

**Business Facilitation Advisory Committee
Retail Task Force**

***Proposed Nutrition Labelling Scheme
for Prepackaged Food***

Purpose

This paper sets out the revised proposal of the Nutrition Labelling Scheme for prepackaged food in Hong Kong.

Background

2. Food label is a means for consumers to obtain specific information, such as ingredients, expiry date, etc, about individual food products. Provision of nutrition information on food labels is an important public health tool to promote a balanced diet. While under-nutrition is generally not a public health problem in Hong Kong nowadays, chronic degenerative diseases such as coronary heart disease, diabetes and certain types of cancer have become more common. The causes of these diseases may be multi-factorial, but an imbalanced diet is no doubt one of the important causes. Requiring the inclusion of nutrition information on food labels is therefore necessary for promoting public health.

3. The Administration last briefed members of the Retail Task Force on the nutrition labelling proposal 4 October 2007 (RTF Paper 36). Since then, we have further consulted relevant stakeholders, including members of the food trade, the medical sector and Consulates-General, to seek their views on the proposal. After taking into account the views received, we have further moderated the scope of our proposal. On 11 December 2007, we presented to the Legislative Council Panel on Food Safety and Environmental Hygiene our revised proposal.

The Proposal

4. The Administration proposes to introduce a Nutrition Labelling Scheme in relation to prepackaged food, with an aim to –

- (a) assist consumers to make healthy food choices;

- (b) encourage food manufacturers to apply sound nutrition principles in the formulation of foods which would benefit public health; and
- (c) regulate misleading or deceptive labels and claims.

5. The proposed Scheme is to cover nutrition labelling¹, and as far as claims are concerned, nutrient content claim², nutrient comparative claim³ and nutrient function claim⁴.

(a) Requirements on Labelling of Core Nutrients

6. In formulating the proposed nutrition labelling requirements, we have taken into consideration various factors including the principles adopted by the Codex Alimentarius Commission⁵ (Codex), local health and disease patterns, overseas regimes, compliance cost for the food trade, implication on food choice, views collected during the consultation exercise and the results of the Regulatory Impact Assessment (RIA), so as to come up with a scheme appropriate for our local situation.

7. Under the Codex Guidelines on Nutrition Labelling, the application of nutrition labelling is mandatory when a nutrient-related claim is made for a food. The Codex Guidelines require that when nutrition label is applied, it should include declarations of energy, protein, carbohydrates⁶ and fat, and any other nutrients which are considered to be relevant for maintaining a good nutritional status in the population concerned. Different countries have indeed adopted different requirements on nutrition labelling having regard to their own public health needs. A table comparing the requirements on nutrition labelling in overseas jurisdictions is at Annex 1.

¹ Nutrition labelling refers to the listing of the nutrient content of a food in a standardized manner. When nutrition labelling is applied, energy content and the nutrient content of a core list of nutrients (i.e. core nutrients) and claimed nutrients are required to be affixed on the nutrition label.

² A nutrient content claim describes the level of a nutrient contained in a food, e.g. 'High calcium'; 'Low fat'; 'Sugar-free'.

³ A nutrient comparative claim compares the nutrient levels of two or more different versions of the same food or similar food products, e.g. 'Reduced fat – 25% less than the regular product of the same brand'.

⁴ A nutrient function claim describes the physiological role of a nutrient in growth, development and normal functions of the body, e.g. Calcium aids in the development of strong bones and teeth. Product X is high in calcium.

⁵ The Codex Alimentarius Commission was created in 1963 by the United Nations Food and Agriculture Organisation (FAO) and the World Health Organisation (WHO) as an international authority to develop food standards, guidelines and related texts such as codes of practice under the Joint FAO/WHO Food Standards Programme.

⁶ Available carbohydrates.

8. We propose to require all prepackaged food to label *energy, trans fat plus six core nutrients*, namely (i) protein, (ii) carbohydrates, (iii) fat, (iv) saturated fat, (v) sodium and (vi) sugars on their food labels, as well as any nutrient for which a claim is made. When a claim is made on the amount of cholesterol or the amount and/or type of fat, then the amount of cholesterol, monounsaturated fat and polyunsaturated fat should also be declared. We propose to include saturated fat, sodium, sugars and trans fat on top of the basic Codex requirements because they are closely associated with cardiovascular diseases and strokes, the second and third major causes of deaths in Hong Kong. Furthermore, the report on “Food, Nutrition, Physical Activity, and the Prevention of Cancer: a Global Perspective” published by the World Cancer Research Fund in November 2007 has clearly identified obesity as a key cause of cancer, the major cause of deaths in Hong Kong. To reduce the risk of cancer, the report recommended us to, amongst others, limit intake of energy-dense foods, avoid sugary drinks and limit consumption of salt.

