



PARKNSHOP - A Division of
A.S. Watson Group (H.K.) Limited
Watson House
1-5 Wo Lu Hang Road, Fo Tan
P.O. Box 250 Shatin Post Office
Shatin, New Territories
Hong Kong
Telex: 45254 ASWAT HX
Fax: 852-2695 3664
Telephone: 852-2606 8833

The Hon. Mrs Selina Chow Liang Shuk yee
Chairman
Bills Committee on Undesirable Medical Advertisements
Legislative Council

Paper No. CB(2)374/04-05(01)

23/11/04

Dear Mrs Chow,

Following yesterdays' Bills Committee meeting, I am seeking clarification of the following points from the Administration and trust you could kindly assist:

1. Exemption of food items

During the consultation period following intensive lobbying the Department of Health announced that 'general food items' would be exempt, but did not define the term.

Can the Administration confirm that general food items will remain exempt from the entire Amendment Bill and clearly define what is included in 'general food items' and what is not ?

All prepackaged food is covered by the Food Labeling Regulations which states that "the food name or designation shall not be false, misleading or deceptive in any respect as to the nature of the food". We consider therefore that protection for purchasers already exists for unsubstantiated claims on food items.

Substantiated claims are important to give consumers the information they need to make healthy choices when food shopping.

2. Health Foods

There was considerable debate yesterday about 'health foods'. I consider it inappropriate to discuss health foods with a view to this Bill, when to my knowledge, the term 'health food' has yet to be defined; for example:

Does 'health food' include:

- Low fat margarine or low fat instant noodles ?
- Oatmeal ?
- Low calorie foods (eg. Weight Watcher range) ?
- All food that is not 'unhealthy' (by definition) ?

I trust the above are not considered 'health foods' merely because they are 'healthy'.



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If the 'health food' is a 'food' then it is already covered by the food labeling regulations as described in (1).

Can the Administration provide an appropriate definition of the term 'health food' if it is referred to in any way in this bill ?

Thank you for your assistance in seeking clarification for these points

Yours Sincerely,

Peter Johnston
Chartered Scientist
ParknShop

For A. S. Watson Group (HK) Limited

Copy: Anita Bagaman, HKRMA

