

To: Legislative Council Panel on Food Safety and Environmental Hygiene

**Initial Views on “Proposed Regulatory Framework on Nutrition and Health Claims on
Infant Formula, Follow-up Formula, and Prepackaged Foods for
Infants and Young Children under the Age of 36 Months in Hong Kong”**

We overall support the initiative taken by the Government to regulate claims on formula and foods for infants and young children (0-36 months) as it will help to ensure that product information to consumers is scientifically substantiated and endorsed according to a consistent, rigorous and well-defined regulatory process.

We generally agree with the five “Overarching Principles” set out by the Government in regulating nutrition and health claims. We would like to emphasize the importance of assuring that these principles are clearly defined and follow international regulatory practice in place in other developed countries, particularly those countries where formula products sold in Hong Kong are imported from.

REGULATORY FRAMEWORK

We support the “Inclusive Approach” proposed by the Government as the regulatory framework because it enables consumers to have access to evidence based product information that will allow them to make informed nutrition and product choices. It will also enable to create more consumer trust given only claims that are scientifically substantiated and endorsed through a well-defined regulatory process will be authorized.

The inclusive claim approach has already been successfully implemented for several years in a number of countries, including US, EU, Canada, Singapore and Malaysia, and hence can be a good, workable framework for Hong Kong. Since Hong Kong is a unique market with all infant and follow-up formula imported, it is appropriate to consider claims already allowed overseas as long as they are scientifically substantiated and endorsed by recognized regulatory authorities. Based on experience from other countries, specific conditions for use of a claim (e.g., required minimal intake level) will have to be established. For innovative ingredients or nutritional substances, it is recommended to establish an expert panel review process in line with practice in place in the above mentioned countries/jurisdictions to conduct a scientific assessment of the innovation.

We support the proposal of having a mechanism in place to allow new claims to be approved for use. As a responsible manufacturer, it is our uncompromised commitment to keep abreast with the latest science and continue to improve our products. Simultaneously it is important to be able to communicate the relevant and scientifically substantiated nutrition and health information about our products to our consumers. This requires rigorous, consistent and well-defined regulatory processes that enable to authorize claims.

We do not support the “Exclusive Approach”, because this will limit product information to consumers when making food choices. It is not in line with common international practices. The infant and child nutrition manufacturers continuously innovate their products to keep abreast with latest scientific findings to deliver the best nutrition to infants and young children. The exclusive approach will not encourage manufacturers in conducting science research and drive product improvement. Importantly, when infants are beyond 6 months of age, solid food, juice and many more other foods will be introduced into their diet, and claims are currently allowed for all of these foods. As a consequence, imposing a ban on claims for infant and young child products can favor the purchase of “claim-bearing” general foods for infants and young children, which we consider may not be the goal of the authority.

FSMP EXEMPTION

We agree with the proposal that FSMP products for infants and young children not be included in the scope of this regulation, because these formulas and foods are specifically formulated for the dietary management of disorders or diseases. Furthermore these FSMP products are to be consumed under medical supervision. It is important for healthcare professionals and care givers to have sufficient on pack and off pack information to reference to. In addition, scientific information including nutrient and health claims should be allowed when communicating with healthcare professionals.

GRACE PERIOD

We are committed to ensuring all our products comply with the applicable regulations. For an effective and implementable transition, we would like to suggest a grace period of 24 months after review and approval of existing product claims in Hong Kong to allow manufacturers to implement the necessary changes accordingly and be compliant. For manufacturers these changes include among others possible product reformulation and quality testing, label revision, printing of new packaging materials, production, commercialization and phasing out of old products in market.

Mead Johnson Nutrition (Hong Kong) Limited
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