

**For information
on 13 May 2014**

**LegCo Panel on Food Safety and Environmental Hygiene
Implementation of the Nutrition Labelling Scheme**

Purpose

This paper updates Members on the implementation of the Nutrition Labelling Scheme (the Scheme) which came into effect on 1 July 2010.

Background

2. The Food and Drugs (Composition and Labelling) (Amendment: Requirements for Nutrition Labelling and Nutrition Claim) Regulation 2008 (the Amendment Regulation), which introduces the Scheme for prepackaged food, has come into force since 1 July 2010. The Scheme aims to (a) assist consumers in making informed food choices; (b) encourage food manufacturers to apply sound nutrition principles in the formulation of foods; and (c) regulate misleading or deceptive labels and claims. The Scheme covers nutrition labelling¹ and nutrition claims (which include nutrient content claim², nutrient comparative claim³ and nutrient function claim⁴).

¹ Nutrition labelling refers to the listing of the nutrient content of a food in a standardised manner. When nutrition labelling is applied, energy content and the seven core nutrients (protein, carbohydrates, total fat, saturated fat, trans fat, sodium and sugars) or what is commonly known as “1+7”, and claimed nutrients are required to be affixed on the nutrition label.

² A nutrient content claim describes the energy value or the level of a nutrient contained in a food, e.g. “High calcium”; “Low fat”; “Sugar-free”.

³ A nutrient comparative claim compares the energy value or the nutrient levels of two or more different versions of the same food or similar food, e.g. “Reduced fat – 25% less than the regular product of the same brand”.

⁴ A nutrient function claim describes the physiological role of a nutrient in growth, development and normal functions of the body, e.g. “Calcium aids in the development of strong bones and teeth”.

Enforcement Actions

A risk-based enforcement approach

3. The Centre for Food Safety (CFS) adopts a risk-based enforcement approach, targeting at high-risk retail outlets⁵ in its enforcement work. CFS has built up a database of 12 000 retail outlets to facilitate inspection, surveillance, enforcement, risk management and public education work. Internal guidelines for inspection operations also set out the risk-based inspection requirements and details of follow-up actions that should be taken if non-compliant cases are detected.

4. Where irregularities such as incomplete nutrition label are identified, CFS will issue a warning letter to the retailer / manufacturer / importer concerned requiring actions to be taken to comply with the requirements of the Scheme within 60 days. For traders who fail to do so, CFS will initiate prosecution.

5. If discrepancy between the actual nutrient content based on test result and the stated value on the nutrition label is detected, CFS will issue a letter to the retailer / manufacturer / importer concerned requiring an explanation within 21 days. If the explanation is not accepted by CFS, a warning letter requiring the trader concerned to take actions to comply with the requirements of the Scheme within 39 days will then be issued. In case the food item with detected discrepancy remains on sale after 39 days, CFS will initiate prosecution.

6. For festive food such as rice dumpling, CFS has been adopting a different enforcement strategy to shorten the time allowed for compliance, given that the window for selling such festive food may be as short as 4 to 6 weeks. Starting in June 2012, if irregularities of festive food such as incomplete nutrition label are identified, CFS will give verbal warnings to the trader concerned, requiring actions to be taken to rectify the irregularities within 7 days. If the irregularities persist, a warning letter will be issued to the trader.

⁵ High-risk retail outlets include those poorly managed outlets, often of a small scale, selling mainly prepackaged food with nutrition claims (e.g. health food), or with unsatisfactory past records (e.g. outlets with labelling irregularities detected previously).

For traders who fail to comply within 7 days after the issue of the warning letters, CFS will initiate prosecution.

Compliance with the Scheme

7. As at 4 April 2014, CFS has inspected the nutrition labels of 30 552 prepackaged food products with 399 found not complying with the Scheme. The overall compliance rate is 98.69%. Of the 399 non-compliance cases, 201 were identified by visual checking for not complying with the statutory requirements of the Scheme and 198 by chemical analysis for discrepancy between the nutrient contents and the claims made on the nutrition labels. Details are at **Annex I**.

8. In respect of cases found not complying with the Scheme, the traders concerned have been co-operative. They have either withdrawn the non-compliant products from the shelf or rectify the nutrition labels according to the statutory requirements of the Scheme.

