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Legislative Council

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Paper for the House Committee meeting on 25 June 2004

Report of the Subcommittee on Food and Drugs (Composition and Labelling) (Amendment) Regulation 2004

Purpose

This paper reports on the deliberations of the Subcommittee on Food and Drugs (Composition and Labelling) (Amendment) Regulation 2004.

Background

2. The Food and Drugs (Composition and Labelling) Regulations (Cap. 132 sub. leg. W) under the Public Health and Municipal Services Ordinance (Cap. 132) stipulate the standards of composition of a number of food products, e.g. coffee, vinegar, honey, milk and milk products, etc. The Regulations also require that the following information be provided and displayed on the labels of pre-packaged foods -

(a) name or designation of the food;

(b) list of ingredients and additives;

(c) indication of "best before" or "use by" date;

(d) special condition for storage or instruction for use;

(e) count, weight or volume; and

(f) name and address of manufacturer or packer.

3. In the recent round of review of the food labelling legislation and requirements, the Administration has identified that the following five areas concerning pre-packaged foods would require improvements -

(a) food labels should declare the presence of eight types of substances which are known to cause allergy in some individuals;

(b) food labels should specifically indicate the name or code of the food additive used;

(c) the format required in marking the "best before" or "use by" date should be made more flexible to the trade and clearer to consumers;

(d) not all alcoholic drinks should be exempted from labelling requirements; and

(e) restrictions on the inclusion of additives in condensed or evaporated milk and butter should be relaxed.

The Food and Drugs (Composition and Labelling) (Amendment) Regulation 2004

4. The Amendment Regulation was gazetted on 14 May 2004 and tabled in Council on 19 May 2004. It amends the Food and Drugs (Composition and Labelling) Regulations mainly in the following aspects -

(a) to relax the restrictions on the inclusion of additives in certain milk products and butter;

(b) to require food labels to declare the presence of eight substances which are known to cause allergy in the list of ingredients;

(c) to require food labels to list both the functional class (i.e. the category) of the food additive used and its specific name (or its identification number under the International Numbering System for Food Additives);

(d) to update the functional class of additives for labelling purposes;

(e) to require the "best before" and "use by" dates shown in Arabic numerals to indicate their sequences in English letterings and Chinese characters, and remove the requirement for the dates to be listed in the strict order of the day, the month and the year;

(f) to exempt drinks with an alcoholic strength by volume of more than 1.2% but less than 10% from the requirement in respect of a list of ingredients but require other pre-packaged food which was previously exempted to comply with the requirements in Schedule 3 to the existing Regulations; and

(g) to exempt wines and other drinks with an alcoholic strength by volume of 10% or more from certain requirements in Schedule 3 to the existing Regulations.

The Subcommittee

5. At the House Committee meeting on 21 May 2004, Members agreed to form a subcommittee to examine the Food and Drugs (Composition and Labelling) (Amendment) Regulation 2004.

6. Under the chairmanship of Dr Hon LO Wing-lok, the Subcommittee has held five meetings, including one meeting with representatives of the affected trades, the medical sector and the Consumer Council. The Subcommittee has received ten written submissions, and also considered the submissions made to the Administration during its consultation exercise in 2000.

7. The membership list of the Subcommittee is in **Appendix I**. A list of organisations and individuals who have given views to the Subcommittee is in **Appendix II**.

Deliberations of the Subcommittee

8. The Subcommittee generally supports the principle of providing more information in food labels to enable consumers to make informed choices, and to reduce health risks caused by allergenic substances in food. The Subcommittee also supports the relaxation of labelling requirements for additives in condensed or evaporated milk and butter, and the more flexible date marking format on food labels. However, some members have expressed serious concerns about the practical difficulties faced by the trade in complying with the new labelling requirements concerning additives, allergenic substances and drinks with alcoholic contents. The deliberations of the Subcommittee and the Administration's response to the concerns raised are described in the following paragraphs.

Additives in condensed or evaporated milk and butter

9. The Subcommittee and the trade support the relaxation of the inclusion of additives in condensed or evaporated milk and butter in line with the standard set by the Codex Alimentarius Commission (Codex)[1]. The Administration has explained that the amendment is to update existing legislation in line with international standard as the existing legislation is more restrictive than the Codex standards.

