

**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**

**Submitted to Panel on Food Safety and Environmental Hygiene by Wyeth Nutrition Hong Kong**

As one of the major industry players in manufacturing quality formula and nutrition products, Wyeth Nutrition is committed to improving nutrition and wellness for infant and young children. Regarding the captioned proposed regulatory framework, we would like to put forward our initial views as below for the Panel's reference.

**General Principle**

Wyeth Nutrition appreciates the Government's efforts in protecting the health of infants and young children in Hong Kong. We are in support of the objectives of the captioned proposed regulatory framework aims to facilitate effective regulatory control on nutrition and health claims on formula products and prepackaged foods for infants and young children ("IYC Food"). It is believed that the government proposal to put forward mandatory regulation that is enforceable can help to ensure compliance by all industry players and consistency within the market.

In principle, we firmly believe that the ultimate regulatory framework should be science-based, transparent and efficient as these fundamental principle pillars play an essential role in safeguarding the best interest of the consumers as well as encouraging the industry to participate in the market with ongoing research and development in nutrition.

**Support the Overarching Principles**

In general, Wyeth Nutrition supports the overarching principles proposed in the regulatory framework. However, to ensure the Government's effective regulation and enforcement, as well as the industry's compliance, lucid and concrete definitions and examples of key terms such as "reduction of disease risk" in Principle 2 shall be made correspondingly in the final regulatory framework.

Also, a flexible approach is recommended to be adopted in developing the regulatory framework. Taking the condition for nutrition claims as an example, as the Government has also acknowledged the fact that a set of local Nutrient Reference Values (NRVs) for 0-36 months is not available at this moment, the Centre of Food Safety (CFS) is considering to develop a set of local NRVs or wait until NRVs established in other countries. However, some countries have actually developed alternative conditions for nutrition claims to be made. We thus recommend CFS to consider other alternatives such as taking reference to the compositional requirement of optional nutrients under the amended Cap 132W as criteria for nutrition claims, and nutrients that meet the minimum composition requirements in the CODEX standard, regulation or nutrient reference values in overseas jurisdictions for content claims for follow-up formula.

In addition, as a series of work is needed from the trade for compliance, the Government's early release of some agreed principles or guidelines will be helpful to the trade, such as to release the specific conditions for making claims to be fulfilled promptly. Also, as the Government proposed to establish a list of approved health claims by taking reference to the current practice in overseas jurisdictions, it is recommended that the Government develops the list in advance to the legislation of the regulatory framework.

### **Inclusive Approach to Facilitate Informed Choice**

As acknowledged by the Government, factually correct claims can provide consumers with useful information for selecting suitable products. Under the supervision of the overarching principles, it is convinced that the claims approved to be made under the regulatory framework will be sound and trustworthy. Thus, to facilitate parents' informed choices, Wyeth Nutrition is in support of an inclusive approach which allows the industry to communicate evidence-based nutrition information with parents in need. In addition, the inclusive approach would encourage the industry to carry on investing in research and development in hopes of bringing consumers more innovative scientific-based products.

Furthermore, follow-up formula and IYC foods are of similar nature that are consumed as complementary foods for young child, and thus same standards for permitting claims meet with specific conditions should be applied. Taking reference to the international practices such as that in the European Union, nutrition and health claims are allowed for both follow-up formula and IYC foods. Similar consistency is also observed in Singapore for its allowance of nutrient function claims and other function claims. For China, it also allows nutrition and function claims for both follow-up formula and IYC foods.

On the contrary, a restrictive or over-constrictive approach fully denies the positive function that accurate claims plays and inevitably ignores the needs of those parents who cannot feed their babies with breast milk and need to use formula products and IYC foods to support their children's nutritional needs.

### **An Open Positive Allowed List Deemed Appropriate**

Keeping abreast of the latest development in the science arena, the list of approved claims shall remain open, i.e. a transparent review over the list on a regular basis, such as annually, shall be conducted to revisit the validity of current approved claims and to consider the needs of enriching the list when new scientific evidence emerges. We also suggest CFS to provide clear principles and requirements for the introduction of new health claims. During the ongoing review, a multi-party dialogue including the regulators, experts, the Trade and/or consumers are strongly encouraged so as to ensure that compelling decisions can be made upon fruitful communications among all relevant stakeholders.

### **Sufficient Grace Period for Compliance**

In response to the new requirements under the regulatory framework, it is foreseen that a series of actions such as label development is needed to be performed by the manufacturer.

Given complex procedures will be involved, a reasonable and sufficient grace period is strongly recommended to ensure a full compliance of regulation by all products in the market, especially if the effective date of the regulation is going to be started since it is first published in the Gazette. An adequate grace period could also help to ensure a smooth product transition and a stable supply of products in the market.

To conclude, Wyeth Nutrition appreciates the government's initiatives to protect the health of infants and young children in Hong Kong and supports the development of the captioned regulatory framework. We will be grateful if the above general comments will be taken into consideration by the Panel. Further supported details about our views will be provided during the consultation period for the Government's reference.

Wyeth (Hong Kong) Holding Company Limited  
6 February 2015