Small Volume Exemption Scheme

9. To minimise the impact on food choice, the Government has established a Small Volume Exemption (SVE) scheme upon the introduction of the Scheme. For a prepackaged food product with annual sales volume in Hong Kong not exceeding 30 000 units which does not carry nutrition claims on its label or in any advertisement, the food manufacturer / importer may apply to the Director of Food and Environmental Hygiene for exemption from providing nutrition label for the food product. If the sales volume does not exceed the exemption limit of 30 000 units in a year, the food manufacturer / importer may apply for renewal of exemption.

10. Between 1 September 2009 when applications for SVE commenced and 4 April 2014, a total of 59 795 SVE applications (excluding renewal applications) were received by CFS, of which 54 793 were approved

and 2 221 were rejected, (mostly due to the presence of nutrition claims⁶). The rest have either been withdrawn by the applicants or are being processed. Details are at **Annex II**. In terms of place of origin, Japan (52%), Hong Kong (9%) and USA (8%) took up 69% of the applications approved. As at 4 April 2014, there were 16 061 products with valid SVE in the market.

Reduction of SVE Fees

11. Since April 2011, CFS has accepted both SVE applications and renewal applications submitted by the food trade by electronic means through the Food Import Control System (FICS). Applications (including SVE applications or renewal applications) submitted by such electronic means accounted for 37% of the total number of applications in 2012 and 42% in 2013.

12. On 10 December 2013, we consulted this Panel on the proposal to significantly reduce the fees for SVE applications and renewal applications submitted by electronic means through FICS by around 23% (from \$345 to \$265) and 25% (from \$335 to \$250) respectively. Members did not raise any objection to the proposal. After the relevant amendment legislation was scrutinised by the Legislative Council through the negative vetting procedure, the revised fees took effect on 24 March 2014.

Publicity and Education

13. To reap the benefits of the Scheme, we must educate the public on how to make use of the information on nutrition labels to make healthier food choices. By carrying out a variety of publicity and education programmes since 2008, CFS has enhanced public understanding of the Scheme, as well as motivated behavioural changes among consumers and helped them make good use of the nutrition information on labels. To promote the wider application of

⁶ Regulation 4B(4) of the Food and Drugs (Composition and Labelling) Regulations (Cap. 132W) stipulates that if any nutrition claim is made on the label of, or in any advertisement for, any item in respect of which an exemption has been granted under Part 2 of Schedule 6 (i.e. the SVE), prepackaged food shall be marked or labelled with its energy value and nutrient content in compliance with Part 1 of Schedule 5 of Cap. 132W, i.e. the nutrition labelling requirements. An application for SVE in respect of a prepackaged food (which seeks to exempt the food from the nutrition labelling requirement) with nutrition claim will therefore be rejected.

nutrition information by consumers, CFS has launched a mobile application (App) “Nutrition Calculator” (“NuCal”)⁷. With NuCal, members of the public can set up their personal database for recording nutrition information of their favourite prepackaged food items. By putting in the amount of food consumed, they can estimate their nutrient intake as well as its percentage over the daily intake limit / target intake. Besides, CFS conducted a survey in 2012 on public knowledge, attitude and behaviour regarding nutrition labelling. The survey findings provided relevant information on how CFS should plan its publicity and education programmes in the future.

14. Since 2013, the promotion of nutrition labelling has become part and parcel of CFS’ routine public education programme. In 2013, in light of the findings of the above-mentioned survey, as well as to strengthen public knowledge of nutrition labeling, foster the habit of making good use of nutrition labels among the public, and echo the theme “High Blood Pressure” of World Health Day 2013, CFS promoted through various channels such as television, radio, free newspapers, roving exhibitions, public talks and social networks the use of information on nutrition labels in choosing food with lower sodium, so as to reduce the risk of high blood pressure. CFS will continue to collaborate with the education sector and community organisations to promote the use of information on nutrition labels among different target groups.

