

**Business Facilitation Advisory Committee
Retail Task Force**

Proposed Labelling Scheme on Nutrition Information

Purpose

This paper briefs Members on the issues raised during the consultation exercise on the introduction of a Labelling Scheme on Nutrition Information for prepackaged food and the latest thinking of the Administration on the matter.

Background

2. Food label is an important communication channel whereby consumers can obtain specific information on individual food products, and provision of nutrition information on food labels is an important public health tool to promote a balanced diet. As consumers are becoming more health conscious, the number of food products with nutrition label and/or nutrient-related claims is on the increase. There are however no specific regulations over nutrition labelling and the conditions/principles for nutrient-related claims under the existing regime in Hong Kong.

3. The Administration has been planning to introduce a Labelling Scheme on Nutrition Information in relation to prepackaged food, with the aims 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.

4. In order to ensure that the proposed Scheme will be able to address the concerns of stakeholders, feasibility study, extensive consultation and regulatory impact assessment (RIA) have been conducted.

Defining the Scope

5. The proposed Scheme is to cover nutrition labelling, and as far as claims are concerned, nutrient content claim, nutrient comparative claim and nutrient function claim.

- (a) *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*) are required to be affixed on the nutrition label.
- (b) *Nutrient content claim*: describes the level of a nutrient contained in a food, e.g. 'High calcium'; 'Low fat'; 'Sugar-free'.
- (c) *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'.
- (d) *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.

The Proposed Scheme in 2005

6. In formulating the proposed nutrition labelling requirements, we have taken into consideration various factors including the principles adopted by the Codex Alimentarius Commission¹ (Codex), local health and disease patterns, international practice, compliance cost for the food trade, implication on food choice, views collected during the consultation exercise and the results of the Regulatory Impact Assessment, etc. A Scheme containing the following features was proposed by the Administration in April 2005:

¹ 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.

(a) Phased Approach

7. The Scheme to be implemented in two phases:

Phase I: Labelling of prepackaged food with nutrient-related claims. There will be a two-year grace period before implementation of Phase I.

Phase II: Mandatory nutrition labelling of all prepackaged food, except those exempted. Phase II will be implemented two years after the implementation of Phase I.

(b) Requirements on Nutrition Labelling

8. The Administration proposed to, during Phase I, require prepackaged food with nutrient-related claims to label energy plus five core nutrients, namely protein, carbohydrates, fat, saturated fat and sodium on their packages, as well as any nutrient for which a claim is made. During Phase II, all prepackaged food are required to label energy plus nine core nutrients, including protein, carbohydrates, fat, saturated fat, cholesterol, sugars, sodium, dietary fibre and calcium, and any nutrient for which a claim is made.

9. A table comparing the list of core nutrients in overseas jurisdictions is at **Annex 1**.

(c) Requirements on Nutrient-related Claims

10. In regulating nutrient content claims, we propose to follow the descriptions and conditions of use specified in the Table of Conditions for Nutrient Content Claims under the Codex Guidelines for Use of Nutrition Claims.

11. We also propose to adopt the Codex principles regarding nutrient comparative claims and nutrient function claims in general.

(d) Exemptions

12. The Administration is aware that for some types of prepackaged food, it may be practically difficult for the trade to provide the nutrition information. For others, the nutrition information required to be provided would not directly benefit the ultimate consumers. We have, therefore, drawn up a list of food items which could be exempted from the Scheme. Examples of exempted items include fresh fruits and vegetables, food packed in a container of which the aggregated surface

area is less than 100cm², food sold at a catering establishment for immediate consumption, etc. Besides, 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.

Issues Raised during Consultation

13. Since the release of the proposal in April 2005, stakeholders have expressed the following key issues of concern through different channels:

(a) Number of core nutrients

14. Some took the view that while Hong Kong is an important market for export of food, its high reliance on imported food and the relatively small volume of food consumed might not warrant a stringent scheme requiring the listing of energy plus nine core nutrients. Such a move might turn away certain food imports such as novel foods and health foods which are usually sold in small quantities.