[1] The Codex Alimentarius Commission was created in 1963 by the United Nations Food and Agriculture Organisation (FAO)and the World Health Organisation (WHO) to develop food standards, guidelines and related texts such as codes of practice under the Joint FAO/WHO Food Standards Programme. The main purposes of this Programme are protecting health of the consumers and ensuring fair trade practices in the food trade, and promoting coordination of all food standards work undertaken by international governmental and non-governmental organizations.

10. The Subcommittee supports that the proposed relaxation should take effect on 9 July 2004 as stipulated in the Amendment Regulation.

Labelling of food additives and allergenic substances

Allergenic substances

11. While the existing Regulations require that pre-packaged food be legibly marked or labelled with a list of ingredients, it does not impose specific requirements on labelling of substance which may cause allergy to some individuals. To make sure that consumers are aware of the presence of substances in food products which are known to cause allergy in some people, the Amendment Regulation stipulates that eight categories of allergenic substances should be declared on food labels. The eight categories are :

(a) cereals containing gluten, i.e. wheat, rye, barley, oats, spelt or their hybridized strains, and products made of these substances;

(b) crustacean and crustacean products;

(c) eggs and egg products;

(d) fish and fish products;

(e) peanuts, soybeans and their products;

(f) milk and milk products (lactose included);

(g) tree nuts and nut products; and

(h) sulphite in concentrations of 10 parts per million or more.

12. The Administration has explained that the eight allergens are recommended by Codex, and as a general rule, if a food product contains any of the eight specified categories of food ingredients, their presence must be declared in the list of ingredients. Also, except as specified under item (h), no threshold is set for this labelling requirement, and the trace amount of any of these food ingredients must be declared.

13. The Subcommittee expresses support for the principle of providing information on allergenic substances to consumers for their safety and protection. The Consumer Council, the medical sector and some other deputations also welcome the requirement of labelling allergenic substances, as this will enable consumers to avoid products containing substances that they may be allergic to. The Consumer Council, the Hong Kong Food Science and Technology Association Ltd. and the Hong Kong Institute of Allergy have suggested to include, at a later stage, other allergenic substances that are available in common

food products sold in Hong Kong, such as honey and pollen grain products.

14. To ascertain the need or usefulness of providing specific information on allergens in food labels, some members have enquired about the clinical data of allergic reactions to the eight allergenic substances, and the risks to consumers if these substances are not declared on food labels. In response, some medical professionals have given the view that while some individuals may have been told by their doctors to avoid certain food types, it is difficult for individuals to know all the ingredients of the food that they are consuming, unless the allergic substances are declared on the labels. They have also pointed out that some reactions to the allergic substances are potentially fatal, especially if medical care cannot be administered rapidly.

15. The Administration has advised that according to the World Health Organization, the eight most common allergy-causing food (as adopted in the Amendment Regulation) are known to cause more than 90% of all food allergies. It is generally believed that a very minute amount of food allergen (in the microgram to low milligram range) can cause allergic reaction in highly susceptible individuals. In the West, it is estimated that about 3% to 4% of children, and 1% to 2% of adults suffer from food allergy. In the United States (US), it is reported that food allergy accounts for 30 000 anaphylactic reactions and 2 000 hospitalizations and 200 deaths each year. The United Kingdom Food Standards Authority has also reported that 10 people die every year from food allergic reactions in the country.

16. Mrs Selina CHOW, Mr Tommy CHEUNG and the retail trade representatives have expressed grave concern that there are practical difficulties for the trade to comply with this new requirement, as many exporting countries/places have not implemented similar requirements. They have asked the Administration to conduct a Regulatory Impact Assessment to evaluate the impact of the new labelling requirements on the relevant trades. They have also pointed out that many countries or places supplying food products to Hong Kong, such as the Mainland and South East Asian countries, do not have similar food labelling requirements for allergens, and the suppliers or manufacturers therefore do not have the information.

17. Some trade members have also expressed concern that, in the absence of an Allergen Management System for food manufacturing in Hong Kong and in many other places, it is not possible to tell whether the food products contain traces of allergenic substances due to accidental mixing or cross-contamination in the food production chain. Some trade representatives have suggested the Administration to consider allowing the trade to add a disclaimer on the food labels in these circumstances.

