

**Sub-Committee on
Food and Drugs (Composition and Labelling) (Amendment :Requirements
for Nutrition Labelling and Nutrition Claim) Regulation**

For Meeting on 5 May 2008

Dear Honourable Bernard Chan and Members of the Subcommittee :

Who are we

1. We are a group of parents having children with special dietary needs. We have recently become aware of the proposed legislation which we think will have disastrous implications on our children's health and well-being.

Our Proposal

2. We appreciate Government's efforts to help raise the standard of food labelling in Hong Kong in the interest of public health. We urge the Government and Honourable Members to :

- (a) shelf the proposed legislative proposals to allow more time for consultation with affected parties to devise a better solution;
or
- (b) exempt imported products with nutritional claims which have already met with relevant requirements in their country of origin or production.

Children's special dietary needs

3. We represent hundreds of children and their families in Hong Kong, who for allergy, health or other related concerns, refrain from taking food products, processed or packaged, that contains possible allergenic ingredients such as dairy, gluten, nut, egg, sugar, wheat, rice..... We rely on nutritional claims to differentiate and select food for our children.

4. Food allergy is not widely understood in Hong Kong and people tend to take it lightly. There is virtually NO locally produced food products that meet our children's needs. Hitherto, we rely on a handful of outlets

carrying a number of imported food such as breakfast cereals, fruit bars, pasta, butter, cookies, pastry, seasoning ingredients, soy sauces and even chocolates that are manufactured with the allergic customers in mind and produce food that suit our children's needs. We still remember how excited our children were when they finally could have a taste of chocolate that does not contain dairy. The proposed food labelling law is well intentioned but ill-thought and will lead to the following consequences:

- (a) More immediate, our children will simply have **NOTHING to eat** because all these imported products can no longer come to Hong Kong. Hong Kong is too small a market for these specialized manufacturers to take the trouble to meet special requirements.
- (b) Affected families will have no choice but to buy these food from overseas online stores (Our children have to eat !) for personal use, meaning they have to pay a much higher price for shipping and exchange rate cost.
- (c) In the medium term, food choices in a cosmopolitan city like Hong Kong will be severely limited. The special labelling and repackage costs will make it difficult for the industry to bring new products to the market. For the same reason, niche and nutritious products will also disappear. We as parents of children with special dietary needs will lose access to all of these much-needed food products.
- (d) Rather than protecting the consumers, the proposal discriminates against some of the healthiest, most nutritious and specially manufactured food that have been available to us.

5. Food is an important part of life and enjoyment as well. It is cruel to deprive our children of a choice of suitable and nutritious food. Food is by nature so diverse that no single global food labelling standard exists that fit all. Many countries have their own specific labelling because they have domestic markets large enough to justify and sustain such efforts. To the contrary, Hong Kong imports the vast majority of its packaged food for its relatively small consumer population. It is not economically viable for the manufacturers to

repackage and change the packaging on small runs of product destined for Hong Kong or to conduct the necessary tests on each product to create a nutrition label that complies with Hong Kong's unique set of regulations.

6. The proposed nutrition labelling law requires Hong-Kong-Specific labelling be applied to all products (nutritional fact analyses for nine core nutrients, namely protein, carbohydrates, total fats, saturated fats, cholesterol, sugar, dietary fibre, sodium and calcium), which is the strictest standard in all developed countries.

7. The proposed exemption for small volume products (say lower than 30,000 pieces annually) cannot help as any such product that makes a nutritional claim of any kind will not fall into the small volume exemption.

8. Hong Kong already has a law in place that mandates that any representation made on food packaging must be true. Any nutritional claims must be substantiated. The issue comes in the interpretation and enforcement. Different countries have different definitions of what constitutes zero, low or high content in a nutrition claim. A pragmatic approach would be to allow the nutritional claims as long as they comply with the nutritional labelling regulations of the country where they are produced.

Joint submission by parents with children having special dietary needs
May 2008

Representative
(Ms Eva TO)