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Panel on Food Safety and Environmental Hygiene

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 14 June 2011**

Food contaminated with plasticizer from Taiwan

Purpose

This paper provides background information relating to the issuance of two orders under section 78B of the Public Health and Municipal Services Ordinance (Cap. 132) to prohibit the import into and supply within Hong Kong certain food products contaminated with plasticizers produced in Taiwan and to direct the recall of such food products.

Background

2. According to the Legislative Council Brief issued by the Administration (Ref: FHB CR 11/1886/05 Pt.3), the Food and Drug Administration ("FDA") in Taiwan announced on 23 May 2011 that di(2-ethylhexyl) phthalate ("DEHP") had been detected in 16 samples of drinks at levels up to 34.1 parts per million ("ppm"). Subsequently, FDA further announced that DEHP had also been detected in other food products including konjac coconut jelly. DEHP is a plasticizer used for making polyvinyl chloride (PVC) products soft and pliable. Certain Taiwanese food makers were found using DEHP as a cheap substitute for additive of vegetable oil to produce clouding agent in the production of sport drinks, fruit juice, fruit and yogurt powder, probiotic powder, as well as cough syrup and calcium tablets.

3. According to the information available from the Centre for Food Safety ("CFS"), although the acute oral toxicity of DEHP is low, large doses of DEHP were found to affect the liver and kidney as well as the reproduction and development of experimental animals. The International Agency for Research

on Cancer had classified DEHP as possibly carcinogenic to humans (Group 2B). DEHP is not allowed to be used in food products in the United States and Europe.

4. Section 54 of Cap. 132 provides that all food intended for human consumption for sale in Hong Kong, whether imported or locally produced, and with or without food additives, must be fit for human consumption. As tested by CFS, the level of DEHP detected in samples of Speed Sports Drink, Speed Sports Drink (Lemon Flavour) was ranging from 11 to 43 ppm. Another test result indicated that a sample of Sheng Shiang Jen Konjac Coconut Jelly (Taro Flavour) contained DEHP at a level of 18 ppm. The exposure of DEHP from daily consumption of these samples of half bottle of 600ml sports drink by an average consumer or a cup of coconut jelly of about 25 gram by a 5-year-old average consumer far exceeded the tolerable daily intake ("TDI") of 0.025 mg/kg of body weight under the World Health Organization Guidelines for drinking-water quality.

Issuance of orders made under section 78B of Cap. 132

5. To protect the public from possible health threats from the concerned Taiwanese food products of which samples were found to contain exceedingly high levels of DEHP, the Director of Food and Environmental Hygiene ("DFEH") made two orders under section 78B of Public Health and Municipal Services Ordinance (Cap. 132) ("the Orders") on 31 May and 2 June 2011 to respectively prohibit the import into and supply within Hong Kong two sport drinks (namely, Speed Sports Drink and Speed Sports Drink (Lemon Flavour)) and a coconut jelly (namely, Sheng Shiang Jen Konjac Coconut Jelly (Taro Flavour)). DFEH also ordered the trade to complete recall of the three mentioned food products available in the market within 30 days of the issuance of the Orders. The three concerned food products, if accompanied by a certificate issued by the relevant Taiwanese authority stating that the levels of DEHP do not exceed 1.5 ppm, will be exempted from the Orders.

6. The Administration announced on 1 June 2011 that CFS would strengthen food safety tests on sports drinks, fruit juices, tea drinks, fruit jams and fruit syrups, as well as food products in the form of capsules, tablets or powders and would release daily the test results and take measures to ensure that products containing the plastic additive would be kept off the market.

7. On 3 June 2011, the Administration announced that DEHP would be included in the routine food safety surveillance. On the same day, the Expert Committee on Food Safety endorsed that a proposed action level of 1.5

milligrammes per kilogramme (mg/kg) (which is equivalent to 1.5 ppm) in food for DEHP would be adopted in Hong Kong. The Expert Committee concluded that the suggested level of 1.5mg/kg has been adopted in countries with specific migration limit for DEHP for food contact materials as the maximum limit and it is useful to distinguish the presence of DEHP in food from environmental contamination or migration via food contact materials from adulteration.

Members' concerns

8. At the Legislative Council ("LegCo") meeting of 1 June 2011, Hon Alan LEONG raised an urgent question about the incident of Taiwanese food products. The Administration responded that CFS had maintained close contact with the Taiwanese authority and informed relevant importers and retailers of the affected products to facilitate follow-up actions. CFS would strengthen testing of sport drinks, fruit juice, tea drinks, fruit jam and fruit syrup, as well as food products in the form of capsule, tablet or powder, and would publish the testing results in its website. CFS would report the international practice regarding DEHP surveillance to the Expert Committee on Food Safety and would consider adjusting the testing items of its regular surveillance programme after seeking the Expert Committee's view. CFS would continue to liaise and exchange information with governments in the world to better safeguard public health. The Administration also advised that occasional excursion above the safety reference value was unlikely to cause significant health risk provided that the average intake did not continuously exceed the safety reference value.

Relevant papers

9. A list of the relevant papers available on the LegCo website is in the **Appendix**.

Relevant papers on food contaminated with plasticizer from Taiwan

Meeting	Date of meeting	Paper
-	-	LegCo Brief dated 31 May 2011 (Ref: FHB CR 11/1886/05 Pt.3) – Issuance of an order under section 78B of the Public Health and Municipal Services Ordinance (Cap. 132) to prohibit the import and supply of certain food products from Taiwan and to direct such food products supplied be recalled
-	-	LegCo Brief dated 2 June 2011 (Ref: FHB CR 11/1886/05 Pt.3) – Issuance of an order under section 78B of the Public Health and Municipal Services Ordinance (Cap. 132) to prohibit the import and supply of Sheng Shiang Jen (translation) Konjac Coconut Jelly (Taro flavor) and to direct such food products supplied be recalled
Legislative Council	1.6.2011	Urgent question raised by Hon Alan LEONG under Rule 24(4) of the Rules of Procedure