18. The Administration has responded that the requirements on labelling of allergens in the Amendment Regulation are in line with the labelling practice in developed countries and regions, e.g. Australia, European Union (EU), Japan, New Zealand and US. As these raw materials and ingredients are added by the

manufacturers, the latter should know the existence of these substances and be able to indicate the relevant information on the labels. The Administration has pointed out that although some countries or regions have not implemented labelling requirement in accordance with the Codex standards, many of these countries are also exporting pre-packaged food products to countries which have already implemented such labelling requirements.

19. Regarding the impact on the trade, the Hong Kong Retail Management Association has estimated that over 30 000 items of food products are imported from over 50 countries/places for sale in Hong Kong, and 80% of these food products will either have to be removed from sale or re-labelled, when the Amendment Regulation comes into effect. The Subcommittee has noted from the information provided by the Administration that the developed countries are in different stages of implementing the labelling requirements for allergens. Australia and New Zealand have already implemented similar labelling requirements for allergens, while Japan requires mandatory labelling of only four categories of allergens, and EU will implement the requirements from November 2005. According to the Administration, in US, the existing legislation provides for the regulation of allergenic substances that they are to be declared in the ingredient list. An Act specifically requiring declaration of eight categories of allergens was passed by the Senate on 9 March 2004, and it is expected to take effect on 1 January 2006 if passed by the House of Representatives. Canada is planning to amend its food labelling laws, while the Mainland and Thailand do not have similar labelling legislation.

20. The Subcommittee has noted that the Mainland (31%) is the largest supplier of pre-packaged food products in Hong Kong, while some other countries (e.g. Thailand and EU) each accounts for about 5% of the market. Recognising that the trade may have practical difficulties in complying with the new labelling requirements, the Subcommittee has urged the Administration to consider ways to address the trade's concerns while protecting consumers' rights and public health. In this connection, Mrs Selina CHOW has suggested the Administration to consider providing a defence provision or disclaimer in legislation, or applying the new labelling requirements on the basis of source countries (i.e. the new labelling requirement will only apply to those supplying countries/places which have already implemented the Codex standards relating to allergens).

21. On the suggestion of applying the new labelling requirements on the basis of source countries, the Administration has advised that after consulting the Department of Justice, it has concluded that the suggestion is not feasible because of the legal uncertainty in enforcing the law since the proof of the contravention will have to base upon the legislation of the source countries. Furthermore, the suggestion of partial application of the labelling requirements to products from some countries, but not from other parts of the world, appears to violate the Most Favoured Nation obligation under the General Agreement on Tariffs and Trade (GATT), and the Agreement on Technical Barriers to Trade of the World Trade Organization.

22. On the suggestion of providing a defence provision in the Amendment Regulation, the Administration has advised that sections 70 and 71 of the principal ordinance (Cap. 132) already provide that it will be a defence if the defendant has used all due diligence or relied on a warranty. Regulation 5(3) of the existing Regulations also provides that it will be a defence if the defendant has "taken all reasonable steps" to ensure that the food was marked or labelled in accordance with the Regulations. The Administration considers that the trade can rely on these defence provisions where appropriate.

23. Mrs Selina CHOW is of the view that the defence of "taking reasonable steps" cannot adequately address the trade's worries, because it would be for the court to decide whether a defendant has actually taken all "reasonable steps". Some members agree with Mrs CHOW that the Administration should let the trade know in specific terms what actions importers/manufacturers should take. To allay the trade's concern, the Administration has subsequently agreed to add a clause to the Amendment Regulation to the effect that it will be a defence if a defendant -

(a) has reasonably and in good faith relied on the information provided by the importer or manufacturer that the food consisted of or contained any of the specified substances; or

(b) has used his best endeavours to obtain such information from the importer or manufacturer but such information is not available, and he has in good faith marked on the food that he does not know whether the food consists of or contains any such substance.

The Subcommittee members generally find the Administration's proposed amendments acceptable.

24. Members of the Subcommittee, however, have different views on the Administration's proposal to add a new paragraph 3B which reads -

> "(3B) The defence mentioned in paragraph (3A) shall not apply when the defendant subsequently has actual notice that the pre-packaged food consisted of or contained any substance referred to in paragraph 2(4E) of Schedule 3."

According to the Administration, the objective of proposed paragraph 3B is to close the loophole that an importer/manufacturer can rely on the defence provision and refuse to include the new information in the food labels, even after he has received notice subsequently that their food products actually contain the allergen(s).

