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**HEALTH ACT 1911**

DECLARATION UNDER SECTION 246ZA(1)

I, Dr Virginia McLaughlin, Acting Executive Director, Public Health of the Department of Health, acting with the approval of the Minister for Health under and in accordance with the provisions of section 246ZA(1) of the *Health Act 1911* hereby:

Declare the food product generally known as “**Jelly Cups**”, of the description specified in Table A, to be dangerous for the reasons specified in Table B.

**Table A**

DESCRIPTION OF JELLY CUP PRODUCTS

Mouth-sized jelly confectionary containing the substance konjac (otherwise known as glucomannan, konjonac, konnyaku, yam flour or tarro powder). The confectionary, which is sometimes with a fruit piece centre, is in an individually sealed mini cup from which it is commonly sucked.

**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.

**Consistency:**

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

**Table B**

The konjac-containing jelly is slippery when placed in the mouth and tends to slide 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. The jelly, by reason of its shape and consistency, can then act as a plug in the throat and as, unlike gelatine-based fruit jellies, it does not dissolve quickly in the saliva, it can cut off the air supply and create a choking hazard.

Dated this 20th day of December 2001.

Dr VIRGINIA McLAUGHLIN, Acting Executive Director,  
Public Health.

