

LEGISLATIVE COUNCIL BRIEF

Public Health and Municipal Services Ordinance (Cap. 132)

**COLOURING MATTER IN FOOD
(AMENDMENT) REGULATION 2008**

INTRODUCTION

On 28 April 2008, the Director of Food and Environmental Hygiene (DFEH), in exercise of the power under section 55 of the Public Health and Municipal Services Ordinance (Cap. 132) (“principal Ordinance”), made the Colouring Matter in Food (Amendment) Regulation 2008 (“Amendment Regulation”) attached at **Annex**.

JUSTIFICATIONS

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). 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, are specified in Parts I and II of the First Schedule to Cap. 132H. Red 2G is currently a permitted colouring matter listed in Part I of the Schedule.

Safety of Red 2G

3. Red 2G, also known as CI Food Red 10 or azoerythrin, is a synthetic dye. It imparts 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 of the United Nations / World Health Organization Expert Committee on Food Additives (JECFA) has evaluated the safety of Red 2G in 1981. Taking into account that animal studies did not reveal any evidence of carcinogenicity for Red 2G, and the amount of Red 2G reaching body tissues under normal consumption of food containing the dye is very small, JECFA did not consider the use of Red 2G in food a safety concern. JECFA allocated an Acceptable Daily Intake (ADI) of 0 – 0.1 mg/kg body weight to Red 2G.

5. Nevertheless, 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 and withdrew the ADI for Red 2G, previously established by the European Commission (EC). A new regulation 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. 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. The Codex Committee on Food Additives under the Codex Alimentarius Commission has been discussing the maximum levels of Red 2G allowed in some food items.

Local Situation

7. In 2006, Red 2G was detected in 22 out of 2 404 samples (<1%) tested for that colour under the routine surveillance programme undertaken by the Centre for Food Safety. In addition, a survey conducted by the Consumer Council in 2004 found that Red 2G was detected in some vegetarian food samples.

Proposed Amendments

8. In view of the latest scientific evidence, the international situation, and the availability of other 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).

9. In determining the commencement date of the Amendment Regulation, a grace period of six months is proposed to allow a reasonable time to comply with the proposed legislative amendments. After the commencement of the Amendment Regulation, a person will commit an offence if he sells, consigns or delivers, or imports into Hong Kong, any food intended for sale for human consumption that contains Red 2G or sells or advertises for sale Red 2G for use in food.

THE AMENDMENT REGULATION

10. The Amendment Regulation will remove the entry relating to Red 2G from the list of permitted colouring matters in Part I of the First Schedule to the Colouring Matter in Food Regulations (Cap. 132H).

LEGISLATIVE TIMETABLE

11. The legislative timetable is as follows -

Publication in the Gazette	2 May 2008
Tabling at LegCo	7 May 2008

12. Subject to negative vetting, the Amendment Regulation shall come into operation on 1 December 2008.

IMPLICATIONS OF THE PROPOSAL

13. The Amendment Regulation is in conformity with the Basic Law, including the provisions concerning human rights. It does not affect the current binding effect of Cap. 132H and the principal Ordinance. There is also no financial, civil service, economic, productivity or environmental implications.

14. In line with the sustainability principle of pursuing policies which promote and protect the physical health and safety of the people of Hong Kong, the Amendment Regulation would enhance food safety and help reduce food-borne diseases.

PUBLIC CONSULTATION

15. The Legislative Council Panel on Food Safety and Environmental Hygiene has discussed the proposal in January 2008 and indicated general support to the proposed amendment. The food trade has also been consulted at the Trade Consultation Forum organised by the Food and Environmental Hygiene Department in September 2007 and January 2008. Trade representatives supported the proposal.

PUBLICITY

16. A spokesman will be made available to answer media enquiries.

ENQUIRIES

17. Any enquiry on this brief can be addressed to Ms. Rhonda LO, Principal Assistant Secretary for Food and Health (Tel: 2973 8148).

Food and Health Bureau
April 2008

**COLOURING MATTER IN FOOD (AMENDMENT)
REGULATION 2008**

(Made by the Director of Food and Environmental Hygiene under section 55(1) of the Public Health and Municipal Services Ordinance (Cap. 132))

1. Commencement

This Regulation shall come into operation on 1 December 2008.

2. Permitted colouring matter

Part I of the First Schedule to the Colouring Matter in Food Regulations (Cap. 132 sub. leg. H) is amended by repealing –

“Red 2G	disodium salt of 8-acetamido-2-phenylazo-1- naphthol-3:6-disulphonic acid.	– 18050”.
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Director of Food and Environmental
Hygiene

28 April 2008

Explanatory Note

This Regulation amends the First Schedule to the Colouring Matter in Food Regulations (Cap. 132 sub. leg. H) to remove Red 2G from the list of permitted colouring matters specified in that Schedule. With effect from 1 December 2008, the effect of the amendment is that on or after that date a person commits an offence if he sells, consigns or delivers, or imports into Hong Kong, any food intended for sale for human consumption that contains Red 2G or sells or advertises for sale Red 2G for use in food.