9. The adverse health effect of trans fat has been internationally recognized. Trans fat elevates low-density cholesterol (“bad” cholesterol) and lowers high-density lipoprotein cholesterol (“good” cholesterol). Excessive intake of trans fat may lead to clogging of arteries and increase the risk of coronary heart disease and strokes. The World Health Organisation has recommended that trans fat intake should be limited to less than 1% of overall daily energy intake. We also note that an increasing number of countries like the US, Canada, Brazil, Argentina and Israel have required the labelling of trans fat in food. The UK has also recently taken steps to examine possible regulation of trans fat in food. The inclusion of trans fat in our Nutrition Labelling Scheme will certainly bring about health benefits to the public in the long run.

10. In the labelling of nutrients, one point to note is that some countries require the labelling of total carbohydrates (e.g. Canada, USA and Japan) while others require the labelling of available carbohydrates (e.g. Australia, New Zealand, European Community, Singapore and the Mainland) (see [Annex 1](#)). The value of available carbohydrates is derived by subtracting dietary fibre from total carbohydrates. To facilitate comparison by consumers, we propose that the food traders may choose to label either the value of available carbohydrates or total carbohydrates but if the latter is labelled, the value of dietary fibre must also be listed out immediately under the value of total carbohydrates.

11. Compared with the “energy plus nine core nutrients” proposal put forward by the Administration in 2005, we have taken out cholesterol, calcium and dietary fibre from the list of core nutrients and added trans fat to the list. Cholesterol is taken out because we consider saturated fat and trans fat are more important risk factors for cardiovascular disease. As for calcium and dietary

fibre, they only exist in a small range of prepackaged food and food products with substantial amount of these two nutrients, in some cases may be due to fortification, usually come with claims, meaning that the nutrient value has to be listed.

(b) Voluntary Labelling of Nutrients

12. While we will require all prepackaged food to be labelled with the value of energy and seven core nutrients, food traders are free to include in the food labels the amount of other nutrients contained in the prepackaged food, e.g. calcium, dietary fibre, etc. We consider that information relating to energy and the seven core nutrients of the food must be labelled in the prescribed format. For other information voluntarily provided by the food traders, provided that they are true and accurate, we consider that flexibility should be provided so as to encourage the provision of more useful nutrition information for consumers and to minimize the need for re-labelling of prepackaged food. It follows that there will be no need for the food traders to blacken out any of the nutrition information already included in the food labels, provided that they are true and accurate.

(c) Requirements on Labelling Format

13. There is no standard format for expression of energy and nutrient value in the food labels among different jurisdictions (see [Annex 1](#)). For some countries, energy value could be expressed in kilocalorie and for others, in kilojoule. Likewise for nutrient value, some countries allow the labelling in per 100 g/ml format while others require the labelling in per serving format. Some countries further require the labelling of energy and/or nutrients in both formats and some allow flexibility for the food traders to choose either one.

14. We see merits in the different approaches. For labelling of energy value, while kilocalorie is more commonly understood or used by Hong Kong people, kilojoule is the International System of Units (SI units) of energy. For labelling of nutrients, labelling in per 100 g/ml will facilitate comparison by consumers but labelling in per serving format is more easily understood by laymen.

15. Since different labelling methods are adopted by different jurisdictions and stipulating a rigid format will necessitate re-labelling of the food products of certain countries (*even though the information on core nutrients are all there in the packages and are true and accurate*), we consider that we should allow flexibility in this area. We therefore propose to allow the labelling of energy in either kilocalorie or kilojoule format and the labelling of nutrients in either per 100 g/ml or per serving format.

(d) Requirements on Nutrient-related Claims

16. In regulating nutrient content claims, we propose to follow generally the conditions of use specified in the Table of Conditions for Nutrient Content Claims under the Codex Guidelines. We also propose to adopt generally the Codex principles regarding nutrient comparative claims and nutrient function claims in general. For nutrient comparative claims, the main principle is that there must be at least 25% difference in the levels of the nutrient claimed between the two products being compared. In relation to nutrient function claims, only nutrients with local Nutrient Reference Values (NRV)⁷ and required level prescribed can be the subject of this type of claim.

17. Various countries have developed or adopted their own NRVs, but under different terminologies, e.g. Reference Labelling Values, Daily Intakes, Daily Values, etc. NRVs are different for Europeans and Asians due to general difference in body size and differences in opinions of nutrition experts. Given that majority of Hong Kong people are Chinese, we will adopt the same set of NRVs of the Mainland (see Annex 2). Having our own set of NRVs in the Regulations is important as it will set the benchmark for prepackaged foods making nutrient-related claims. For example, a “high-protein” claim could only be made if a solid food contains not less than 20% of the NRV per 100 g of food. For claims which are not covered by the Codex Guidelines, but are commonly used in the local context, e.g. “low-sugar” claim, “low-protein” claim, we will follow the standards adopted in the Mainland.

