

For discussion on 22.1.01

LegCo Panel on Food Safety and Environmental Hygiene

FOOD LABELLING

Purpose

This paper sets out the existing statutory requirements on food labelling and seeks Members' views on Government's proposals to introduce new and additional requirements.

Existing Food Labelling Requirements

2. Food labelling is an important channel of communication between manufacturers and consumers. It serves as a tool for the food industry to inform and attract potential buyers on the one hand and assist consumers to make informed choices on the other.

3. Under Schedule 3 of the Food and Drugs (Composition and Labelling) Regulations (the Regulations), Public Health and Municipal Services Ordinance (Cap. 132), prepackaged foods are required to be marked or labelled with the following information -

- (a) name or designation of the food product;
- (b) list of ingredients and food additives;
- (c) durability period;
- (d) special condition for storage or instruction for use;
- (e) name and address of manufacturer or packer; and
- (f) count, weight or volume.

— An extract of the relevant provisions is at Annex A.

Enforcement of Food Labelling Requirements

4. To ensure the above legislative requirements on food labelling are duly observed, regular inspections are carried out and random food samples are collected to verify the contents of the labels. Based on the results of inspection or laboratory testing, appropriate follow-up actions are taken to enforce compliance with the labelling requirements. Depending on the possible health impact, these actions may include giving health advice, warning the importer or seller of the detected irregularities and taking out prosecutions against offenders.

In 2000, we inspected approximately 55 000 food labels, issued 524 professional advisory letters and 239 warning letters, and instituted 87 prosecutions.

Regular Legislative Reviews

5. As part of the Government's ongoing efforts to enhance food safety assurance for the protection of public health and consumer interests, we conduct regular reviews on legal provisions and requirements for food labelling. We also need to keep the local food legislation up to date and as far as possible tie in with the latest international development. In proposing any new additional labelling requirements, we should balance the need to enhance consumer information on the one hand and to guard against imposing unnecessary burden to the trade on the other. As a member of the World Trade Organization, HKSAR is obliged under the Agreement on Sanitary and Phytosanitary Measures and the Agreement on Technical Barriers to Trade to ensure that we do not enact food related legislation which would pose unnecessary barrier to international trade. Hence, our legislative reviews always take reference from international standards on food labelling developed by the Codex¹.

Recent Proposal to Enhance Existing Labelling Requirements

6. We have completed a recent round of legislative review and have identified four areas in which the existing labelling legislation on prepackaged food should be improved :

- (a) food labels should declare the presence of substances which are known to cause allergy in some individuals;
- (b) food labels should specifically indicate the type of the food additives used, either in the additives' full name or identification code number;
- (c) the format required in marking the "best before" or "use by" date should be made more flexible to the trade and clearer to consumers; and
- (d) the labelling requirements on alcoholic drinks should be strengthened.

7. The rationale and justifications for each of the above proposals are explained in paragraphs 8 to 17 below.

Labelling of Allergenic Substances

¹ Codex - Abbreviation for the Codex Alimentarius Commission. It is an organization under the United Nations and is recognized by the World Health Organization, the Food and Agriculture Organization and the World Trade Organization as the international authority for setting of food related standards.

8. The existing legislation does not impose specific requirements on labelling of ingredients or additives which may cause allergy to some individuals. To better prevent food allergies, we propose that the presence of 8 categories of substances should be declared in the list of ingredients of the food labels. The Codex has stated that these substances are known to cause allergies and has recommended that they should always be declared. The 8 categories are:

- (a) cereals containing gluten, i.e. wheat, rye, barley, oats, spelt or their hybridized strains and products of these;
- (b) crustacean and crustacean products;
- (c) eggs and egg products;
- (d) fish and fish products;
- (e) peanuts, soybeans and their products;
- (f) milk and milk products (lactose included);
- (g) tree nuts and nut products; and
- (h) sulphite in a quantity of 10 parts per million or more.

Labelling of Details of Food Additives Used

9. The existing Regulations require food labels to declare either the exact name of additives used, or just the general categories to which the additives belong, such as preservative and colour. To provide consumers with more information, we propose that both the category and the exact name of the additives should be declared on food labels. For example, instead of stating “preservative” (which already fulfils the requirement of the existing legislation), detailed information such as “preservative (sodium nitrate)” should be declared. Minor amendments will also be made to the categorization of food additives in the existing regulation to dovetail with that of the Codex.

10. We appreciate that there may be practical difficulties for food manufacturers to list the full names of all the food additives used because of limited food label space. Therefore, we propose that identification number of additives under the International Numbering System for Food Additives adopted by the Codex can be used as alternatives to full names; hence in the previous example, “preservative 251” will also be accepted. We will publish booklets and provide information on the Food and Environmental Hygiene Department’s homepage (<http://www.info.gov.hk/fehd>) on the International Numbering System for Food Additives for consumers and members of the food trade wishing to know more about this numbering system. We will also promulgate the numbering system through public education programmes.

