to a hot-dog

(4) Also, a food is a fast-food if it is prescribed by regulation.

41D Meaning of *fast-food business*

A *fast-food business* is a food business that—

-
- (a) sells fast-food on premises at one or more eating establishments; and
 - (b) sells the fast-food—
 - (i) without the option of consuming the fast-food on premises;

Example—

The eating-establishment that fast-food is sold at has not seating.

- (ii) with the option of taking the fast-food away from the premises to be consumed elsewhere; or

Example—

The staff at an eating-establishment ask consumers if they wish to “dine in” or “take away”.

- (iii) in packaging which enables the fast-food to be taken away from the premises and consumed elsewhere.

Examples of packaging which enables the fast-food to be taken away from the premises and consumed elsewhere—

plastic container, polystyrene container, paper wrap, doggy bag, cardboard box

41E Meaning of *healthy-fast food*

Fast-food is a *healthy-fast food* if the fast-food has a lower amount of energy, fat, sodium or sugar per 100 grams than prescribed by regulation.

Division 2 Ban of fast-food advertisements at, on and near particular places

[s 4]

41F Division does not apply in relation to healthy-fast food

- (1) This division does not apply to a person who advertises a fast-food business if all fast-food sold by the fast-food business is healthy fast-food.
- (2) This division does not apply to a person who advertises fast-food sold by a fast-food business if the fast-food is healthy fast-food.

41G Person must not advertise fast-food business or food sold by fast-food business on government land

- (1) A person must not advertise a fast-food business or food sold by a fast-food business on government land
Maximum penalty—500 penalty units
- (2) However, this section does not apply to—
 - (a) a person at a public stadium, a public sport and recreation precinct or a sporting club on government land; or
 - (b) a person at an eating establishment occupied by a fast-food business on government land.
- (3) In this section—

government land means land owned or occupied by one or more of the following—

 - (a) the State;
 - (b) a local government;
 - (c) an entity established by an Act;
 - (d) a government owned corporation;
 - (e) a local government owned corporation.

41H Person must not advertise fast-food business or food sold by fast-food business at or near school facility

- (1) A person must not advertise a fast-food business or fast-food sold by a fast-food business at a school facility.

Maximum penalty—500 penalty units.

- (2) A person must not advertise a fast-food business or fast-food sold by a fast-food business on land within 500m beyond the boundary of a school facility (the *buffer zone*).
- (3) However, subsection (2) does not apply to a person at an eating establishment occupied by a fast-food business within the buffer zone.
- (4) In this section—

non-state school means an accredited school under the *Education (Accreditation of Non-State Schools) Act 2017*.

school facility means land on which—

- (a) a state school provides an educational program under the *Education (General Provisions) Act 2006*; or
- (b) a non-State school provides primary education, secondary education or special education under the *Education (Accreditation of Non-State Schools) Act 2017*; or
- (c) a state school or non-State school provides other educational instruction or activities.

state school means a state educational institution within the meaning of the *Education (General Provisions) Act 2006*, schedule 4.

[s 4]

411 Person must not advertise fast-food business or food sold by fast-food business at or near early childhood education and care facility

- (1) A person must not advertise a fast-food business or fast-food sold by a fast-food business at an early childhood education and care facility.

Maximum penalty—500 penalty units.

- (2) A person must not advertise a fast-food business or fast-food sold by a fast-food business on land within 500m beyond the boundary of an early childhood education and care facility (the *buffer zone*).
- (3) However, subsection (2) does not apply to a person at an eating establishment occupied by a fast-food business within the buffer zone.

- (4) In this section—

early childhood education and care facility means land on which an early childhood education and care service is provided.

early childhood education and care service—

- (a) means—

- (i) a Queensland approved education and care service under the *Education and Care Services Act 2013*; or
- (ii) an approved education and care service under the *Education and Care Services National Law (Queensland) Act 2011*; but

- (b) does not include an approved family day care service under the *Education and Care Services National Law (Queensland) Act 2011*.

41J Person must not advertise fast-food business or food sold by a fast-food business within or on public passenger vehicle or at or near public transport waiting point

- (1) A person must not advertise a fast-food business or fast-food sold by a fast-food business within or on a public passenger vehicle.

Maximum penalty—500 penalty units.

- (2) A person must not advertise a fast-food business or fast-food sold by a fast-food business at a public transport waiting point.

Maximum penalty—500 penalty units.

- (3) A person must not advertise a fast-food business or fast-food sold by a fast-food business on land within 5m beyond a public transport waiting point (the *buffer zone*).

Maximum penalty—500 penalty units.

- (4) However, subsection (3) does not apply to a person at an eating establishment occupied by a fast-food business within the buffer zone.

