

**Administration's Responses to the Further Views of the Deputations  
on the Nutrition Labelling Scheme**

<b>Views of Deputations</b>	<b>Response of Administration</b>
<i>Hong Kong Suppliers Association</i>	
Registration fee for the small volume exemption scheme is too high	<ul style="list-style-type: none"> <li>● The Administration has discussed with the trade to streamline the procedures for small volume exemption.</li> <li>● Full-cost recovery fee of \$345 (new application) and \$335 (renewal) for small volume exemption applications is calculated in strict accordance with the established formula approved by the Financial Services and Treasury Bureau for calculating Government fees and charges.</li> <li>● For a product with sales volume of 30 000 units, the unit cost is about \$0.01; even if the sales volume is as low as 3 000 units, the unit cost is about \$0.1 only.</li> </ul>
Grace period of two years is too short	<ul style="list-style-type: none"> <li>● The nutrition labelling scheme has been put to public consultation since 2003. The public has been urging for its early implementation to protect public health. We do not propose to further postpone the implementation.</li> </ul>
<i>Care for Your Heart</i>	
The actual content of trans fat should be set	<ul style="list-style-type: none"> <li>● During discussion at the Subcommittee meetings, concerns were raised about the difference in the requirements in the labelling of the content of trans fat in the nutrition label between Hong</li> </ul>

<p>out. It would be misleading if a product with no more than 0.3 g of trans fat could be labelled as “trans fat free”.</p>	<p>Kong and other countries.</p> <ul style="list-style-type: none"> <li>● Given that there is currently no Codex standard for trans fat free claim and neither is there an international standard commonly adopted by countries on the labelling of trans fat, we have considered the feasibility of dealing with such food labels with certain degree of latitude.</li> <li>● The Administration proposes that for the labelling of the content of trans fat in the list of nutrients, food traders may comply with the labelling requirements of jurisdictions outside Hong Kong which require the marking and labelling of trans fat. It must be stressed that the proposal is confined to the labelling of the content of trans fat on the nutrition label. The standard for making a trans fat free claim remains the same as set out in Schedule 8 to the Amendment Regulation (i.e. 0.3 g per 100 g of food and meets the condition for low saturated fat claim).</li> <li>● The nutrition labelling scheme will commence on 1 July 2010. We will review this arrangement in one year’s time after the implementation of the nutrition labelling scheme having regard to the international development in the setting of standard for trans fat, the public’s view on the labelling of trans fat in prepackaged food and the actual market situation in the labelling of trans fat.</li> <li>● During the two-year grace period before implementation of nutrition labelling, we will engage both the public and the trade in a series of education programmes which include educating the public in the reading of food labels and facilitating the trade in providing nutrition labels, including the labelling of trans fat.</li> </ul>
<p><b><i>Hong Kong Nutrition Association and Hong Kong Dietitians Association</i></b></p>	
<p>There shall be no exemption to all small</p>	<ul style="list-style-type: none"> <li>● In relation to small sales volume food products with nutrition claims, the Administration notes the estimate from the food trade that if they are not exempted, some 15 000 food products</li> </ul>

<p>volume food with health claims.</p>	<p>might be withdrawn from the market upon implementation of the nutrition labelling requirements. While the Administration does not concur with such an estimate, we note that the trade's campaign has aroused concerns from some sectors of the community, who are consumers of food imported in small volume with claims, on whether these food might be withdrawn. We note that some members of the public are also worried about the possible withdrawal of food which they or their family have been relying on due to their special health need. During the Subcommittee discussions, Members are also particularly concerned about the effect of the Regulation on food choice.</p> <ul style="list-style-type: none"> <li>● Having considered the various views from Members and the concerns expressed by members of the public, we consider that the needs of the minority sectors of the community should also be addressed. In view of this, the Administration proposes to exempt food products with low annual sales volume (i.e. 30 000 units or below) with nutrition claims.</li> <li>● Nutrition labelling seeks to assist consumers in making informed food choice. To protect the interest of consumers, we propose to require these food products to be displayed for sale with a warning label informing consumers that the nutrition information and nutrition claims of these products may not comply with Hong Kong laws.</li> <li>● The warning label, in bilingual format, should be securely affixed to or form part of its container and be displayed in a conspicuous and easily legible manner. With the warning label, consumers should exercise their decision whether to buy these products on an informed basis.</li> <li>● We understand that small volume food products with claims take up about 2.5% of the prepackaged food market in terms of volume. Through this arrangement, we hope to strike a delicate balance between the consumers' right to information and food choice.</li> <li>● Under the Amendment Regulation, the nutrition labelling scheme will commence on 1 July 2010. The Administration will review the operation of the warning label arrangement for the</li> </ul>
--	---