More Flexible Date Marking Format

11. The existing Regulations require the “best before” or the “use by” date of food products to be marked in both English and Chinese language, or in Arabic numerals in the strict order of the date followed by the month and then the year. While marking the date in English and Chinese words is straightforward, there are two problems associated with the strict order of date, month and year in the Arabic numeral option:

- (a) the date marking sequence of the products normally follows the convention of the country of origin. Products of some countries such as United States are marked in the sequence of the month followed by the date and then the year. Importers have complained about the unnecessary costs incurred due to the order requirement as they have to introduce additional food labels to replace the original ones in order to comply with our legislative requirement; and
- (b) the display of a sequence of Arabic numbers, though in line with the requirement of the present legislation, may confuse consumers who are not clear about the order of date, month and year laid down in the legislation. For example, a consumer may not know whether the date mark “05 10 00” means 5 October 2000 or 10 May 2000.

12. To address the concerns of the trade and consumers, we propose that when Arabic numerals are used to show the durability period, the restriction on the order in which the day, the month and the year appear should be lifted but the exact sequence must be clearly declared in both Chinese and English words. Hence using the previous example, any one of the following date marks are acceptable :

00 10 05	00 05 10	10 05 00	05 10 00	10 00 05	05 00 10
年月日	年日月	月日年	日月年	月年日	日年月
yy mm dd	yy dd mm	mm dd yy	dd mm yy	mm yy dd	dd yy mm

Labelling of Alcoholic Drinks be Strengthened

13. The existing Regulations exempt alcoholic drinks (described as prepackaged foods with alcoholic strength by volume of more than 1.2%) from all marking and labelling requirements².

14. We have reviewed this existing pan exemption of alcoholic drinks from all labelling requirements. The recommendation/view of Codex is that

² If the trade chooses to label the ingredients of the alcoholic drink despite the exemption, then the drink must comply with all labelling requirements prescribed in the Food and Drugs (Composition and Labelling) Regulations, Cap. 132.

alcoholic drinks should comply with all food labelling requirements with three exceptions :

- (i) drinks with alcoholic strength by volume of more than 10%;
- (ii) wines; and
- (iii) fruit wines.

For these three exceptions, no labelling of durability period is considered necessary. The reason is that these drinks are by nature much less vulnerable to quality deterioration due to the lapse of time.

15. We have recently received views from the beer industry that beers should not be exempted from the requirement of labelling durability period. They are of the view that unlike other alcoholic drinks, the quality of beer would deteriorate over time. They proposed that the labelling of “best before date” should be made a statutory requirement.

16. Taking into consideration the recommendations of Codex and the views of the beer industry, we propose to amend the Regulations to require alcoholic drinks, with the exception of alcoholic drinks with alcoholic strength by volume of more than 10 %, wines and fruit wines ³, to fulfil the statutory labelling requirement. However, labelling of the ingredients will not be required, the reasons of which are explained the paragraphs 17 below.

17. There are no international guidelines on how ingredients of alcoholic drinks should be labelled and we can find no country which imposes such a requirement. One main reason is the practical difficulty in enforcement. Verification of the ingredients used normally relies on composition analysis of the final product. In the case of alcoholic drinks, input ingredients can differ significantly from output ones and composition of the final product might also change over time due to continued fermentation. We have therefore concluded that the existing exemption on labelling of ingredients should continue to apply for all alcoholic drinks, including those with alcoholic strength by volume of less than 10%.

Implementation Timetable

³ "wines and fruit wines" - taking account of the definition of “wine” under Cap 109 Dutiable Commodities Ordinance and the international practice, we propose they to be defined as “drink obtained from the fermentation of fruits or must of fruits, whether or not that liquor is fortified with spirit or flavoured with aromatic extracts.”

18. The implementation of the proposed amendments requires full co-operation from the trade. To allow sufficient time for the trade to prepare for the changes, and taking into account maximum shelf-lives for most pre-packaged foods, we propose to allow a grace period of around 18 months for the proposed amendments to take effect.

Consultation Exercise on the Proposed Amendments

19. We have consulted the Advisory Council on Food and Environmental Hygiene on our proposals. Members of the Advisory Council support our proposed amendments and believe that consumers would find the additional labelling requirements useful.

