

**For discussion
on 7 February 2006**

LegCo Panel on Food Safety and Environmental Hygiene

FOOD LABELLING ON INDICATION OF DURABILITY

PURPOSE

This paper sets out the existing regulation on food labelling with regard to the indication of durability of prepackaged foods.

BACKGROUND

Existing Food Labelling Requirements on Durability Indication

2. Food labelling is an important channel of communication between manufacturers and consumers. It serves as a tool for the food industry to inform and attract potential buyers on the one hand, and assists consumers to make informed choices on the other.

3. In accordance with paragraph 4 of the Schedule 3 to the Food and Drugs (Composition and Labelling) Regulations (the Regulations), made under the Public Health and Municipal Services Ordinance (Cap. 132), prepackaged food should be legibly marked or labelled with the appropriate durability indication in either of the following ways:

- (a) “use by 此日期前食用” date

The “use by” date is used for food which is highly perishable and consumption of such food after expiry of the “use by” date would pose considerable risk to health. Examples of these types of food are pasteurized milk, prepacked sandwiches with egg and ham, etc. Sale of food past the “use by” date is an offence under the law and pursuant to reg. 5 (1A) of the Regulations, any person

who sells any food after the date shown as the “use by” date on food marked or labelled for the purposes of Schedule 3 commits an offence and is liable to a fine of \$50,000 and to imprisonment for 6 months.

(b) “best before 此日期前最佳” date

Except for the highly perishable prepackaged food mentioned above, a “best before 此日期前最佳” date is used for other foods to indicate the period for which the quality of food can reasonably be expected to retain its specific properties if properly stored. It does not mean that the food would necessarily perish after this date or would pose a risk to health. Examples of these types of food are canned products, bottled drinks, candies, etc.

4. The concept behind the method of indicating durability described above is that the food quality is indicated by “best before 此日期前最佳” date, while food safety is indicated by “use by 此日期前食用” date. After the “use by” date, the food is not regarded as marketable. This principle is widely adopted in many countries.

Enforcement of Food Labelling Requirements on Durability Indication

5. To ensure the statutory requirements on durability indication are duly observed by the food industry, regular inspections of food labels are carried out at retail outlets. Based on the results of inspections, appropriate follow-up actions are taken to enforce compliance with the requirements. In 2004 and 2005, we inspected over 100,000 food labels and instituted 50 prosecutions against the sale of foods beyond the expiry date.

6. Although the sale of prepackaged foods beyond the “best before” date is not an offence, food traders are advised to take good store management measures to prevent the sale of such foods in order to preserve their image as a responsible and reputable food seller. Store managers should take all necessary steps to ensure that prepackaged foods displayed for sale comply with the labelling requirements.

7. Nevertheless, if it is found that the foods sold beyond the “best before” date have deteriorated and are unfit for human consumption, we can take enforcement action for sale of unfit foods under Section 54 of the Public Health and Municipal Services Ordinance, with a maximum fine of \$50,000 and imprisonment for 6 months.

CONCLUSION

8. The current legislation regarding the use of “use by 此日期前食用” or “best before 此日期前最佳” date in indicating the durability of prepackaged foods is considered adequate and serving the purpose, which is also being adopted by major overseas countries. We will continue to monitor the situation.

Food and Environmental Hygiene Department
February 2006