- (5) In this section—

public passenger vehicle means any of the following, as defined in the *Transport Operations (Passenger Transport) Act 1994*, used to transport members of the public—

- (a) a fixed track vehicle;
- (b) a bus;
- (c) a ferry;
- (d) a taxi;
- (e) a limousine;
- (f) a booked hire vehicle.

public transport waiting point means any of the following—

[s 4]

- (a) a sign indicating that it is a drop-off or collection point for a public passenger vehicle;
- (b) shelter or seating provided for persons waiting at a drop-off or collection point for a public passenger vehicle;
- (c) a terminal, jetty, pontoon, platform or landing for the arrival and departure of a public passenger vehicle.

Division 3 Ban on fast-food multi-buy deals

41K Division does not apply in relation to healthy-fast food

This division does not apply to offers made when selling healthy fast-food.

41L Ban on fast-food multi-buy deals

- (1) A person must not, in the course of carrying on a food business, offer multi-buy deals when selling fast-food.

Maximum penalty—500 penalty units.

- (2) Nothing within this section prevents a person from, in the course of carrying on a food business, selling food in standard sizes or portions at a lower unit price when a larger standard size or portion is purchased.

Example—

An owner of a fish and chip takeaway shop who offers small and large chips as standard sizes may charge a lower price per chip when a customer orders a large serving of chips.

- (3) In this section—

buy one get a discount offer means an offer where a person who purchases one food item receives a discount if they also purchase another of the same or a different food item.

Examples—

- 1 A 25% discount on the second burger when a person purchases two burgers.
- 2 A 25% discount on purchasing chips if a person purchases a burger and chips.

buy one get one free offer means an offer where a person who purchases a food item receives another of the same or a different food item for free.

mix and match offer means an offer where a person who purchases two or more different food items of the same or similar kind pays a lesser combined price than if those items were purchased individually.

Example—

A 25% overall discount if a person purchases two different burgers.

multi-buy deal means—

- (a) one of the following offers—
 - (i) buy one get one free offer;
 - (ii) buy one get a discount offer;
 - (iii) mix and match offer;
 - (iv) value pack offer; and
- (b) a type of offer prescribed by regulation.

offer includes advertise

value pack offer means an offer to purchase two or more different fast-food items of different kinds together at a lesser combined price than if those items were purchased individually.

[s 4]

Example—

snack pack, Happy Meal, Zinger Box

Division 4 Fast-food advertisements within sport

41M Regulations about advertisement or promotion of fast-food at public stadiums and public sport and recreation precincts

- (1) The Governor-in-Council may make a regulation about the advertisement or promotion of fast-food businesses or food sold by fast-food businesses at public stadiums and public sport and recreation precincts.
- (2) Without limiting subsection (1), the regulation may—
 - (a) prescribe limits on the—
 - (i) size of advertisements; and
 - (ii) number of advertisements or promotions; and
 - (iii) frequency of advertisement or promotion; and
 - (iv) location of advertisement or promotion; and
 - (b) prohibit—
 - (i) certain types of advertisement or promotion; and
 - (ii) advertisement or promotion of certain types of fast food; and
 - (c) require that certain advertisements or promotion be reviewed prior to display at a

public stadium or public sport and recreation precincts.

41N Compliance with regulation

- (1) This section applies if the Governor-in-Council makes a regulation under section 41M.
- (2) A person who advertises a fast-food business or fast-food sold by a fast-food business at a public stadium or public sport and recreation precinct must comply with the regulation.

Maximum penalty—500 penalty units.

41O Ban of fast-food sponsorship, advertisement or promotion of professional sporting teams

- (1) A fast-food business must not, in connection with a professional sporting team—
 - (a) sponsor the team; or
 - (b) enter into an agreement where the fast-food business or food sold by the fast-food business is advertised or promoted—
 - (i) on team uniforms or team equipment;
 - (ii) during media interviews, functions or events with players from the team;
 - (iii) otherwise in connection with the team.

Maximum penalty—500 penalty units.

- (2) However, subsection (1) does not apply to a fast-food business that only sells healthy fast-food.
- (3) A sporting club must not, in connection with a professional sporting team, accept sponsorship for the team from a fast-food business.

Maximum penalty—500 penalty units.

[s 4]

- (4) However, subsection (3) does not apply if the fast-food business only sells healthy fast-food.
- (5) A sporting club must not, in connection with a professional sporting team, advertise or promote a fast-food business or fast-food sold by a fast-food business—
 - (a) on team uniforms or team equipment;
 - (b) during media interviews, functions or events with players from the team;
 - (c) otherwise in connection with the team.

Maximum penalty—500 penalty units.