20. We invited views and comments from the community and the trade and arranged for an around two-month consultation period from mid October to late December 2000. Around 1 200 letters attaching detailed proposals were sent to all major stakeholders, including related trade associations, food importers and manufacturers, chained supermarkets and department stores, consulates, medical professional bodies and the Consumer Council. We also uploaded the detailed proposals onto our homepage (www.info.gov.hk/fehd) and published them in the FEHD's quarterly publication *Food Safety Bulletin*. Press interviews were given and these were covered in local newspapers. At the end of the consultation period, we have received 29 written submissions and 49 enquiries (enquires are submissions which do not contain any comments). Views collected indicate that there is general support from the trade, the medical professionals and the consumers. Some members of the trade suggested a longer grace period and great flexibility in key words used on food labels. Most of these suggestions are technical in nature and we shall give them due considerations during the actual drafting of the amendment regulation. Members may wish to refer to Annex B for a summary of the views collected.

21. In accordance with established and agreed procedures, we have notified the World Trade Organization (WTO) and through its notification system consulted the international community on our proposed amendments. We have not received any objections from members of the WTO within the notification period.

Advice Sought

22. Members are invited to comment on our proposed amendments as set out in paras 6 to 17 above.

Next Steps

23. Taking into account any views Members may have, we will proceed with the drafting of the amendment regulation. We intend to introduce the related legislative amendments in mid 2001.

**Food and Environmental Hygiene Department
January 2001**

Annex B

Summary of Views Collected from the Consultation Exercise on Proposed Amendments to

Food and Drugs (Composition and Labelling) Regulations

Number of written opinions received: 29

Number of enquires (without giving comments) received: 49

Summary of views received

(A) Labelling of Allergic Substances

- (a) Opinions received in general supported the proposal.
- (b) There are 13 supporting submissions. Supporting reasons cited include –
 - It helps to protect health of individuals who are allergic to certain food ingredients.
 - It is in line with the recommendation made by Codex.
 - It helps consumers to make an informed choice.
- (b) There are 3 submissions objecting the proposal. Objecting reasons cited include –
 - Most of HK's major trading partners have not implemented similar requirement.
 - It is costly in compliance.
- (c) We have also received comments related to the proposal, which include–
 - Other known allergic substances such as honey, certain herbal products, phenylalanine should also be labelled.

(B) Labelling of Details of Food Additives Used

- (a) Opinions received in general supported the proposal.
- (b) There are 17 supporting submissions. Supporting reasons cited include –

- Adoption of international code for labelling of food additives will help harmonization of world trade.
 - Adoption of INS number will simplify identification of food additives used.
 - It helps consumers to make an informed choice.
 - It helps medical professionals to give advice to their patients/clients.
- (b) There is 1 submission objecting the proposal for the following reason –
- Compliance cost to the trade outweighs potential benefits to consumers.
- (c) We have also received comments related to the proposal, which include –
- EU’s code (i.e. INS with prefix “E”) should also be accepted means for declaration of food additives.
 - Accepted Chinese translations for additive names should be flexible.
 - Chinese names of additives should be standardized.

(C) More Flexible Date Marking Format

- (a) Opinions received in general supported the proposal.
- (b) There are 15 supporting submissions. Supporting reasons cited include –
- It increases flexibility of the trade.
 - It provides clearer information to the consumers.
- (b) There are 4 submissions objecting the proposal. Objecting reasons cited include –
- Compliance cost to the trade outweighs potential benefits to consumers.
 - There is difficult to comply with in cases of printing all the required words in small areas such as caps of bottled products.
 - Should not require dates marked in numerical format in the sequence of “day-month-year” to declare the exact order adopted. Such declaration is only required for numerical dates marked in other sequence.

- (c) We have also received comments related to the proposal, which include –
- Supplementation of “best before date” with “production date”.
 - Size, colour, location and method of date marking should be standardized.
 - “d/m/y” for declaration of order of date marking sequence adopted should be accepted.

(D) Strengthening of Labelling Requirement for Alcoholic Drinks

- (a) Opinions received in general supported the proposal.
- (b) There are 16 supporting submissions. Reasons cited include –
- Beverage alcohol with low alcoholic content would deteriorate over time and should therefore be required to label durability periods.
 - Liquor with high alcoholic content should continue to be exempted from ingredient labelling as fermentation and distillation process transform the original ingredients used in the production of spirits products.
- (b) We have received 1 submission objecting the proposal, for the following reason –
- It is costly in compliance.
- (c) We have also received some comments related to the proposal. They include –
- Alcoholic drinks should label their alcoholic strength.
 - Alcoholic drinks should display health warnings on their labels.
 - Name and address of importer and country of origin should be labelled.

(E) Grace Period

We have received 3 submissions requesting for extension of grace period. Suggested grace periods include 24 and 36 months.

Food and Environmental Hygiene Department
January 2001