

To: All Legislators

**Views on the Proposed Regulatory Framework on Nutrition and Health Claims For
Formula Products and Foods for Infants and Young Children in Hong Kong**

The Hong Kong Infant and Young Child Nutrition Association (“The Association”) is formed by the major players in the industry, who are long-established manufacturers and suppliers of infant and young child formula and food products. To meet the nutrition needs of infants and young children, our members invest heavily in research and development all along to develop and provide products that satisfy the nutrition needs of the local infants and young children.

The Association is deeply disappointed that the Government has proposed a blanket ban on all nutrition and health claims for formula and growing up milk products for children under 36 months of age. The Association’s views on the current proposed regulatory framework are as follows:

A significant step backward from international common practices in other developed markets

For Hong Kong and local parents, the proposed ban is a significant step backward. It is not in line with parents’ need for science-based information to make informed nutrition decisions for young children. If implemented, the ban on claims will deter Hong Kong parents’ access to factual, scientific information that is readily available to USA, EU, Singapore, Australian and New Zealand consumers. The ban on claims will also affect scientific research and product improvement, thus discouraging the supply of high quality infant and young child nutrition products to Hong Kong parents.

The Government’s intention to ban claims, indeed, deviates from common practices of other developed countries, including the European Union, USA, Singapore, Australia and New Zealand. Hong Kong imports its formula products from these countries, none of which imposes a blanket ban on claims.

Mistakenly positioned as a measure to promote breastfeeding

The Association fully supports the Government’s efforts to promote breastfeeding in Hong Kong. We feel regret, however, with the Government’s proposal, which implies that a blanket ban on nutrition and health claims of follow-up formula for children up to 3 years old will promote breastfeeding. Thus far there is no evidence shows that banning all claims, including fact based claims on formula food for young children, will help improve breastfeeding rates or duration. Rather, numerous studies¹ indicate that breastfeeding decisions are impacted by various health,

¹ Optimizing Breastfeeding Practices: A Public Health’s Perspective HA Convention 2014 8 May 2014 (accessed on July 9 22:00hr)

social and economic factors, such as infrastructure support (including maternity leave and breastfeeding facilities), mothers' work needs and physical conditions.

Contradiction with the original purpose of legislation

The proposed framework also contradicts the Government's view that "factually correct food labels and claims can provide consumers with useful information to arrive at informed choices"². General principles of the legislation should ensure a high level of protection for consumers and give the consumer the necessary information to make choices in full knowledge of the facts. Follow-up formula products for young children are widely consumed as complementary foods. To impose a blanket ban on all claims irrationally deters Hong Kong parents' access to the latest infant nutrition science and research when trying to choose the most suitable products for their children's evolving nutrition needs.

Challenge to freedom of information

This proposed ban shatters the longstanding value of Hong Kong as an open and free market economy and its core value of Freedom of information that should be upheld.

The Association strongly urges that the Government should refer to the original purpose of the proposed legislation on claims, i.e., to address misleading and exaggerated statements², and allow claims that are scientifically substantiated under a fact-based regulatory framework to protect parents' right in selecting nutrition products appropriate for children, and also to align with other developed markets. The industry is willing to work closely with the Government in coming up with a sound and effective approval system.

The Hong Kong Infant and Young Child Nutrition Association
13 July 2015

The Hong Kong Infant and Young Child Nutrition Association (in alphabetical order of the company names)

- *Abbott Laboratories Limited*
- *Danone Nutricia Early Life Nutrition (Hong Kong) Limited*
- *Fonterra Brands (Hong Kong) Limited*
- *FrieslandCampina (Hong Kong) Limited*
- *Mead Johnson Nutrition (Hong Kong) Limited*
- *Nestle Hong Kong Limited*
- *Snow Brand Hong Kong Company Limited*
- *Wyeth (Hong Kong) Holding Company Limited*

² LC Paper No. CB(2)1861/14-15(04)

Appendix I

Extract of LC paper No. CB(2)1861/14-15(04)

Background

2. According to the Administration, nutrition and health claims are representations which state, suggest or imply that a food has particular nutritional properties, or that a relationship exists between a food or its constituent and health. These claims have been widely used in various food products, including formula products and IYC foods. In the Administration's view, **factually correct food labels and claims can provide consumers with useful information to arrive at informed choices.** In contrast, incorrect or misleading nutrition and health claims on formula products and IYC foods may cause undue influence on the decisions of parents and caregivers on whether to breastfeed, and may in turn adversely impact their children's health. According to the Administration, while there are currently legislation governing the labelling and advertisement of food products in Hong Kong, with some of them applicable to the nutrition and health claims made on formula products and IYC foods¹, there is presently no legislation capable of effectively regulating the nutrition and health claims made on formula products and IYC foods.

Appendix II

Optimizing Breastfeeding Practices: A Public Health's Perspective
HA Convention on 8 May 2014

Reasons for Stopping Breastfeeding

Table 3. Primary reason for weaning according to infants' age at weaning

Characteristic	Total (N=1103) ^a %	Infants' age in months when no longer receiving any breastmilk				
		<1 (n = 469) %	1 to <3 (n = 322) %	3 to <6 (n = 132) %	6 to <9 (n = 97) %	9 to <12 (n = 83) %
→ Insufficient milk	34.5	36.7	31.1	37.1	35.1	30.1
→ Returning to Work†	31.4	12.6	58.7	48.5	23.7	13.3
→ Baby is always hungry†	14.1	21.5	11.8	4.6	4.1	7.2
→ Maternal illness†	11.7	87.3%	7.8	5.3	6.2	12.1
→ Sucking / latching problems†	10.9		5.0	5.3	8.3	10.8
→ Fatigue / stress†	10.3		7.1	7.6	5.2	6.0
→ Inconvenient / too time consuming	8.9	10.9	7.1	9.1	8.3	4.8
→ Nipple / breast pain†	5.7	9.0	2.5	1.5	5.2	7.2
→ Infant illness†	4.8	9.4	2.5	0.8	0.0	0.0
→ Right time to wean†	3.5	0.2	0.0	6.1	19.6	13.3
→ Poor weight gain	1.9	3.0	1.6	0.0	1.0	1.2

† $p < .001$
^a 16 participants did not have a stated reason for weaning

Tarrant et al. BMC Pregnancy and Childbirth 2010, 10:27

Appendix III

Comparison of Proposed Regulatory Framework on Nutrition and Health Claims on Formula Products and Foods Intended for Infant and Young Children under the Age of 36 Months in HK against Regulatory Control in Different Authorities as according to information collected by HKIYCNA:

	Type	Age (month)	Nutrient content claim	Nutrient comparative claim	Nutrient function claim	Other function claim	Reduction of disease risk claim
EU	IF	0 to w (first months of life)	O	X	O	O	O
	FF	W to 12 (suitable only for infants over the age of 6 months)	O	O	O	O	O
USA	IF	0 to 12	O	X	O	O	O
	FF	12+	O	X	O	O	O
Australia and New Zealand	IF	0-4 / 6	O*	X	X	X	X
	FF	6 to 12	O*	X	X	X	X
	GUM	12 to 36	O	O	O	O	O
Mainland China	IF	0 to 6	O	X	X	O	X
	FF	6 to 36	O	O	O	O	X
Singapore	0 to 36		O	O	O	O	X
Hong Kong (proposal)	IF	0 to 12	X	X	X	X	X
	FF	6 to 36	X	X	X	X	X

* Claims on Lactose are permitted provided certain definitions are met