

**Submission to the Legislative Council
Panel on Food Safety and Environmental Hygiene and
Panel on Health Services**

**Consumer Council's Response to the Government Consultation on
"The Hong Kong Code of Marketing and Quality of Formula Milk and
Related Products, and Food Products for Infants & Young Children"**

1. The Consumer Council ("CC") is pleased to provide views to the Legislative Council Panel on Food Safety and Environmental Hygiene and Panel on Health Services on the Hong Kong Code of Marketing and Quality of Formula Milk and Related Products, and Food Products for Infants & Young Children ("HK Code").

Qualified support for the HK Code

2. In the interest of the healthy growth and development of infants and young children, CC supports the HK Code which is based on the World Health Organisation's ("WHO") International Code of Marketing of Breast-milk Substitutes, subsequent relevant World Health Assembly resolutions, and takes into account local situation.

3. However, CC is concerned that the HK Code will only be implemented in the form of voluntary guidelines in tandem with a monitoring mechanism on un-named basis (that is, the names of companies violating the HK Code will not be disclosed). CC doubts whether such measures could deal effectively with cases of non-compliance. It is therefore recommended that the Government should review the extent of adoption on voluntary basis of the HK Code by the industry fairly soon after its issuance so that the HK Code would be made mandatory if necessary.

Scope of the HK Code

4. CC supports covering under the HK Code the marketing practices and quality of infant formula, follow-up formula and related products as well as foods for infants and young children up to the age of 36 months, as well as the

information allowed on and making available of information on such products.

5. Nevertheless the draft HK Code prohibits the promotion of only formula milk and formula milk related products up to 3 years old. Advertising of picky-eating formula, follow-up formula and food for infants and young children will still be allowed under the HK Code. It is therefore recommended that the Government should review the scope coverage from time to time for effective regulation of formula milk and food products for infants and young children in Hong Kong.

Monitoring and approval of claims

6. The HK Code allows health claims that are based on scientific substantiation and permitted by recognised international / national authorities. CC considers that consumers may not be able to discern whether the claims made are indeed substantiated or permitted. The Centre for Food Safety (“CFS”) as it is now proposed will be monitoring the labelling requirements and quality standards of formula milk and food products for infants and young children. CC is of the view that CFS should also examine the health claims at the same time that they monitor the labelling requirements. That is, when CFS looks to see whether the products are properly labeled during their surveillance and regular surveys, they should take the occasion to evaluate whether the health claims on the designated products (if any) are based on scientific substantiation.

7. In the long run, CC is of the view that it will benefit both the industry and consumers if the Government could make accessible to the public information on what are considered scientifically substantiated (a “white list” of claims). Moreover, CC urges the Government to consider whether the industry would be required to submit their claims to the Government for comment or approval prior to making and / or labeling them in relation to the products introduced into the Hong Kong market.

The complaint form

8. CC notes that the draft complaint form provides for complaint against marketing activities. It is not clear if there will be different complaint forms for different types of complaints. If the current draft form is designed for lodging

complaints on all matters related to the HK Code, it is recommended that the complaint form should include relevant sections on Labelling and Quality by, for example, adding a box in the form for complaints on nutrition claims and health claims and leaving room for completion of particulars by complainants.

Regulation of marketing of unhealthy food to children

9. According to statistics by Department of Health (“DH”), the obesity rate of primary school students in Hong Kong has increased from 15.9% in 1996/97 to 21.4% in 2010/11. That is to say, more than one in five primary school children in Hong Kong is obese. Evidence from WHO shows that advertising of food high in fat, sugar and salt has a direct effect on children wanting and eating these unhealthy foods which lead to obesity.

10. At present, there is no particular policy or local code on food marketing and advertising to children. In face of the rising trend of childhood obesity in Hong Kong, CC proposes that in the long run, the Government should consider measures to regulate the marketing of unhealthy food to children, for example restricting all types of marketing of energy dense, nutrient poor foods that are high in fat, sugar or salt targeting children under 16 years old¹.

Consumer Council
20 November 2012

¹ Consumers International’s International Code on Marketing of Foods and Non-Alcoholic Beverages restricts all types of marketing of energy dense, nutrient poor foods that are high in fat, sugar or salt targeting children under 16 years old.