

**For discussion
on 9 June 2015**

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 claims², nutrient comparative claims³ and nutrient function claims⁴).

Enforcement Actions

A Risk-based Enforcement Approach

3. The Centre for Food Safety (CFS) adopts a risk-based enforcement

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”.

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. According to the past practice, upon detection of non-compliance with the requirements of the Scheme in prepackaged food, such as incomplete nutrition label or failure to provide legible nutrition labels, CFS would issue a warning letter to the food trader concerned requiring compliance within a specified period. If the food trader failed to comply with the statutory requirements within that period, CFS would initiate prosecution. Moreover, if discrepancy between the nutrient content and the information declared on the label was identified through chemical analysis, CFS would issue a letter to the food trader concerned, requiring an explanation within the explanation period. If the explanation was not accepted by CFS, a warning letter would then be issued requiring the trader concerned to take actions to comply with the requirements of the Scheme within a specified period. If the food concerned was still found on sale after the said period, CFS would initiate prosecution.

5. CFS undertook a review of the enforcement work in the middle of last year. Given that the Scheme under the Regulations had come into full operation for nearly four years at the time, the trade should have become very familiar with and capable of abiding by the requirements stipulated in the relevant provisions. Besides, CFS also issued the “Trade Guidelines on Preparation of Legible Food Label” in May 2012 to assist the trade in providing clear and legible information on the food labels. As such, CFS decided to tighten up its enforcement by doing away with the aforementioned explanation period, as well as the practice of issuing warning letters and allowing time for rectifying any irregularities. If CFS identifies any non-compliance with the requirements, including failure to provide labels meeting the legibility requirements, CFS will initiate prosecution immediately without allowing any time for rectification. The new practice came into effect on 1 October 2014 after CFS had notified the trade.

Compliance with the Scheme

6. Since the Amendment Regulation took effect on 1 July 2010 and up till 15 May 2015, CFS has checked the nutrition label of 35 821 prepackaged

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. premises with labelling irregularities detected previously).

food products with 474 found not complying with the Scheme. The overall compliance rate is 98.68%. Of the 474 non-compliance cases, 244 were identified by visual checking for not complying with the statutory requirements of the Scheme and 230 by chemical analysis for discrepancy between the nutrient content and the claims made on the nutrition label. Details are at **Annex I**.

7. Between 1 October 2014 when CFS began to implement the new enforcement strategy and 15 May 2015, a total of 21 prepackaged food products were found not complying with the Scheme. CFS has initiated prosecution in 20 of these cases, including two cases which involve illegible expiration date on the food label and illegible nutrition label. Details are at **Annex I**. The remaining one case involves discrepancy between the nutrient content and the claim made on the nutrition label and is being followed up by CFS.

Small Volume Exemption Scheme

8. To minimise the impact on food choices, 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.

9. Between 1 September 2009 when applications for SVE commenced and 15 May 2015, a total of 70 186 SVE applications (excluding renewal applications) were received by CFS, of which 64 494 were approved and 2 694 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 (55%), Hong Kong (9%) and USA (7%) took up 71% of the applications approved. As at 15 May 2015, there were 16 930 products with valid SVE in the market.

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 requirement. Application for SVE in respect of a prepackaged food (which seeks to exempt the food from the nutrition labelling requirement) with a nutrition claim will therefore be rejected.

Reduction of SVE Fees

10. 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). Beginning 24 March 2014, fees for SVE applications and renewal applications submitted by electronic means through FICS have been reduced from \$345 to \$265 and \$335 to \$250 respectively. Applications (including SVE applications or renewal applications) submitted by such electronic means accounted for 37% of the total number of applications in 2012, 42% in 2013 and 84% in 2014 respectively.

Publicity and Education

11. To reap the benefits of the Scheme, we must continue to educate the public on how to make use of the information on nutrition labels to make healthier food choices. Through a variety of publicity and education programmes in the past years, CFS worked towards enhancing public understanding of the Scheme, as well as motivating behavioural changes among consumers and helping them make good use of the nutrition information on labels.

12. Since 2013, the promotion of nutrition labelling has become part and parcel of CFS' routine public education programme. In 2014, in order to enhance consumers' understanding of nutrition labels and assist them in making good use of nutrition information, CFS devised a new nutrition labelling training kit and conducted training workshops for staff of community organisations and teachers of primary and secondary schools with a view to enhancing understanding of the Scheme and the proper use of nutrition labels by education partners and their audiences (such as the target groups of students and the elderly). Besides, CFS and Education Bureau (EDB) organised the "Secondary School Food Safety and Nutrition Labelling Quiz Competition" (Quiz Competition) in collaboration with the Committee on Home-School Co-operation (CHSC) to raise secondary school students' understanding of nutrition labelling and food safety so as to help them develop healthy eating habits and safe food handling practices. Fifty secondary schools have enrolled in the Quiz Competition. Final round of the Quiz Competition and the award presentation ceremony was held during Food Safety Day on 4 July 2014.

13. In 2015, in order to tie in with the overall objective of CFS' work in encouraging the public to reduce sodium and sugar intake from food, CFS promoted the use of nutrition labels to help the public choose food with lower sodium and sugar contents through various channels such as roving exhibitions,

public talks and social network. In the meantime, CFS and EDB jointly launched the Salt and Sugar Reduction & Nutrition Labelling Video Competition (Video Competition) in collaboration with CHSC. The aim of the Video Competition is to show the “how and why” of reducing dietary salt and sugar and how to apply nutrition labelling to reduction of salt and sugar intake in daily lives so as to help participants acquire a healthy eating habit. The Video Competition is divided into junior secondary, senior secondary and open groups. Final adjudication and the award presentation ceremony will be held during Food Safety Day on 26 June 2015. CFS will collaborate with the Committee on Reduction of Salt and Sugar in Food to formulate work plans for reducing dietary intake of salt and sugar in Hong Kong.

Advice Sought

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

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

June 2015

Annex I

Number of nutrition labels of prepackaged food products checked and detailed breakdown of the 474 non-compliant cases

	Number of cases							
	Jul 2010 - Dec 2010	2011	2012	2013	2014 @			1 Jan 2015 - 15 May 2015
					Jan-Sept	Oct-Dec	Total	
<i>Number of nutrition labels of prepackaged food products checked</i>	13 731	5 048	5 277	5 151	3 945	1 135	5 080	1 534
<i>No or incomplete 1+7 nutrition label</i>	43	24	14	16	14	*5	19	12
<i>Inappropriate nutrition label format</i>	4	3	3	1	1	0	1	**1
<i>Inappropriate nutrient claim (nutrient content claim and nutrient function claim)</i>	7	11	7	14	2	0	2	0
<i>Inappropriate language</i>	12	3	3	6	2	1	3	0
<i>Involving more than one type of irregularity (e.g. incomplete 1+7 nutrition label, inappropriate nutrition label format)</i>	0	7	8	3	16	1	17	0
<i>Discrepancy on declared nutrient value confirmed after chemical analysis</i>	30	29	38	78	54	0	54	1
<i>Sub-total</i>	96	77	73	118	89	7	96	14
Total		474						

@ The new enforcement strategy has been implemented since 1 October 2014

* Including a food product with illegible expiry date on the label

** Illegible nutrition label

**Detailed breakdown of SVE applications
(as at 15 May 2015)**

Number of applications	Position as at 15 May 2015
Received (a)	70 186
Approved (b)	64 494
Rejected (c)	2 694*
Withdrawn by the applicant (d)	2 704
Pending (e) = (a) – (b) – (c) – (d)	294

* The breakdown of 2 694 applications rejected is as follows: 2 406 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.