

LEGISLATIVE COUNCIL BRIEF

Public Health and Municipal Services Ordinance
(Cap. 132)

FOOD ADULTERATION (ARTIFICIAL SWEETENERS) (AMENDMENT) REGULATION 2003

FOOD AND DRUGS (COMPOSITION AND LABELLING) (AMENDMENT) REGULATION 2003

INTRODUCTION

On 17 October 2003, the Secretary for Health, Welfare and Food, in exercise of the power under section 55(1A) of the Public Health and Municipal Services Ordinance (Cap. 132), made the Food Adulteration (Artificial Sweeteners) (Amendment) Regulation 2003. As part of the consequential amendments, the Food and Drugs (Composition and Labelling) (Amendment) Regulation 2003 was made by the Director of Food and Environmental Hygiene in exercise of the power under section 55(1) of the Public Health and Municipal Services Ordinance (Cap. 132) on the same day.

JUSTIFICATIONS

General Background

2. The Food Adulteration (Artificial Sweeteners) Regulations (hereafter referred to as “the Regulations”) prohibit the sale, consigning, delivery and import of “artificial sweeteners” and of any food containing “artificial sweeteners” for human consumption, unless such “artificial sweeteners” have been specified in the Schedule of the Regulations. At present, ten chemical compounds, namely saccharin, saccharin sodium, saccharin calcium, aspartame, acesulfame potassium, cyclamic acid, sodium cyclamate, calcium cyclamate, thaumatin and sucralose, are included in the Schedule of the Regulations. All of them are regarded by the Joint Food and Agriculture Organization/ World Health Organization Expert Committee on Food Additives (JECFA), which is an internationally recognized authority for safety evaluation of food additives, as safe for human consumption.

Proposal

(1) Amendments to the Schedule

3. In a recent review of the Regulations, it is found that in addition to the ten sweeteners currently specified in the Schedule of the Regulations, the safety of three other sweeteners, namely “alitame” “aspartame-acesulfame salt” and “saccharin potassium”, has also been evaluated and endorsed by JECFA. In view of the above, we propose to update the local regulation in accordance with the assessment of JECFA by adding the three substances to the Schedule of the Regulations as permitted sweeteners.

4. Cyclamate is used as a sweetener in food in the form of its salts. Under the existing Regulations, cyclamic acid and its sodium and calcium salts (i.e. sodium cyclamate and calcium cyclamate) are permitted to be used as sweeteners in food because the safety evaluation conducted by JECFA concluded that they were safe for human consumption. Potassium cyclamate was not included in JECFA’s safety evaluation because at the time when the evaluation was conducted, there had not been any uses of potassium cyclamate in food. Although JECFA has only evaluated the safety of cyclamic acid and its sodium and calcium salts, JECFA has

always considered potassium and sodium salts to be equivalent. In view of the above, we propose to take the opportunity to include “potassium cyclamate” into the list of permitted sweeteners as well.

5. We also propose to follow the grouping of sweeteners adopted by the Codex Alimentarius Commission¹ as set out below:-

- (a) grouping “saccharin”, “saccharin sodium”, “saccharin potassium” and “saccharin calcium” into “saccharin (and sodium, potassium, calcium salts)”; and
- (b) grouping “cyclamic acid”, “sodium cyclamate”, “potassium cyclamate” and “calcium cyclamate” into “cyclamic acid (and sodium, potassium, calcium salts).

(2) Terminology and Title

6. Under the Food Adulteration (Artificial Sweeteners) Regulations, “artificial sweetener” is defined as “any chemical compound which is sweet to the taste, but does not include any sugars or other carbohydrates or polyhydric alcohols”. While the word “*artificial*” is used in the Regulations, the scope of control of the Regulations is not confined to synthetic substances only. Chemical compound which originates from *natural* plants may also be regarded as “artificial sweetener” as long as it fulfills the criteria specified in the above legal definition, and therefore is subject to control by the Regulations. In order to avoid any misunderstanding and to reflect more clearly the scope of control of the Regulations, we propose to remove the word “artificial” from the term “artificial sweetener” wherever it appears in the Regulations. Moreover, the legal definition of the term will remain unchanged, thus causing no change to the ambit of the Regulations.

7. The opportunity is also taken to amend the title of the Regulations from “Food Adulteration (Artificial Sweeteners) Regulations” to “Sweeteners in Food Regulations” so as to avoid the use

¹ The Codex Alimentarius Commission under the United Nations is recognized by the World Health Organization, the Food and Agriculture Organization and the World Trade Organization as the international authority for setting food related standards.

of the term “adulteration” which carries a negative meaning. The proposed new title carries a more neutral meaning and can avoid misleading people that all types of sweeteners would cause adulteration of food products.

8. Consequential amendments to the Preservatives in Food Regulations and the Food and Drugs (Composition and Labelling) Regulations are also made in order to ensure consistency in the use of related terminology.

THE REGULATIONS

9. The Food Adulteration (Artificial Sweeteners) (Amendment) Regulation 2003 replaces the Schedule to the Regulations with a new one containing 4 additional permitted sweeteners; changes the citation to the Regulations to the Sweeteners in Food Regulations; changes all references of “artificial sweetener” in the Regulations to “sweetener”; and makes consequential amendments to the Preservatives in Food Regulations. The Food and Drugs (Composition and Labelling) (Amendment) Regulation 2003 substitutes “artificial sweeteners” with “sweeteners” in paragraph 2(6) of Schedule 3 to the Food and Drugs (Composition and Labelling) Regulations. Both amendment regulations are expected to come into operation on 19 December 2003. A grace period of 18-month will be allowed for the trade after the commencement of the Food and Drugs (Composition and Labelling) (Amendment) Regulation.

LEGISLATIVE TIMETABLE

10. The legislative timetable is as follows:-

Publication in the Gazette	24 October 2003
Tabling at LegCo	29 October 2003

IMPLICATIONS OF THE PROPOSAL

11. The amendment regulations are in conformity with the Basic Law, including the provisions concerning human rights. They will not affect the binding effect of the principal Ordinance. It has no financial, civil service, economic, productivity and environmental implications. A broader choice in the use of permitted sweeteners will help facilitate the operations of the food trade.

PUBLIC CONSULTATION

12. The amendment regulations aim to bring the local regulations in line with international standard. As four additional sweeteners will be added to the permitted list, the amendments are likely to be welcomed by the trade. As this is a technical exercise, public consultation is not considered necessary.

PUBLICITY

13. A press release will be issued. A spokesman will be made available to answer media and public enquiries.

ENQUIRIES

14. Any enquiry on this brief can be addressed to Miss Cordelia LAM, Assistant Secretary for Health, Welfare and Food (tel no: 2136 3407).

Health, Welfare and Food Bureau
October 2003