	<p>small volume exemption products with claims one year after implementation of the nutrition labelling scheme.</p>
<p>The Government should omit nutrient content claim of “zero trans fat” or “trans fat free”</p>	<ul style="list-style-type: none"> <li>● Under the nutrition labelling scheme, the making of nutrition claims are subject to the conditions of claim specified in Schedule 8 to the Amendment Regulation.</li> <li>● In setting the conditions for claims, we have strictly followed the Codex conditions (whenever there is one). For claims that we understand the trade and the public are concerned about, but without Codex conditions, we have made reference to standards in other jurisdictions, in particular those of the Mainland (GB).</li> <li>● For trans fat free claim, despite there is no standard in Codex and in the Mainland (GB), we note the trade would very much like to make such claim and the public is also concerned about trans fat in food which has an adverse effect on health.</li> <li>● We have set the standard at 0.3g of trans fat per 100g of food plus meeting the “low saturated fat claim” conditions. In the case of trans fat level, we have tried to strike a delicate balance between the more stringent requirements and the more lax standards.</li> </ul>
<p><b><i>Hong Kong Practising Dietitians Union</i></b></p>	
<p>Full disclosure of nutrient information is of vital importance to consumer right and protection, especially to small volume foods</p>	<ul style="list-style-type: none"> <li>● Please refer to response to Hong Kong Nutrition Association and Hong Kong Dietitians Association.</li> <li>● Nutrition labelling seeks to assist consumers in making informed food choice.</li> <li>● To protect the interest of consumers, we propose to require food products that are exempted under the small volume exemption scheme to be displayed for sale with a warning label informing consumers that the nutrition information and nutrition claims of these products may not comply with Hong Kong laws. With the warning label, consumers should exercise their</li> </ul>

<p>with claims. Warning label is not an acceptable alternative for proper food labelling.</p>	<p>decision whether to buy these products on an informed basis.</p> <ul style="list-style-type: none"> <li>● Through this arrangement, we hope to strike a delicate balance between the consumers' right to information and food choice.</li> </ul>
<p>Trans fat content of the food should be specified</p>	<ul style="list-style-type: none"> <li>● Please refer to response to Care for Your Heart.</li> </ul>
<p><b><i>Hong Kong Retail Management Association</i></b></p>	
<p>Supports the proposal to exempt products that make nutrition claims within the small volume exemption provided that they carry a warning label</p>	<ul style="list-style-type: none"> <li>● Noted.</li> </ul>
<p>The warning label should state that the</p>	<ul style="list-style-type: none"> <li>● The proposed wording of the warning label is - <u>HKSARG Warning</u></li> </ul>

<p>products may not comply with Hong Kong's labelling regulations (instead of Hong Kong laws)</p>	<p>Nutrition labelling exempted  Nutrition label and claims for this product may not comply with Hong Kong laws  <u>香港特區政府忠告</u>  此乃豁免營養標籤產品  此產品的營養標籤及聲稱未必符合香港法律</p> <ul style="list-style-type: none"> <li>● The wordings already specify that the subject matters are the “nutrition label and claims” and there is no need to change the words “Hong Kong laws” to “labelling regulations”.</li> </ul>
<p>The type size of the warning label should be no more than 8 point (instead of 10 point)</p>	<ul style="list-style-type: none"> <li>● The warning label should be displayed in an easily legible manner for consumers' information. We consider that type size 10 for the wordings on the warning label is reasonable.</li> <li>● The Administration notes that some food products may have a small total surface area. We therefore propose that for food products with a total surface area of smaller than 200cm<sup>2</sup>, type size 6 could be used for the wordings on the warning label.</li> </ul>
<p>Proposes to reduce the registration fee for small volume exemption scheme from \$345/\$335 per product (new application/renewal) to \$50.</p>	<ul style="list-style-type: none"> <li>● Please see response to Hong Kong Suppliers Association.</li> </ul>

