Submission from the Consumer Council
to Legislative Council Panel
on Food Safety and Environmental Hygiene
on nutrition labelling and the regulation of genetically modified food

Introduction

1 The Consumer Council is pleased to provide views on the subject of nutrition labelling and the regulation of genetically modified food.

2 The Council has been looking into the issue of nutrition labelling and genetically modified food over the years. In the past 5 years, more than 10 test/research projects have been undertaken on a wide range of food products including milk, orange juice etc. For example, the Council tested 105 food samples for genetically modified ingredients in 2000 and fibre contents of 20 samples – 9 breads and 11 biscuits in February 2003.

3 The public has, from time to time, expressed concern over the possible genetically modified ingredients and the claims on the nutrition labels. Whilst a consumer may select the food they eat but eventually it is the corporate which dictates one's food intake through control of the ingredients used.

Nutrition Labelling

4 As consumers place greater emphasis on the nutrition of their food intake, suppliers of prepackaged food devote attention on product packages, rather than providing enough nutrition facts for consumers. For the few products with nutrition information they are not easily comprehensible, making it difficult if not impossible for a laymen to understand or compare them with similar products of other brands.

5 The LegCo paper notes that the formats and information provided on the food labels of a large percentage of prepackaged foods sold in Hong Kong are not consistent. In some cases the information are difficult to comprehend or even misleading. This is consistent with the Council's findings.

Recent Studies

6 In February 2003, the Consumer Council published the results of a comparative test of fibre contents of 20 food samples – 9 breads and 11 biscuits. Among the samples, 6 labelled claims suggested high or rich in fibre contents but only 4 of them also put the fibre claim in numerical form. However, the reference amount they used were not the same. For the two biscuit samples, one quoted 24g as the reference amount and the other used 30g. For the two bread samples, one used 100g as the reference amount and the other expressed the fibre content in percentage. This makes it very difficult for consumers to compare the contents of different products.

7 According to the US Nutrition Labelling and Education Act, no food product (of a 2000-calorie diet) could rightly make a high-fibre claim, unless it contains not less than 5 grams of fibre per serving (i.e. equivalent to 30 g of biscuit and 50 g of bread). However, our test revealed that none of the samples with such a claim contain more that 5g of fibre per serving.

8 Likewise, in a study on milk products in February, 2002, the reference amounts were all different - 100 ml, 200 ml, and 250 ml. Furthermore, one sample without any "High Calcium" labelled contained more calcium than many so-called "Hi-Calcium" samples.

Implementation time of mandatory nutrition labelling

9 The Council welcomes government's commitment to implement a mandartory nutrition labelling system. However, the Council has reservation on the proposed implementation time frame. The paper on the proposal notes at paragraph 7 that:

> *"After a reasonable period of time of about five to ten years for food suppliers and consumers to familiarize with the new regulations, the requirements for nutrition labelling would be made mandatory and cover all prepackaged food products."*

10 The Council urges the process to be speeded up since mandatory many countries already have nutrition labelling regulations. It is far too slow for an international city like Hong Kong if it takes 5 to 10 years to set up similar regulations.

11 Mandatory nutrtion labelling should pose no problem for imported food items produced by transnational corporations as their products already comply with such requirements in most countries. There is no reason why their products for the Hong Kong market should have a lower nutrition labelling standard. The Council notes from its studies that some locally manufactured products carry nutritional information, albeit not comprehensive and standardized. The time is ripe for local manufacturers to improve their labelling standard in order to maintain a competitive edge.

Core Nutrients

12 The paper on the proposal notes at paragraph 7 that:

> *"…a nutrition label, if presented, to list out a set of core nutrients such as energy, protein, carbohydrate and fat. The level of nutrients should be expressed as absolute amount (in metric units) per 100g or 100ml of food."*

13 The Council considers that apart from the core nutrients listed above, it should also include fat (saturated and non-saturated), sodium and fibre. The amount of which per serving must also be listed on the nutrition table, including a separate row for sugars which is in line with international practice, for example in Australia, New Zealand and the United States. Accurate pictorial presentation should be used, where space is available, for people who have difficulties understanding numbers.

