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The Hong Kong Medical Association

FOUNDED IN 1920-INCORPORATED IN 1960 AS A COMPANY LIMITED BY GUARANTEE
MEMBER OF WORLD MEDICAL ASSOCIATION AND CONFEDERATION OF MEDICAL ASSOCIATIONS IN ASIA & OCEANIA

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20 May 2008

Legislative Council
Subcommittee on Food and Drugs (Composition and Labelling)
(Amendment: Requirements for Nutrition Labelling and Nutrition Claim) Regulation 2008

Dear Sirs,

HKMA Stand on Nutrition Labelling

In view of the proposed amendments to the requirements for Nutrition Labelling and Nutrition Claim Regulation in respect of the small volume exemption and labeling of trans fat on nutrition labels, the Hong Kong Medical Association would like to reiterate its stand as follows:

The basic principle for nutrition labelling should be: when the component in question if present in excessive amount would be hazardous to health, then it should be mandatory labeled. If a claim is made on any nutrients, then the information should be accurate, clear and must not be misleading.

We support the government's initial proposal as promulgated in its consultation document back in 2003. We also support the addition of trans fat into the list of core nutrients.

However, the latest proposed amendments to the small volume exemption scheme aroused our concern. We consider that to exempt any food products bearing health claims from the proposed nutrition labeling scheme will defeat the purpose of the legislation. This not only presents a loophole for non-compliance with the law but also presents a double standard, which we find it difficult to accept. The estimation from the food trade that without exemption, *"some 15,000 food products might be withdrawn from the market upon implementation of nutrition labeling requirements"*, is just an empty speculation without evidence base. The food products in question are not illegal; it is just the labels that need modification. With nutrition claim on the package, the nutrient content must have been known already. So there should be no question of extra costs for nutrient testing. We cannot accept the Administration's proposal to exempt food product with low annual sales (i.e. 30 000 units or below) with nutrition claims. If a warning label can be displayed to inform the consumers that the nutrition information and nutrition claims of these products may not comply with Hong Kong laws, why not simply require the use of a plain label to cover the nutrition claim statement on the food package? Refusing to delete the nutrition claim on the package serves no other purpose except to mislead the consumers. The proposed requirement of using a warning label on a food package which violates the legal requirement of the nutrition labeling law implies that the punishment for committing the offence is just to add a warning label. This is not only double standard in the legal requirements, but also a double standard in the punishment as well.

With regard to the labeling of trans fat on nutrition labels, we also find it difficult to accept multiple standard in the display of trans fat content that overseas jurisdiction will override that of Hong Kong. If different jurisdictions outside Hong Kong had different requirements in labeling trans fat, than it would be meaningless to set a local standard because with the drafted amendment, compliance with overseas standard would automatically deem to be complied with our requirements. And the whole purpose of adding trans fat into the list of core nutrients would be defeated.