<p>Proposes to extend the grace period from two years to three years</p>	<ul style="list-style-type: none"> <li>● Please refer to the response to the Hong Kong Suppliers Association.</li> </ul>
<p><i>Asian Federation of Dietetic Association.</i></p>	
<p>The proposal to exempt small volume food products with nutrition claims defeats the purpose of having nutrition claims. The nutrition label regulation should provide clear information to consumers without letting them to guess what is healthy or not healthy. Any products with a claim should have a nutrition</p>	<ul style="list-style-type: none"> <li>● Please refer to response to Hong Kong Nutrition Association and Hong Kong Dietitians Association.</li> </ul>

<p>label and this should apply to all products without exemption.</p>	
<p>Allowing food products containing trans fat to be labelled as “0 g of trans fat” may mislead consumers to consume more of the product thinking that they do not have any trans fat</p>	<ul style="list-style-type: none"> <li>● Please refer to response to Care for Your Heart.</li> </ul>
<p>For those products using % of Nutrient Reference Value (NRV), the NRV level should be stated.</p>	<ul style="list-style-type: none"> <li>● For core nutrients, the exact amount of the nutrient must be labelled.</li> <li>● If a nutrition claim is made, the exact amount of the nutrient (whether it is core or non core nutrient) must also be labelled for consumers’ reference.</li> <li>● As the NRV of different countries vary, it will not provide consumers with a useful reference if only a percentage of NRV for the core or claimed nutrient is labelled. We therefore only accept using % of NRV for non-core and non-claimed nutrient.</li> </ul>
<p>Propose to include potassium, calcium</p>	<ul style="list-style-type: none"> <li>● The Codex Guidelines recommend that when nutrition label is applied, it should include declarations of energy, protein, carbohydrates and fat, and any other nutrients which are considered to be relevant for maintaining a good nutritional status in the population concerned.</li> </ul>

<p>and phosphorus in the nutrition labelling regulation</p>	<ul style="list-style-type: none"> <li>● Having considered the views of the various stakeholders, we consider that a “1+7” nutrition labelling requirement is appropriate for Hong Kong’s needs.</li> </ul>
<p><b><i>Rainbow Asset</i></b></p>	
<p>Do not want to transfer the cost of the small volume exemption to consumer and stimulate further price inflations in Hong Kong. Predicts it would further slaughter the already thin profit margin of many businesses</p>	<ul style="list-style-type: none"> <li>● Please refer to the response to the Hong Kong Suppliers Association.</li> </ul>
<p>The warning label is an extra cost for businesses.</p>	<ul style="list-style-type: none"> <li>● Nutrition labelling seeks to assist consumers in making informed food choice.</li> <li>● To protect the interest of consumers, we propose to require food products that are exempted under the small volume exemption scheme to be displayed for sale with a warning label informing consumers that the nutrition information and nutrition claims of these products may</li> </ul>

	<p>not comply with Hong Kong laws. With the warning label, consumers should exercise their decision whether to buy these products on an informed basis.</p> <ul style="list-style-type: none"> <li>● Through this arrangement, we hope to strike a delicate balance between the consumers' right to information and food choice.</li> </ul>
<p><b><i>Federation of Hong Kong Industries</i></b></p>	
<p>Supports the proposal to exempt products that make nutrition claims within the small volume exemption provided that they carry a warning label</p>	<ul style="list-style-type: none"> <li>● Noted.</li> </ul>

**Food and Health Bureau  
May 2008**