15. In 2014, CFS continues to promote the Scheme to the general public through a multitude of activities including announcements of public interest, roving exhibitions and talks. To enhance consumers’ understanding of nutrition labels and assist them to make good use of nutrition information, CFS has launched a new nutrition labelling training kit and will conduct training workshops with a view to enhancing the understanding of nutrition labels and promoting the proper use of information on labels among its educational partners (teachers and staff of community organisations) and their target groups (such as students and the elderly). On top of that, CFS is co-organising with the Education Bureau the “Secondary School Food Safety and Nutrition Labelling Quiz Competition”, with the support from the Committee on Home-School Co-operation, to strengthen the knowledge of secondary school students about food safety and nutrition labels so that they practise proper food

⁷ Details of the App are available at CFS’s website (www.cfs.gov.hk).

handling and become adept at using nutrition labels in their daily life. There are 50 schools joining this competition and the final of the competition will be held in July 2014.

16. In the coming year, CFS will continue its publicity and education efforts in promoting the Scheme, which will tie in with the overall objective of CFS' work in encouraging the public to reduce sodium and sugars intake from food.

Trade Guidelines on Preparation of Legible Food Label

17. After consultation with the trade and consumer groups as well as briefing this Panel, CFS issued the Trade Guidelines on Preparation of Legible Food Label (the Guidelines) in May 2012 to provide principles and examples of legible food labels for the trade's reference so as to ensure that the information on food labels is legible to consumers. The Guidelines provide recommendations on the key elements that constitute the legibility of food labels, including the font size, contrast and spacing. Moreover, the Guidelines also highlight other relevant factors such as appropriate font type, suitable printing technology and use of non-reflective printing surface. CFS recommends that the trade follow the Guidelines in preparing legible food labels.

18. In collaboration with the Consumer Council, CFS conducted a study in 2013 on the legibility of the nutrition labels of prepackaged food products sold in Hong Kong with reference to the Guidelines. The study focused on prepackaged food products of relatively small package size in the local market. It was found that the nutrition labels of around 60% of the samples (63 out of 100 samples) did not follow the recommendations of the Guidelines in that their legibility was not entirely satisfactory. Font size was notably a more serious problem, followed by printing technology, contrast, spacing and the use of reflective printing surface. CFS considers that there is room for improvement for the nutrition labels of most of the samples, particularly in respect of font size. The food trade should make every effort to provide legible nutrition labels to consumers.

19. CFS briefed traders on the findings of the study and explained in detail the recommendations of the Guidelines at the Trade Consultation Forum held on 28 February 2014. CFS will continue to make use of various channels to encourage the local food trade to provide legible nutrition labels according to the Guidelines. If self-regulation by the trade to follow the recommendations of the Guidelines does not yield the desired outcome, CFS does not rule out introducing relevant legislative amendments to further regulate the legibility of food labels.

Advice Sought

20. Members are invited to note the implementation of the Scheme.

**Food and Health Bureau
Food and Environmental Hygiene Department
Centre for Food Safety
May 2014**

Annex I**Number of nutrition labels of prepackaged food products checked and detailed breakdown of the 399 non-compliant cases**

	Number of cases				
	1.7.2010 – 31.12.2010	2011	2012	2013	1.1.2014 – 4.4.2014
<i>Number of nutrition labels of prepackaged food products checked</i>	13 731	5 048	5 277	5 151	1 345
No or incomplete 1+7 nutrition label	43	24	14	16	7
Inappropriate nutrition label format	4	3	3	1	1
Inappropriate nutrient claim (nutrient content claim and nutrient function claim)	7	11	7	14	1
Inappropriate language	12	3	3	6	0
Involving more than one type of irregularity (e.g. incomplete 1+7 nutrition label, inappropriate nutrition label format)	0	7	8	3	3
Discrepancy on declared nutrient value confirmed after chemical analysis	30	29	38	78	23
Sub-total	96	77	73	118	35
Total	399				

**Detailed breakdown of SVE applications
(as at 4 April 2014)**

Number of applications	Position as at 4.4.2014
Received (a)	59 795
Approved (b)	54 793
Rejected (c)	2 221*
Withdrawn by the applicant (d)	1 844
Pending (e) = (a) – (b) – (c) – (d)	937

* The breakdown of 2 221 applications rejected is as follows: 1 986 applications were rejected due to the presence of nutrition claims on the package, which make them ineligible under the Amendment Regulation. 27 applications were submitted by overseas traders. We have asked the applicants to contact the local importers so that the latter could make the application direct. The remaining applications were rejected mainly because they were either Chinese medicines or drugs and hence were not regarded as “food” under the Public Health and Municipal Services Ordinance (Cap. 132) and were not governed by the Scheme.