(b) Claim-based vs. mandatory approach

15. There was suggestion that Hong Kong should adopt a claim-based approach rather than a mandatory nutrition labelling scheme which is applicable to all prepackaged food.

(c) Phased approach and grace period/transition arrangement

16. Some said that the trade would not benefit from a phased approach as re-labelling is necessary between the different phases. In addition, they requested that a reasonable transitional period should be in place before implementation.

(d) Nutrient content expression (per 100 g/ml vs. per serving) and energy value expression (kcal vs. kJ)

17. Different jurisdictions have their own requirements as regards nutrient content expression and energy value expression. There was suggestion that we adopt a flexible approach so that re-labelling is not necessary. Please see **Annex 1** for the international situation.

(e) Small volume imports / small business exemption

18. Some proposed that the Administration should consider exemption for small business since the small business might not be able to afford the additional cost (*for re-labelling and testing*), though small business exemption under nutrition labelling scheme is not a common practice in overseas countries.

Latest Thinking

19. We have taken into account the views of the stakeholders, including those expressed by the Retail Task Force. Having studied the overseas practices in nutrition labelling, we are of the view that our original proposal released in April 2005 has scope for moderation. On balancing the benefits of nutrition labelling in enabling consumers to make healthy food choice, and the need to minimize the impact of the nutrition labelling scheme on the food trade especially the small businesses, we are considering to reduce the number of core nutrients in our labelling scheme from nine to six, by taking out cholesterol, dietary fibre and calcium. If a claim is made in relation to fat or cholesterol, then the nutrient value for saturated/monounsaturated/polyunsaturated fat, trans fat, and cholesterol will also need to be listed out. In light of some trade members' concern that a phased approach will mean re-labelling for the prepackaged food within a short period of time and that the number of core nutrients will likely be reduced, we are also considering to implement the nutrition labelling scheme in one single phase. As to the format for labelling of the nutrients and energy value, we are considering the case for allowing the expression of nutrient content in per serving format and energy value in kJ format.

20. We would like to seek Members' views on our latest thinking and will take that into account in finalizing our proposal.

Way Forward

21. The Administration has been communicating closely with relevant stakeholders, in particular members of the food trade and Consulates-General, to seek their views on the proposal. In light of the concerns of some of the stakeholders and having regard to the overseas practices in nutrition labelling, the Administration is reviewing the originally proposed scheme. We will continue to exchange views with the stakeholders before finalizing the proposal. Our current plan is to submit the relevant Amendment Regulation to the Legislative Council in early 2008.

22. Meanwhile, 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-governmental organizations to organize related education activities for the public. In addition, we plan to conduct workshops to further assist the trade in adapting to the changes once the relevant regulation is passed by the Legislative Council.

**Food and Health Bureau
Centre for Food Safety
Food and Environmental Hygiene Department
September 2007**

International Nutrition Labelling Requirements on Core Nutrients required by Law

<u>Countries/ Places</u>	Energy, Protein, Carbohydrates & Fat	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	•								4	Per 100 g/ml	kcal and kJ
<i>Mandatory Labelling for all pre-packaged food</i>											
Australia/NZ	•	•	•	•					7	Per 100 g/ml <u>and</u> Per serving	kJ
Canada⁽¹⁾	•	•	•	•	•	•	•	4	14	Per serving	kcal
USA⁽²⁾	•	•	•	•	•	•	•	5	15	Per serving	kcal
<i>Claim-based Labelling</i>											
EC⁽³⁾	•	•	•	•		•			8	Per 100 g/ml	kcal and kJ
Japan	•		•						5	Per 100 g/ml <u>or</u> Per serving	kcal
Singapore⁽⁴⁾	•								4	Per 100 g/ml <u>and</u> Per serving	kcal or kJ
Malaysia	•								4	Per 100 g/ml <u>and</u> Per serving	kcal or kJ
Mainland⁽⁵⁾	•								4	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 or sodium is 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 which adopts a claim-based approach.