Nutrition Claims

14 The paper on the proposal notes at paragraph 8 that:

> *"nutrition claims, both nutrient content and comparative*

claims would be allowed but these claims would be limited to those relating to the set of core nutrients to be prescribed by us."

15 The Council does not object the proposal that both nutrient content and comparative claims would be allowed but it takes this to mean that a clear legal definition would be given to terms used in comparative claims, for examples "High", "Low", "Reduced", "More", "Less", "Free"', etc. when referring to a particular nutrient. The Council suggests that if such claims are to appear on a food product, the amount of nutrients related to such claims must be verified by accredited laboratories with validated test methods.

16 Further, the Council would like to offer the following suggestions to the proposed nutrition labelling system.

(a) For nutrient function claims, the food for which the claim is made should be a significant source of the nutrient concerned. As in comparative claims, the content must have been verified by accredited laboratories with validated test methods.

(b) A nutrition information table must be printed on the package of all pre-packaged food. The font size used must not be smaller than a prescribed limit.

(c) A reference amount or serving size which local people usually consume should be defined for each food type. The label should indicate the number of servings in each consumer package.

(d) Names of the ingredients should be listed in addition to types for preservatives and colourings.

(e) Full details of substances that can cause food allergies (allergens) should be put on the ingredients list, with the most common allergens emphasised.

(f) Guideline of daily amounts of major nutrients should be established. For example, the maximum amount of fat that a woman or man should eat daily.

17 Most of the above recommendations are being practised in many countries and should not be too difficult for manufacturers to follow.

Genetically Modified Food (GM food)

Mandatory Pre-market Safety Assessment

18 The Council supports the implementation of a mandatory pre-market safety assessment of GM food to ensure the safety of GM food.

19 The Council considers that full pre-market assessment should take account of the safety and social aspects of GM foods so as to ensure that they are safe, environmentally sustainable and acceptable to consumers. The GM ingredient should be assessed completely for its health impact such as the possibilities of generating allergic reactions, harmful toxins, changes of nutritional value, increase resistance to antibiotics, or any other unintended effects, particularly in foods targeting to specific groups such as infants.

20 At present many GM food safety studies are conducted in western countries. Since there are cultural differences in the habit of food consumption, and differences in bodily built between westerners and Chinese, safety data obtained from foreign countries may not be directly applicable to the local population. The Council considers researches on such areas carried out by local universities and research centers to be most valuable. Independent funding of such researches (non-biotech industry funding) is preferred not only to ensure full independence of such research findings but seen to be so.

Unapproved GM ingredients

21 The paper on the proposal notes at paragraph 14 that:

"To ensure that food containing unapproved GM ingredients

are not on sale in the local market, FEHD will take food samples from the market for testing of unapproved GM varieties from time to time. Unapproved GM products would be required to be removed from the market, and the importers will be prosecuted."

22 The Council supports the action of food sampling for testing of unapproved GM ingredients to ensure the health of the consumers and reiterates the need for frequent testing of adequate samples. Assessment should be based on the studies of third party or independent bodies instead of those done by the developers of GM ingredients. In the United States, safety assessment relies on claims advanced by biotech companies and the GM variety is regarded as safe if there is no scientific evidence to the contrary. Consumer organizations worldwide consider such an approach inappropriate and the Council is of the same view that such an approach should not be followed by Hong Kong. The Council also suggests the introduction of traceability/product tracing technologies and proper documentation in the production of GM food.

23 Traceability/ product tracing can locate the problem occurred so that appropriate control measures can be put in place to prevent resurgence of the problem. It will facilitate more rapid and focused product recalls, to prevent consumption of the ingredients product. For example, when an allergenic GM variety is used as raw materials in the production of numerous food products, traceability is vital.

24 The European Union (EU) is developing its traceability rules for GM ingredients. Traceability rules apply to GM ingredients throughout the entire production, processing and distribution chain. When a company markets a product containing genetically modified organisms (GMOs), it will have to ensure detail record keeping and that the buyer receives the information that the product contains GMOs and the buyer is then obliged to pass this information to the clients.