- (6) However, subsection (5) does not apply if the fast-food is healthy fast-food.
- (7) To avoid any doubt, nothing in this section limits a sporting club with a professional sporting team from accepting sponsorship from a fast-food business or advertising or promoting fast-food sold by a fast-food business in connection with sporting teams that are not professional sporting teams.
- (8) In this section—

professional sporting team means a sporting team that has 2 or more players who are paid to play for the team.

team uniforms includes—

- (a) uniforms, jerseys or kits worn by players, coaches or other support staff when playing or training; and
- (b) corporate or casual attire worn by players, coaches or other support staff during media interviews, functions and events.

team equipment includes—

- (a) shoes, boots, headgear, helmets, hats, sunglasses, pads, gloves, bats, sticks, racquets worn or used by players, coaches or other support staff; and
- (b) equipment owned by players that is worn when playing or training.

Part 2B Offence relating to use of partially hydrogenated oils

41P Part binds the State, government owned corporations and rail government

- (1) Despite section 3(2), this part binds the State, government owned corporations and rail government entities under the *Transport Infrastructure Act 1994*.
- (2) To avoid any doubt, this part binds local governments, local government owned corporations and entities established by an Act.
- (3) However, subsections (1) and (2) do not make a public entity liable to be prosecuted for an offence.
- (4) In this section—
public entity means—
 - (a) the State;
 - (b) a local government;
 - (c) an entity established by an Act;
 - (d) a government owned corporation; or
 - (e) a local government owned corporation.

[s 4]

41P Ban on use of partially hydrogenated oils

- (1) A person must not, in the course of carrying on a food business, use a partially hydrogenated oil when preparing food.
- (2) In this section—

partially hydrogenated oil means a fat or oil that is hydrogenated and has an iodine value of greater than 4.

Part 2C Offence relating to failing to use healthy preparation methods at eating establishments

41Q Definitions for part

In this part—

eating establishment—

- (a) means a restaurant, cafe or similar place where food is prepared and served on the order of a person for immediate consumption by the person; but
- (b) does not include a bakery.

healthier preparation method, in relation to the preparation of food, means—

- (a) the following preparation methods:
 - (i) combination without cooking;

Examples—

tossing a salad, building a sandwich

- (ii) grilling;
- (iii) roasting;
- (iv) steaming; and

- (b) a preparation method prescribed by regulation.

41R Proportion of food items offered for sale at eating establishment must be prepared using healthier preparation methods

At least 50% of food items offered for sale by a food business at an eating establishment must be—

- (a) prepared only using healthier preparation methods; or
- (b) offered for sale with the option to be prepared using only healthier preparation methods.

41S Standards

- (1) The chief executive may make standards about healthier preparation methods.
- (2) Without limiting subsection (1), the chief executive may prescribe restrictions on the amount or types of oils or fats used when grilling or steaming.
- (3) A person who purports to prepare food using healthier preparation methods but does not comply with a standard made by the chief executive about a healthier preparation method used does not prepare food using a healthier preparation methods.

41T Transitional provision for Food Act and Other Legislation (Nurturing our Nutrition) Amendment Youth Act 2023

- (1) During the transitional period, a regulation may prescribe that—

[s 5]

- (a) this part does not apply a person; and
 - (b) part of this part does not apply to a person; and
 - (c) section 41R applies to a person as if the percentage stated in the section was a lower percentage.
- (2) A regulation made under subsection (1) may only be made for the purpose of allowing food businesses to transition from existing practices to compliance with this part.
- (3) A regulation made under subsection (1) in force at the end of the transitional period is automatically repealed at the beginning of the day after the last day of the transitional period.
- (4) In this section—
transitional period means the period commencing on the commencement of this section and ending on 1 January 2030.

5 Insertion of new ch 6B

After chapter 6A—

insert—

Chapter 6B Sugar tax and fresh produce subsidy

Part 1 Sugar Tax

164H Definitions for part

In this part—

confectionery includes bubble-gum, chocolate, fairly floss, lollies and marshmallows.

food and drink retailer means a business that operates a store where consumers can purchase food and drink and then take the food or drink off-premises to be prepared and consumed off-premises.

Examples—

supermarket, convenience store, service station

soft drink—

- (a) means non-alcoholic beverages with natural or artificial sweeteners; but
- (b) excludes
 - (i) unflavoured milks and waters;
 - (ii) beverages prescribed by regulations.

sugary food and drink means confectionary products and soft drink that have 15 grams of sugar or more per 100 grams.

taxable revenue, of a food and drink retailer, for a financial year, is the total amount of revenue the retailer has made from the sale of sugary food and drink.

taxing rate is the rate, of not more than 10%, prescribed by regulation.

164I Imposition of sugar tax on taxable revenue

A sugar tax is imposed under this part on the taxable revenue that food and drink retailers made in a financial year at the taxing rate.

164J When liability for sugar tax arises

Liability for sugar tax imposed on the taxable revenue of a food and drink retailer arises on the return date for the lodgement by a food and drink retailer of a return.

[s 5]

164K Food and drink retailer to pay sugar tax

Sugar tax must be paid by the food and drink retailer on whose taxable revenue the tax is imposed on.