25. Mrs Selina CHOW objects to the proposed paragraph 3B which in her view will impose criminal liability on an importer/manufacturer on an act which was done in good faith and had not breached the law at the time of the act. Mrs

CHOW points out that there will be difficulties for the retailer to recall the food products which have already been labelled and distributed for sale. She considers it unfair to withdraw the application of the defence provision if the importer/manufacturer has acted in good faith based on the supplier's information. Mrs CHOW considers that as the defence provision will automatically not apply to any new consignments, it is not necessary to have the new paragraph 3B.

26. The Administration has explained that under the existing practice, if a food product is found to have breached a food labelling requirement, the Food and Environmental Hygiene Department (FEHD) will contact the importer/retailer concerned and ask him to rectify the situation, e.g., by relabelling the food product concerned within a reasonable period of time. Prosecution will be taken against him if he fails to make rectification after the grace period.

27. Some Subcommittee members consider that the Administration can continue to use the existing administrative measures to require the traders to re-label the food products concerned, and even make public announcements if the trader refuses to comply. Nevertheless, Mr Fred LI has expressed reservation about the suggestion of resorting to administrative measures to deal with the situation. He considers it more appropriate to provide a legal basis for the enforcement authority to require the importer to update/rectify the food labels in the light of new information. He is of the view that public announcements by FEHD officers on food products with inaccurate food labels can cause more damage to the trader concerned.

28. In view of the concerns raised by the Subcommittee members, the Administration has agreed, after the last meeting on 21 June 2004, to remove the new paragraph 3B from the draft resolution to amend the Amendment Regulation. The Administration has advised that it will resort to administrative measures to deal with those traders who refuse to re-label the prepackaged food products after the relevant information on the presence of the allergens has been made available to them. The grace period will also be extended to 30 months to allow more time for the trade to adapt to the changes. The revised draft resolution (**Appendix III**) has been circulated to the Subcommittee on 21 June 2004. As at 23 June 2004, four members of the Subcommittee have indicated support to the proposed amendments. After the meeting on 21 June 2004, Mr WONG Yung-kan has also indicated that the Administration should formulate a code of practice on Allergen Management System to assist local manufacturers to comply with the new labelling requirements.

Food additives

29. The existing Regulations require the food labels to declare either the exact name of the additive, or just the general category to which the additives belong, such as preservative and colour. To provide consumers with more information and to implement the Codex recommendations in this respect, the Amendment

Regulation stipulates that both the category and the exact name of the additives must be declared on food labels. Since there might be practical difficulties to list out the full names of all the food additives used because of limited space on the food labels, the Amendment Regulation allows the use of the identification number of additives under the International Numbering System for Food Additives (INS) adopted by the Codex. For example, "preservative 251" will be accepted as an alternative to "preservative - sodium nitrate".

30. A number of deputations and some members of the Subcommittee welcome the adoption of INS for describing food additives in food labels. However, the retail trade has expressed reservations about implementing the new labelling requirement from January 2006, especially because a number of products have a long shelf life. The trade representatives are of the opinion that to implement the requirement, a vast amount of individual stickers would have to be printed for those foods supplied by countries which do not have similar requirements. The re-labelling will add costs to the food trade and this will ultimately be passed onto the consumers.

31. A few deputations have expressed concern that consumers may not know the identification codes of the food additives. The Consumer Council has suggested that the Government should consider compiling a list of acceptable names, in both English and Chinese, so that the food industry and consumers have a clear standard to follow. The Administration has responded that they will provide explanatory guideline to the trade, publish leaflets for the public and hold promotion programmes to enhance the understanding of the INS. The Consumer Council and some other deputations have indicated that they can assist in educating the public about the INS.

32. To allow more time for the trade to adapt to the change, the Subcommittee supports the Administration's proposal to extend the grace period for the new labelling requirements for the food additives to 9 January 2007.

More flexible date marking format

33. The existing Regulations require the "best before" or the "use by" date of food products to be marked in both English and Chinese language, or in Arabic numerals in the strict order of the day followed by the month and then the year. While marking the date in English or Chinese words is straightforward, there are problems in the date marking sequence in Arabic numerals due to different practices in various exporting countries, for example, the US. According to the Administration, importers have complained about the unnecessary costs for re-labelling in order to comply with the sequence requirement of Hong Kong. Consumers also find the date sequence on food labels confusing.