(e) Grace Period

18. Taking into account the shelf life of most prepackaged food, we propose to allow a **two-year grace period** before enforcing the requirements on nutrition labelling. This will allow the trade sufficient time to liaise with their trading partners (e.g. food manufacturers and/or food importers) and prepare for re-labelling of their products, where necessary.

Facilitation for the Trade

19. Hong Kong imports some 60% of prepackaged food necessary to meet demand of Hong Kong (in terms of volume) from the Mainland and overseas. According to information provided by one of Hong Kong’s largest supermarket

⁷ NRVs are a set of values used for labelling purpose and consist of one single value for each individual nutrient. NRVs are intended to assist consumers to evaluate the contribution of a food to their daily nutrient intake and to compose a diet suitable for their individual needs.

chains, the share of prepackaged food in 2006 imported from the Mainland is about 37% in terms of volume and some 15% in terms of item. For North America and the Europe, the shares are 4% each in terms of volume and some 20% each in terms of item – meaning that while the total volume of import from overseas may not be high, the number of items is large, many of which are likely to be niche products (*e.g. organic products, high-end food products*).

20. The RIA study conducted in 2005 showed that under the most stringent scenario (*i.e. energy plus nine core nutrients*), 5% to 10% of the food products currently available in Hong Kong would be withdrawn from our market. The impact on food choice, however, would be reduced with the flexibility we have allowed in labelling format (*see paragraphs 10 and 12 to 15*).

21. To further facilitate the trade operation, with a view to maintaining the food product variety in Hong Kong, in addition to the flexibility we have allowed in labelling format, we propose to adopt the following facilitation measures for the trade.

(a) *Exemptions*

22. We propose to allow certain types of prepackaged food to be exempted from the nutrition labelling requirements. The principles of exemption are as follows –

- (a) There is practical difficulty for the trade to provide the nutrition information (*e.g. prepackaged food packed in a container which has a total surface area of less than 100cm²*).
- (b) The food has insignificant value of energy and core nutrients (*e.g. tea leaves, spices, distilled water*).
- (c) The food is fresh in nature without any addition of ingredient, and is not subject to processing (*e.g. raw meat, fresh fruits and vegetables*).
- (d) The food is sold in small volume (*see paragraphs 24 to 26*).

For (a), (b) and (c), it must be noted that where a prepackaged food is marked or labelled with its energy value or nutrient content, or any nutrient-related claim is made, the exemption status of the food concerned will be removed. For (d), the exemption status of the food concerned will be removed if a nutrient-related claim is made.

23. Furthermore, our proposed Nutrition Labelling Scheme will not apply to infant/follow-up formulae, foods for infants and young children and other foods for special dietary uses since these foods are regulated under different Codex standards.

(b) Small Volume Exemption

24. We propose to implement a **small volume exemption scheme for food products with annual sales volume of 30 000 units or below** under the Nutrition Labelling Scheme. We note that small volume import or small business exemption is practiced in the US. With small volume exemption, many ethnic food, organic food, or niche food products that are mostly imported or manufactured in small volume would be exempted from our nutrition labelling requirements. In addition, we will be able to cater for the staging of food fair and trade promotion events held usually for market testing purpose.

25. Under our proposal, small volume exemption should be subject to approval by the Director of Food and Environmental Hygiene under a pre-registration system. Registration fee will be charged on a full cost recovery basis from the food traders. The food traders will have to report to the Food and Environmental Hygiene Department (FEHD) the sales volume of the food items on a monthly basis. Once the sales volume has exceeded the limit, i.e. 30 000 units per year, then all food items currently being put on the market will have to be labelled in strict accordance with the legal requirements. Food items exempted under the small volume exemption scheme will have to be separately identified when they are put on the market to show that the food labels of these items may not comply with the legal requirements. Staff of FEHD would conduct audit check for enforcement purpose.

26. For prepackaged food qualified under this type of exemption, some of them, especially those imported ones, usually have some nutrition information in their labels. Provided that the nutrition information included in the labels is true and accurate, we will not require them to comply with our labelling requirements, hence minimizing the need for relabelling and blackening out of information already printed on the food labels. However, if any nutrient-related claim is made, the small volume exemption status of the food concerned will be removed and our labelling requirements will have to be met in full.

