

**Consumer Council's
Submission to the Legislative Council
Subcommittee on Food Business (Amendment) Regulation 2006**

**Legislative Proposal on
Separation of the Sale of Fresh and Chilled/Frozen Meat**

1. The Consumer Council (CC) welcomes the proposal of the Government to amend the Food Business Regulation to cater for separation of the sale of fresh and chilled/frozen meat.
2. CC considers the following issues are of utmost importance with regard to consumer welfare:
 - a. consumer health, i.e., meat supplies must comply with health standards;
 - b. protection of consumers from trade malpractices, i.e., prohibition and prevention of defrosted frozen/chilled meat posing as fresh meat, and reaping benefit from the price differences;
 - c. level playing field for all operators in the market;
3. CC holds the view that whatever regulation imposed must be instrumental to enforcement and sufficient measures and safeguard have to be put in place to protect public health on one hand and to prevent unscrupulous market practices on the other.
4. Implementation of the proposal will allow a person to sell fresh and chilled meat at the same premises provided that the chilled meat has been pre-packaged somewhere else and properly labelled. Whilst this could accommodate the request for exemption from the two licences requirement raised by some operators and allow concurrent sale of fresh and chilled meat at the same premises, it leaves un-tackled the possible confusion to consumers of the type of meat they are buying. That is because the wording of the proposed amendments to the regulation seems to suggest that the requirement of pre-packing chilled meat only applies where concurrent sale takes place. If that is the case, chilled meat found on premises selling chilled meat alone and not fresh ones at the same time will not have to be pre-packaged, and the marking and labelling prescribed for chilled meat will not be available to assist consumers to tell the type of meat they are buying. CC appreciates that there may be codes and guidelines imposing operational requirements on those dealing with chilled/frozen meat, but submits that such requirements should find their way into the legislation to have the force of law.
5. CC voiced the concern in its June 2006 submission with how left-over fresh meat that has been preserved by chilling, once chilled/frozen, could be differentiated from the other chilled/frozen meat and whether any regulation will be in place in respect of the above. CC urges the government to consider whether chilled meat should be properly defined in the regulation and what other measures are needed to enable consumers to tell what meat they are buying, such as requiring vendors

to display in a conspicuous place the type of meat on sale. In any event, CC believes that pre-packaging coupled with prohibition on tampering with the package should be prescribed for all chilled meat imported.

6. CC is of the view that section 7 of the Trade Descriptions Ordinance should be applied so that a person making an oral representation that certain meat is fresh when it is actually chilled, or giving false information on the location of slaughter would be considered misleading under the terms of section 7.
7. Given that consumers would assume that unpackaged meat sold by a fresh meat licensee would be 'fresh' meat, CC submits that sale by a fresh meat licensee of chilled meat without pre-package should be taken to have contravened section 7 of the Trade Descriptions Ordinance. This will facilitate effective enforcement work by the Customs and Excise Department and safeguarding the interests of consumers.
8. CC applauds the enforcement action by the Food and Environmental Hygiene Department since chilled meat from selected Mainland plants has come to be imported. Prosecution of offending vendors will definitely have a deterrent effect on operators as well as serve as reminders to consumers the difference between fresh and chilled meat and the legal provisions regarding them.

26 September 2006