34. To address the concern of the trade and consumers, the Amendment Regulation allows more flexibility in the date marking sequence. While different date sequence is allowed for showing the "best before" or "use by" date

on food labels, the exact sequence should be clearly declared in both Chinese and English words as well. Also, the use of capital letters or single letters to indicate the day, month or year (e.g. YY or y) will be allowed under the Amendment Regulation.

35. The trade generally welcomes providing more flexibility in the date marking format on food labels. Some deputations have suggested other alternatives for the labelling format. The Consumer Council has suggested that the Arabic numerals and the description of the exact sequence should be placed side by side on the food labels.

36. As regards the effective date of the new requirement, some deputations have requested for a grace period longer than 18 months after the production date. The Administration has explained that it will be impracticable and confusing to refer to a production date in enforcing the new labelling requirement. The Administration has pointed out that some food labels do not have the production date as this is not a mandatory requirement. To address the trade's concern about food products with a long shelf life, the Administration has proposed to extend the grace period for the new format requirements to 30 months (i.e. up to 9 January 2007).

37. The Subcommittee supports the date marking format requirements and the extension of the grace period to 30 months.

Labelling of alcoholic drinks

38. Currently, all pre-packaged food with an alcoholic strength by volume of more than 1.2%, as determined under section 53 of the Dutiable Commodities Ordinance (Cap.109), is exempted from all food labelling requirements in the Regulations.

39. The Administration has reviewed the current exemption for pre-packaged food with an alcoholic strength by volume of more than 1.2%, and concluded that the exemption is too broad, taking into consideration Codex recommendation and the view of the beer industry. According to the Administration, Codex is of the view that alcoholic drinks should comply with all food labelling requirements, except wines, fruit wines and drinks with alcoholic strength by volume of more than 10%. For these three exceptions, no labelling of durability period is considered necessary, because these drinks are by nature much less vulnerable to quality deterioration due to aging. The beer industry has also given the view that beers should not be exempted from the requirement of labelling durability period, because the quality of beer would deteriorate over time. The beer industry considers that the labelling of "best before" date should be made a statutory requirement for beer.

40. In the light of these views and considerations, the Administration has amended the Regulations to require alcoholic drinks to comply with all statutory

labelling requirements, subject to certain exemptions. For drinks with an alcoholic strength by volume of more than 1.2%, they will continue to be exempted from the labelling of ingredients requirement because there are technical difficulties in analyzing the ingredients from the output product, making enforcement difficult. As regards wines, fruit wines and drinks with alcoholic strength by volume of 10% or more, they will also be exempted from the durability labelling requirement.

41. The retail trade has expressed grave concern about these new labelling requirements. The Hong Kong Retail Management Association is of the view that the new requirements have not been spelt out in the Administration's consultation paper issued in 2000, and there will be practical difficulties in complying with the new requirements even with the 18-month grace period. The Association considers that the removal of exemptions for beer and alcoholic drinks from the labelling requirements will mean that specific labels will have to be printed and applied to a wide range of beer and alcoholic wines on sale in Hong Kong. The Association has strongly urged that the existing exemptions for alcoholic drinks should continue. The Hong Kong Food Drink & Grocery Association has also raised objection to the removal of exemption for wine and drinks with an alcoholic strength by volume of 10% or more. This Association urges that the new labelling requirement in this regard should be deleted from the Amendment Regulation, and the Administration should start consultation with the trade on the proposed requirements.

42. The Administration maintains the view that the consultation paper issued in 2000 had covered the new labelling requirements concerning alcoholic drinks in the Amendment Regulation. The Administration also considers that submissions received during the public consultation period indicated that such labelling requirement was clearly understood. The Administration has clarified that -

(a) wines, liqueur wines, sparkling wines, aromatized wines, fruit wines, sparkling fruit wines and drinks with alcoholic strength by volume of 10% or more will have to comply with all the food labelling requirements in the Regulations, except the labelling of durability period and ingredients; and

(b) drinks with an alcoholic strength of volume between 1.2% and 10%, e.g., beer, will have to comply with all the labelling requirements, except the labelling of ingredients.

43. To address the retail trade's concern, the Administration has subsequently discussed with the trade representatives and agreed to continue the exemption of wines, liquor wines, fruit wines and other drinks with an alcoholic strength by volume of 10% or more, from all labelling requirements. As for drinks with an alcoholic strength by volume of more than 1.2% but less than 10%, they will be exempted from all labelling requirements except that on durability. The Administration will make suitable amendments to the Amendment Regulation to

this effect. The Subcommittee welcomes the Administration's proposed amendments.

