



**Hong Kong Retail Management Association
Submission to the Legislative Council Subcommittee
on Food and Drugs (Composition and Labelling)
(Amendment: Requirements for Nutrition Labelling and Nutrition Claim)
Regulation 2008**

5 May 2008

Introduction

The Hong Kong Retail Management Association (“The Association”) supports the introduction of mandatory nutrition labelling, but a scheme must be devised that maintains consumer choice and provides nutrition information for consumers.

There is no international consensus on nutrition labelling and Hong Kong is a small market that imports 90% of its pre-packaged food range, with relatively few local manufacturers. Flexibility is thus required; otherwise consumers will be deprived of the wonderful array of international food choices that they presently enjoy.

We generally support the Government’s proposed unique nutrition labelling scheme, because it will cover 95% of pre-packaged food that is currently eaten in Hong Kong, and provide a small volume exemption for products that sell less than 30,000 units per year, which will keep small volume products on shelves.

Limitations of Government Proposal

However, the exemption will not apply to small volume products that make nutrition claims, such as “low fat”, “low sugar”, “transfat-free” and “cholesterol-free”. That means healthier products, organic products, and products favoured by ethnic minorities may disappear from sale, because it will not be economically viable to nutrient test and re-label these products. All of these products already have extensive nutrition labelling that complies with the labelling laws of their country of origin. Moreover, under existing regulations, it is already an offence to sell products that



make false claims.

The current nutrition labelling proposal will also ban from sale products that make nutrition claims that are permitted in other countries, such as “contains omega-3”, because these claims are not included in Hong Kong’s unique list of allowable claims. We believe that all nutritional claims that are in line with the Codex guidelines should be permitted (i.e. fat and its components thereof - both omega-3 and transfat are fat components). Hong Kong should not regulate over and above Codex standards.

Unintended Consequences

Although small volume products with nutrition claims account for only 2.5% of pre-packaged food eaten in Hong Kong, they represent up to 15,000 products, or more than 20% of the variety of all pre-packaged food products that are available in Hong Kong.

The Government’s scheme as it stands now would lead to the disappearance of up to 15,000 of these healthier and more nutritious products from sale. Furthermore, it would discourage new products with nutrition claims from entering Hong Kong.

Because of the unique nature of the scheme, consumers would find it very difficult to find products that are labelled “fat-free”, “cholesterol-free”, or “sugar-free”. Foods that make no nutrition claims but contain a higher level of fat, cholesterol and sugar would replace products that are “fat-free”, “cholesterol-free” and “sugar-free”. Thousands of consumers in Hong Kong, including those with heart disease and the 10% of Hong Kong people who suffer from diabetes, as well as those with other medical conditions, would be affected.

Anyone who appreciates the wide variety of international foods currently on offer in Hong Kong would also be affected, and this could damage Hong Kong’s reputation as a world-class international city.



HONG KONG
RETAIL MANAGEMENT
ASSOCIATION

香港零售管理協會

Proposed Amendments

The Association urges the Government:

1. to include products making nutrition claims within the small volume exemption;
2. for small volume products, to permit nutrition claims that are not on Hong Kong's unique list of allowable claims, provided that they are true, not misleading and scientifically substantiated;
3. for high volume products, to follow the Codex definitions of "free", "low" and "high" for the relevant nutrients, and not to create unique definitions for such terms;
4. to extend the grace period from two to three years; and
5. to reduce the registration fee for small volume items from HK\$345 per year to HK\$50 per year.

Conclusion

The Association urges the Government to adopt the amendments it has proposed. We strongly believe that, with a few slight amendments, the current nutrition labelling scheme could save up to 15,000 healthier products and allow Hong Kong consumers to continue enjoying healthier food choices.

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