Regulations in other countries

25 The paper on the proposal notes at paragraph 15 that:

"At present, there is no international consensus on the labelling of GM food. There is also a lack of strong justification for the labelling of GM food on food safety grounds."

26 The above statement is not entirely correct. There is a general consensus on the need for the labelling of GM food, although the form of legislation may be different in different countries. It is in the European Union where most activity on labelling GM foods and ingredients is taking place. More than 35 countries have followed the EU's lead and developed some form of labelling requirement for GM foods in the recent years. Mandatory labelling system or some form of labelling requirement has been adopted in China, Philippines, South Korea, Taiwan, Australia, New Zealand and Japan. Labelling regimes are also being considered in Israel, Egypt, Mexico, Zimbabwe and South Africa.

27 Recently, even tighter control has been proposed in the EU. The threshold for labelling GM food has been proposed to be lowered from 1% to 0.9%. The proposal also require the regulation to cover all foods produced from Genetically Modified Organisms (GMOs), irrespective of whether there is DNA or protein of GM origin in the final product.

Guidelines on the labelling of GM food

28 The paper on the proposal notes at paragraph 15 that:

"Since negative claims on GM food are common in the local market, with some of them misleading, standardizing the terminology of, and developing a set of general guidelines on GM labeling may help the trade in making truthful GM claims."

29 The Council welcomes the setting of general guidelines on GM labelling. To avoid confusion, the guidelines should standardize the format of the label, the names of the GM varieties and the computation of the concentration. Any altered characteristics or nutritional parameters in comparisons to the existing counterpart food, and allergic warning or other precautions for use, should also be included on the label.

30 The Council considers that the use of negative claims on labels should not be allowed. Adventitious or unintended presence of GMOs in products is largely unavoidable and can occur during cultivation, handling, storage and transport. On the other hand, food stuff that are derived from GMOs may no longer be detected due to degradation of the GM-DNA during processing. Under these circumstances, allowing negative claims would mislead consumers.

Voluntary labelling vs Mandatory labelling

31 The paper notes that after considering the results of the regulatory impact assessment (RIA) on the labelling of GM food in Hong Kong, it proposed that a system of voluntary labelling would be a practical alternative.

32 The Council is of the view that a mandatory labelling of GM food should be implemented as soon as practicable.

33 Consumers have the right to know whether the food items they pay for contain GM ingredients. Labels are therefore essential tools to provide information which enables suitable choice to be made, no matter such choices are based on safety or other concerns about religious, cultural or environmental impact of GM foods. Although the GM varieties are not presumed to be less safe than their conventional counter-parts. we cannot ignore the fact that sometimes problems arise after years of consumption. With proper labelling system, investigation can be more effective.

34 Further, voluntary labelling cannot prevent withholding of GM ingredient information or false claims made about the GM contents or identity preserved. If labelling is left to the discretion of the trade, consumers may not be informed about the exact nature and characteristics of the food.

35 The Council understands the industry concern, (particularly the SMEs) over the economic costs of implementing mandatory labelling system. However, the Council contends that without an effective mandatory labelling system, enterprises may risk the loss of consumer confidence in their products. This would, in turn, lower the profitability of business. Hence, the benefits of adopting a mandatory labelling system should

be considered alongside the costs of implementation. In other words, the RIA should also include a cost/benefits analysis.

36 Without mandatory labelling, unapproved or unsafe GM ingredients can easily leak into the food supply. In 2000 in the US, a GM corn variety not approved for human consumption due to its potential allergenicity was discovered in corn products for human consumption, including processed food sold in supermarkets. This sparked a wide product recall, costing the industry billions of dollars as well as bringing the developer of the GM ingredient to possible litigation. This may provide a glimpse of the economic loss that could accrue in the future without mandatory labelling. One single case of wide product recall may out number the total economic cost incurred for implementing mandatory labelling, which is estimated in the range of 25 to 130 million in the RIA.

Consumer Council
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