SUBMISSION TO HONG KONG LEGISLATIVE COUNCIL OF
THE HONG KONG SPECIAL ADMINISTRATIVE REGION
PANEL ON FOOD SAFETY AND ENVIRONMENTAL HYGIENE
ON
PROPOSED REGULATORY FRAMEWORK ON NUTRITION AND HEALTH CLAIMS ON INFANT FORMULA, FORLLOW-UP FORMULA, AND PREPACKAGED FOODS FOR INFANTS AND YOUNG CHILDREN UNDER THE AGE OF 36 MONTHS IN HONG KONG

ABBOTT LABORATORIES LIMITED

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Abbott Laboratories Limited (Abbott) welcomes the government's initiative to safeguard the wellbeing of infants and young children by proposing a regulatory framework on nutrition and health claims on infant formula, follow-up formula, and prepackaged foods for infants and young children under the age of 36 months in Hong Kong. Abbott also greatly appreciates the opportunities provided over the past year to participate in the discussion through various trade consultation forums and technical forums. Abbott would like to submit the following comments for consideration.

1) Formulas for Special Medical Purpose (FSMP)

Abbott supports the bureau's intention to exempt FSMP formula from the regulation on claims. The FSMPs Abbott imports into Hong Kong are niche products for specific patient populations and are formulated to meet very special medically determined needs under the supervision of the physician. The majority of these products are used in the hospital setting. Specific nutrition or medical claims may be needed to provide information relevant to the health care practitioner and/or caregiver to ensure appropriate understanding and use of the formula.

2) Nutrient Reference Values (NRV)

On establishing a Hong Kong specific NRV list, this is a task that requires much effort. At the same time, Cap 132W makes reference to the Chinese NRV, hence, it might be more effective to work with Mainland China regulators to establish NRVs for our country considering that intake and nutrient needs would be similar among Mainland China and Hong Kong populations. It's critical to note that there are nutrients without an established NRV or DRI globally, but for which the available scientific evidence indicates a beneficial effect. Consequently, claims indicating such have been authorized by other jurisdictions (e.g., DHA claims). Thus, an established NRV should not be a contingent for nutrition and health claims, as it would limit education of such scientifically demonstrated benefits for optional ingredients and could de-incentivize industry and academics from furthering research and development of evolving nutrition science if such communications were not permitted. Hence, Abbott would like to suggest that an NRV list should be set for making nutrient content and comparative claims for essential nutrients, but one should be allowed to state the amount of 'optional' ingredients contained in the product (i.e. Contains x g/100g of Y ingredient) as in the current regulation for general food.

3) Grace period

On grace period, Abbott would recommend to have a minimum 2-years grace period. This is taking into consideration the factors of possible product reformulation / development, manufacturing, testing at various stages, product release, freight and local distribution. The bureau should also take into the consideration that the industry is currently undergoing a significant re-labeling exercise due to the recent legislation on composition and labeling. It might create inconvenience for the public and possible stock scarcity if the two changes are closely timed together.

ABBOTT NUTRITION INTERNATIONAL