44. The Administration has informed the Subcommittee that a voluntary code of practice will be prepared on the labelling of alcoholic drinks with an alcoholic strength by volume of 1.2% or more. It will be specified in the code that importers should maintain information on the name and address of manufacturer/supplier to facilitate follow-up action where necessary. The voluntary code of practice will be reviewed after one year of implementation.

Commencement date and transitional arrangements

45. Following discussion with the trade and the Subcommittee, the Administration will extend the grace period from 18 months to 30 months (up to January 2007), except the relaxation of control over additives in milk products and butter which will take effect from 9 July 2004 (paragraph 10).

Recommendations of the Subcommittee

46. The scrutiny period of the Regulation has been extended to 7 July 2004. In response to the concerns raised by the retail trade and members of the Subcommittee, the Administration will move amendments to the Amendment Regulation at the Council meeting on 7 July 2004. The majority of the Subcommittee members support the proposed amendments to be moved by the Administration.

Advice sought

47. Members are invited to note the recommendation of the Subcommittee in paragraph 46 above.

Council Business Division 2
Legislative Council Secretariat
24 June 2004

Appendix I

Subcommittee on Food and Drugs
(Composition and Labelling) (Amendment) Regulation 2004

Membership list

Chairman	Dr Hon LO Wing-lok, JP
Members	Hon Fred LI Wah-ming, JP
	Hon Mrs Selina CHOW LIANG Shuk-yee, GBS, JP
	Hon WONG Yung-kan
	Dr Hon TANG Siu-tong, JP
	Hon Tommy CHEUNG Yu-yan, JP
	Hon Michael MAK Kwok-fung
	(Total : 7 Members)
Clerk	Mrs Constance LI
Legal Adviser	Miss Kitty CHENG
Date	31 May 2004

Appendix II

Organisations / individuals that have given views to the Subcommittee on Food and Drugs (Composition and Labelling) (Amendment) Regulation 2004

1. Consumer Council
2. The Hong Kong Medical Association
3. Hong Kong Food Science and Technology Association Limited
4. Hong Kong Suppliers Association Co. Ltd.
5. Hong Kong Retail Management Association
6. The Dairy Farm Co. Ltd.
7. Heineken Hong Kong Ltd
8. The Hong Kong Food Drink and Grocery Association
9. Sims Trading Co Ltd
10. Edward Keller Ltd
11. Hong Kong Institute of Allergy
12. The Chinese Manufacturers' Association of Hong Kong

* 13. PARKnSHOP

* 14. Professor Jean WOO
Director of School of Public Health, Faculty of Medicine
The Chinese University of Hong Kong

* 15. Hong Kong Federation of Restaurants & Related Trades

* 16. Hong Kong Academy of Medicine

* written submissions only

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

RESOLUTION

(Under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1))

FOOD AND DRUGS (COMPOSITION AND LABELLING) (AMENDMENT) REGULATION 2004

RESOLVED that the Food and Drugs (Composition and Labelling)(Amendment) Regulation 2004, published in the Gazette as Legal Notice No. 85 of 2004 and laid on the table of the Legislative Council on 19 May 2004, be amended -

(a) by adding -

"**2A. Offences and penalties**

Regulation 5 is amended by adding -

"(3A) Without affecting paragraph (3), in any proceedings for an offence against paragraph (1) in relation to any prepackaged food which is not marked or labelled in accordance with paragraph 2(4E) of

Schedule 3, it shall be a defence for the defendant to show that he -

(a) reasonably and in good faith relied on information provided by the importer or manufacturer as to whether the food consisted of or contained any substance referred to in that sub-paragraph; or

(b) (i) has used his best endeavours to obtain the information from the importer or manufacturer but the information is not available; and

(ii) has in good faith marked on the food that he does

not know whether the food consists of or contains any such substance.";

(b) in section 5 -

(i) in paragraph (a), by repealing "Paragraph 2" and substituting "The whole Schedule except paragraphs 3 and 4";

(ii) in paragraph (b), by repealing "Paragraphs 2 and 4" and substituting "The whole Schedule except paragraph 3";

(c) in section 6, by repealing "2006" and substituting "2007".