

**FOOD AND DRUGS (COMPOSITION AND
LABELLING) (AMENDMENT: REQUIREMENTS FOR
NUTRITION LABELLING AND NUTRITION CLAIM)
REGULATION 2008**

Labelling of Trans Fat on Nutrition Labels

1. During discussion at the Subcommittee meetings, some Members raised concern about the difference in the requirements in the labelling of the content of trans fat in the nutrition label between Hong Kong and other countries. In response to these Members' concerns, this paper sets out a proposal for the labelling of the content of trans fat in the nutrition label under the Food and Drugs (Composition and Labelling) (Amendment: Requirements for Nutrition Labelling and Nutrition Claim) Regulation 2008 (Amendment Regulation).

2. At the request of Members, the paper "Labelling of Trans Fat on Nutrition Labels" (LegCo Subcommittee paper No. LC Paper No. CB(2)1902/07-08(03)) was provided to explain the difference in labelling of trans fat as "0 g" as permitted by the US and the nutrition labelling scheme in Hong Kong. Under the nutrition labelling scheme in Hong Kong, the Administration accepts that food products containing not more than 0.3 g of trans fat per 100 g can be labelled as containing 0 g of trans fat per 100 g on the nutrition panel. In the US system, the corresponding rule is 0.5 g per serving. In other words, the value of trans fat may be labelled as "0 g" on the nutrition panel of food products sold in the US, as long as the actual amount is within the limit of "0.5 g per serving".

3. Currently, there is no Codex standard or commonly adopted international standard for trans fat. Some Members of the LegCo Subcommittee were concerned that food products (without nutrition claim) which are manufactured for export to overseas but with some imported to Hong Kong may not meet Hong Kong's labelling requirement for trans fat because of the different standards adopted.

4. Given that there is currently no Codex standard for trans fat free claim and neither is there an international standard commonly

adopted by countries on the labelling of trans fat, we have considered the feasibility of dealing with such food labels with certain degree of latitude. This has to be achieved through legislative amendment.

Proposal

5. We propose for Members' consideration that for the labelling of the content of trans fat in the list of nutrients, food traders may comply with the labelling requirements of jurisdictions outside Hong Kong which require the marking and labelling of trans fat. Amendments will need to be made to section 1 of Part 1 of Schedule 5. The draft amendment is set out below for reference.

“(X) If the content of trans fatty acids set out in the list of nutrients of a prepackaged food is expressed in a manner that complies with the law of any jurisdiction outside Hong Kong which requires the marking or labelling of trans fatty acids on prepackaged foods, this section [i.e. section 1 of Part 1 of Schedule 5], in so far as it relates to trans fatty acids, is deemed to be complied with in relation to the prepackaged food.

6. The Amendment Regulation will commence on 1 July 2010. We will review this arrangement in one year's time after the implementation of the nutrition labelling scheme having regard to the international development in the setting of standard for trans fat, the public's view on the labelling of trans fat in prepackaged food and the actual market situation in the labelling of trans fat. During the two-year grace period before implementation of nutrition labelling, we will engage both the public and the trade in a series of education programmes which include educating the public in the reading of food labels and facilitating the trade in providing nutrition labels, including the labelling of trans fat.

No Change in respect of “Trans Fat Free” Claim

7. It must be stressed that the proposal is confined to the labelling of the content of trans fat on the nutrition label. The standard for making a trans fat free claim remains the same as set out in Schedule

8 to the Amendment Regulation (i.e. 0.3 g per 100 g of food and meets the condition for low saturated fat claim). Details of the condition for making a trans fat free claim and the standards adopted by overseas countries are set out in the paper “Conditions for Nutrition Claims under the Nutrition Labelling Scheme” (LegCo Subcommittee paper No. LC Paper No. CB(2)1866/07-08(02)).

Views Sought

8. Members are invited to comment on the above proposal.

Food and Health Bureau
May 2008