Part 2 Fresh produce subsidy

164L Definitions for part

In this part—

fresh produce—

- (a) means fresh fruit or vegetables; and
- (b) including fruit and vegetables that have been pre-packaged; but
- (c) excludes canned, tinned, pickled or otherwise preserved fruit and vegetables.

consumer means—

- (a) an individual who purchases fresh produce for personal use and with no intention of financial gain; and
- (b) a non-profit organisation.

164M Meaning of *eligible fresh produce retailer*

- (1) An *eligible fresh produce retailer* is a business prescribed by regulation.
- (2) However, a regulation may only prescribe a business as an eligible produce retailer if the Minister is satisfied that the business—
 - (a) sells a high quality and wide variety of fresh produce; and

- (b) will lower the price of fresh produce by the subsidy amount if it is prescribed as an eligible produce retailer.

164N Fresh produce subsidy scheme

A regulation may provide a subsidy scheme under which the State, for the sale of fresh produce by eligible produce retailers to consumers, pays to the eligible produce retailer an amount (*subsidy amount*).

Part 3 Amendment of Taxation Administration Act 2001

6 Act Amended

This part amends the *Taxation Administration Act 2001*.

7 Amendment of section 6 (Revenue laws)

Section 6—

insert—

- (10) The *Food Act 2006* part 4 is a revenue law.

Part 4 Amendment of Education (General Provisions) Act 2006

8 Act Amended

This part amends the *Education (General Provisions) Act 2006*.

[s 9]

9 Insertion of new part 10A

After chapter 12, part 10—

insert—

336C State-school to provide healthy breakfast to students

- (1) A State school must offer students a healthy breakfast meal at least 3 days a week before school.
- (2) In this section—
healthy breakfast meal means a breakfast meal which comprises only foods—
 - (a) stated in column 2 of the table in schedule 1;
or
 - (b) prescribed by regulation.

State school see the *Education (General Provisions) Act 2006*, schedule 4.

10 Insertion of new sch 1

After part 10—

insert—

Schedule 1 Healthy breakfast meal foods

section 336C

Column 1 Food type	Column 2 Food items
Wholemeal or high fibre bread and bread alternatives	<p>Wholemeal or high fibre breads, bagels, rolls, wraps, tortillas, plain focaccias, panini, Turkish bread, English muffins, crumpets and similar products.</p> <p>Scones, pikelets, pancakes - plain or fruit varieties without toppings or with reduced fat/sugar toppings such as reduced fat spread, fruit puree, whipped ricotta, yoghurt.</p> <p>Raisin and fruit bread, un-iced fruit buns, glazed hot cross fruit buns.</p> <p>Plain rice cakes and corn cakes, crisp breads and water crackers.</p>
Breakfast cereals	Wholegrain and minimally processed cereals and porridge, low in added sugar, higher in fibre and without added confectionery which are served with reduced fat milk.
Fruit	Fresh fruit, frozen fruit or canned fruit in 100% fruit juice.
Lean meat and alternatives	<p>Lean meat cuts - trimmed and/or skinless.</p> <p>Meat patties prepared on site, using lean or trimmed meats.</p> <p>Canned tuna, salmon, sardines.</p> <p>Eggs.</p> <p>Unsalted and dry roasted or raw nut varieties.</p> <p>Grilled or baked falafels, lentil or legume patties (low salt).</p>

[s 10]

Column 1 Food type	Column 2 Food items
Meals prepared on site using reduced fat and reduced salt ingredients, with salad or vegetables included	<p>Pasta, rice, noodles, casseroles, curries, or similar prepared on site using reduced fat and reduced salt ingredients with plenty of vegetables and/or lean meats.</p> <p>Pizza prepared on site using reduced fat and reduced salt ingredients, and thin, muffin or pita style bases, with plenty of vegetables and/or lean meats.</p> <p>Soup, homemade or commercial - reduced fat and low salt.</p> <p>Jacket potato with reduced fat toppings.</p> <p>Sushi and rice paper rolls with lean fillings.</p>
Rice, grains and pasta	<p>Plain rice, grains, noodles, couscous, polenta, burghul, quinoa, cracked wheat or similar prepared on site.</p> <p>Air-popped popcorn with nothing added.</p>
Vegetables and legumes	<p>All vegetables, fresh, frozen and reduced salt canned varieties.</p> <p>All salads (if dressed, using reduced salt and fat varieties of dressing).</p> <p>All legumes, baked beans, chickpeas, beans, lentils, grilled or baked falafels and lentil patties (low salt).</p>

Column 1 Food type	Column 2 Food items
Reduced fat yoghurt, custard and cheese	Low or reduced fat cheese. Low or reduced fat plain or fruit yoghurt and custard without added confectionery or jelly.