Legislative Timetable

27. We aim to table the relevant Amendment Regulation at the Legislative Council in early 2008 for negative vetting.

Public Education

28. In the meantime, the Administration will continue the work on nutrition labelling education. A special Task Force on Nutrition Labelling Education comprising representatives from various professional organizations and Government Departments has been set up to coordinate public education and promotion activities on nutrition labelling. The Task Force will also assist professionals and non-government organizations to organize related education activities for the public. In particular, given the flexibility we have allowed in the labelling format of energy and nutrients, we will prepare publicity materials like posters and pamphlets to educate consumers on how to read the food labels. In addition, we plan to conduct workshops to further assist the trade in adapting to the changes once the Amendment Regulation is passed by the Legislative Council.

Advice Sought

29. Members are invited to comment on the above proposal.

Food and Health Bureau
Centre for Food Safety
Food and Environmental Hygiene Department
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International Nutrition Labelling Requirements on Core Nutrients

Countries/ Places	Energy, Protein, & Fat	Carbohydrates ⁽⁶⁾	Saturated Fat	Sodium	Sugars	Cholesterol	Dietary Fibre	Calcium	Other Core Nutrients	Total	Specified Energy Value & Nutrient Content Expression	
											Per 100 g/ml vs. Per serving	kilo-calories (kcal) vs. kilo-joules (kJ)
Codex	•	• (Available)								4	Per 100 g/ml	kcal and kJ
<i>Mandatory Labelling for all pre-packaged food</i>												
Australia/NZ	•	• (Available)	•	•	•					7	Per 100 g/ml <u>and</u> Per serving	kJ
Canada ⁽¹⁾	•	• (Total)	•	•	•	•	•	•	4	14	Per serving	kcal
USA ⁽²⁾	•	• (Total)	•	•	•	•	•	•	5	15	Per serving	kcal
<i>Claim-based Labelling</i>												
EC ⁽³⁾	•	• (Available)	•	•	•		•			8	Per 100 g/ml	kcal and kJ
Japan	•	• (Total)		•						5	Per 100 g/ml <u>or</u> Per serving	kcal
Singapore ⁽⁴⁾	•	• (Available)								4	Per 100 g/ml <u>and</u> Per serving	kcal or kJ
Malaysia	•	• (Available)								4	Per 100 g/ml <u>and</u> Per serving	kcal or kJ
Mainland ⁽⁵⁾	•	• (Available)		•						5	Per 100 g/ml <u>or</u> Per serving	kJ

Notes:

(1) **Canada** : Other 4 core nutrients required for mandatory labelling are iron, vitamin A, vitamin C, and trans fat.

(2) **US** : Other 5 core nutrients required for mandatory labelling are iron, vitamin A, vitamin C, trans fat, and fat calories.

(3) **European Community (EC)** : The labelling for sugars, saturated fat, dietary fibre and sodium are only required if nutrition claims for any of these 4 nutrients is made.

(4) **Singapore** : The nutrition labelling voluntary guidelines further recommend the listing of 4 other core nutrients (saturated fat, sodium, cholesterol, dietary fibre).

(5) **The Mainland** : Published the consultation document in end July 2007 on its revised proposal for nutrition labelling.

(6) The value of available carbohydrates is derived by subtracting dietary fibre from total carbohydrates.

Annex 2

NUTRIENT REFERENCE VALUES

<u>Nutrient</u>	<u>NRV</u>	<u>Nutrient</u>	<u>NRV</u>
Energy (kcal/kJ)	2000/8400	Saturated fat (g)	20
Protein (g)	60	Cholesterol (mg)	300
Fat (g)	60	Total carbohydrates (g)	300
Dietary fibre (g)	25		

Vitamins and Minerals

<u>Minerals</u>	<u>NRV</u>	<u>Vitamins</u>	<u>NRV</u>
Calcium (mg)	800	Vitamin A (µg RE)	800
Phosphorus (mg)	700	Vitamin C (mg)	100
Potassium (mg)	2000	Vitamin D (µg)	5
Sodium (mg)	2000	Vitamin E (mg α-TE)	14
Iron (mg)	15	Vitamin K (µg)	80
Zinc (mg)	15	Vitamin B1 (mg)	1.4
Copper (mg)	1.5	Vitamin B2 (mg)	1.4
Iodine (µg)	150	Vitamin B6 (mg)	1.4
Selenium (µg)	50	Vitamin B12 (µg)	2.4
Magnesium (mg)	300	Niacin (mg)	14
Manganese (mg)	3	Folic acid (µg DFE)	400
Chromium (µg)	50	Pantothenic acid (mg)	5
Molybdenum (µg)	40	Biotin (µg)	30
Fluoride (mg)	1.0	Choline (mg)	450