

## **LegCo Panel on Food Safety and Environmental Hygiene**

### **Proposed Amendment to the Colouring Matter in Food Regulations**

#### **PUPRPOSE**

This paper briefs Members on the proposed legislative amendment to the Colouring Matter in Food Regulations (Cap. 132H), pertaining to the removal of Red 2G from the list of permitted colouring matter.

#### **BACKGROUND**

##### *Existing Local Regulations*

2. Colouring matters are used to add or restore colour in food. In Hong Kong, the use of colouring matter in food is regulated under the Colouring Matter in Food Regulations (Cap. 132H, “the Regulations”). No food intended for sale for human consumption shall contain any added colouring matter which is not a permitted colouring matter. Lists of permitted colouring matter, namely coal tar colours and other colours, have been laid down in Part I and II of the First Schedule of the Regulations. Red 2G is currently a permitted colouring matter listed under Part I of the Regulations.

##### *Safety of Red 2G*

3. Red 2G, also known as CI Food Red 10 or azogermanine, is a synthetic dye. It imparts a light red colour, producing cherry to blood-red shades in foods, and has excellent stability towards heat, light, acids and sulphur dioxide.

4. The Joint Food and Agriculture Organization / World Health

Organization Expert Committee on Food Additives (JECFA)<sup>1</sup> evaluated the safety of Red 2G back in 1981. Taking into account that there was no evidence of carcinogenicity for Red 2G as revealed from animal studies and the amount of intake of Red 2G under normal consumption of food containing the dye would be very small, JECFA did not consider the use of Red 2G in food would pose a safety concern. JECFA allocated an Acceptable Daily Intake (ADI)<sup>2</sup> of 0 – 0.1 mg/kg body weight to Red 2G.

#### *Recent Development: European Food Safety Authority (EFSA)*

5. In the past decade, the metabolite of Red 2G, aniline, has raised safety concern. The European Food Safety Authority (EFSA) has recently re-evaluated the safety of Red 2G based on the animal data published since 1999. In July 2007, EFSA concluded that aniline caused gene damages in experimental animals, and carcinogenic risk for man could not be excluded due to the similar metabolism of aniline in animals and humans. Hence, EFSA decided that it was prudent to regard the use of Red 2G in food as a safety concern. A regulation to withdraw the ADI for Red 2G, previously established by the European Commission (EC), and to suspend the use of Red 2G in food was subsequently adopted by the EC on 26 July 2007 and came into force on 28 July 2007. The regulation permits Red 2G containing food, which is in compliance with previous EU legislation and placed on the market before 28 July 2007, to be marketed until their “use by” date or date of minimum durability.

#### *International Situation*

6. The Codex Alimentarius Commission (Codex)<sup>3</sup> has not established any food safety standard for Red 2G, but the Codex Committee on Food Additives has been discussing the maximum levels of Red 2G allowed in some food items. In addition to the European Community, the use of Red 2G as a colouring matter in food is also not permitted in countries including the USA, Canada, Australia, the Mainland, Japan and Singapore.

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<sup>1</sup> The Joint FAO/WHO Expert Committee on Food Additives (JECFA) is an international expert scientific committee that is administered jointly by the Food and Agriculture Organization (FAO) and the World Health Organization (WHO) of the United Nations. It has been meeting since 1956, initially to evaluate the safety of food additives. Its work now also includes the evaluation of contaminants, naturally occurring toxicants and residues of veterinary drugs in food.

<sup>2</sup> Acceptable Daily Intake (ADI) is an estimate of the amount of a substance in food or drinking water, expressed on a body-weight basis, that can be ingested daily over a lifetime without appreciable risk.

<sup>3</sup> The Codex Alimentarius Commission was created in 1963 by the World Health Organization (WHO) and the Food and Agriculture Organization (FAO) to develop food standards, guidelines and related texts.

### *Local Situation*

7. In 2006, Red 2G was detected in 22 out of 2404 samples (<1 %) tested for the colour under the routine food surveillance programme operated by the Centre for Food Safety (CFS). Relevant samples were: Chinese birthday bun (壽包, 7 samples), soya bean sauce (海鮮醬, 5 samples), jelly (啫喱, 4 samples), Chinese New Year pudding (年糕, 2 samples), chili sauce (辣醬, 1 sample), red vinegar (紅醋, 1 sample), Chinese style preserved sausage (臘腸, 1 sample) and beef jerky (牛肉乾, 1 sample). In addition, a survey conducted by the Consumer Council in 2004 found that Red 2G was detected in some vegetarian food (齋滷味) samples.

### **PROPOSED LEGISLATIVE AMENDMENT**

8. The available evidence does not indicate any immediate health risk upon normal consumption of food containing Red 2G. However, in view of the latest scientific evidence, the international situation, and the availability of other choices of red food colouring matter (e.g. Allura Red AC and Ponceau 4R), it is proposed, as a precautionary measure, to remove Red 2G from the list of permitted colouring matter under the Colouring Matter in Food Regulations (Cap. 132H). The proposal is supported by the Expert Committee on Food Safety and the Advisory Council on Food and Environmental Hygiene.

9. We plan to table the amendment regulation in early 2008. To give the trade sufficient time to comply with the proposed legislative amendment, a grace period of six months is recommended. Upon commencement of the proposed amended regulations, Red 2G will be prohibited to be present in any food for sale in Hong Kong.

10. Due to the availability of other red food colouring matter, impact of suspending Red 2G on the trade is expected to be minimal. The proposal was discussed at the Trade Consultation Forum organized by the CFS on 19 September 2007, and trade representatives supported the proposal. CFS has also issued a letter to the trade in early December 2007 to advise them to replace Red 2G with other red food colouring matter in their products.

## **WAY FORWARD**

11. Subject to the views of the Panel, we would proceed with the proposed legislative amendment and continue to liaise with the trade and advise them to replace Red 2G with other red food colouring matter in their products.

## **ADVICE SOUGHT**

12. Members are invited to comment on the proposed amendment to the Colouring Matter in Food Regulations.

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