

**Date : 10 February 2015**

**To: LegCo Panel on Food Safety and Environmental Hygiene**

**“Proposed 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”**

We welcome the legislative initiative by the Hong Kong Government and herebelow is our initial views:

1. We believe consumer should have the freedom of choice. Allow consumer has access to fact based and updated information on packaging label to make the right choice is very important to a free market like Hong Kong.
2. Currently we already in place Trade Description Ordinance (Unfair Trade Practices) (Amendment) Ordinance 2012” and “Cap. 132 Section 61 False labelling and advertisement of food or drugs” have regulation that all the claims should not be misleading.
3. Also we have the Amended Food and Drugs (Composition and Labelling) Regulations have regulated the composition requirement of Infant Formula.
4. With regard to the proposed legislation on claims for Infant Formula: we agree with Centre For Safety restrictive approach to follow Codex that no nutrition and health claims are allowed. Infant Formula should refer to a product for age 0 up to 6 months, since from age 6 months complimentary food will be introduced.
5. For Follow up formula and baby food: propose inclusive approach that nutrition & health claims (except reduction of disease risk claim) are allowed, if the claim is factual, with scientific substantiation, and/or with major jurisdictions accepted.
6. When deciding what claim is permitted. We would like to stress that international practices put a strong emphasis on scientifically substantiated and evidence-based information. It is also important that there is a clear and open regulatory system and procedures to deal with (include making approvals or imposing restrictions) various nutrition and health claims of different products, instead of imposing a blanket ban on all claims. For this we may take reference to:
  - Europe: The European Union allows formula products to make specific nutrition and health claims. These claims have to be approved by expert panels through very stringent review procedures, based on scientifically substantiated and evidence-based information.
  - The United States: It allows formula products to make different nutrition and health claims. These claims are under various forms of regulation, some need no approval while some need to meet specific conditions or regulations.
  - Mainland China: It allows formula products to have nutrient content and function

- claims for optional ingredients. These claims need to match specific conditions and use authorized language in description.
- Singapore: on General food (for age 13 to 36 months) for both nutrition claim and health claim.
  - Australia and New Zealand: on IYC food (for age 4 months to 36 months) for nutrient content claim and health claim only.
7. Also we believe there is a need to clearly define what is reduction of disease risk claims.
  8. With regard to the approval process. We propose that the Government should provide a clear approval process and timeline.
  9. We suggest a grace period of not less than 24 months after the relevant legislation takes effect and the corresponding scrutiny mechanism and procedures are confirmed. This will allow sufficient time for the industry to follow the new legislation, such as in redesigning packaging, manufacturing, shipping, replacing products, etc.